



MEMO

To: Board of Directors
From: Company Secretary
Subject: **CORRECTIONS TO ASIC DOCUMENTS**

In answer to your question about correcting the date on which the company's Registered Office changed as recorded on ASIC's database I advise as follows:

Request For Correction

Form 492 "Request for Correction" must be completed and lodged with ASIC to notify corrections to previously advised changes/updates to company information – where the original document has been fully processed by ASIC.

The Form is required regardless of whether the 'error' was made by the company (ie, the person completing the original document) or by ASIC in transcribing it on to their database.

This Form may be lodged manually or electronically and requires:

- Company name / ACN
- Lodging party details
- Details of original document – form number/type, ASIC lodgement number, date
- Details of correction (see below if a date change)

and be dated/signed by a director or Company Secretary.

The Form 492 cannot be used to notify of events that:

- were omitted from a previously lodged document e.g. appointment of an officeholder, change of address or transfer of shares – in those cases a new document advising the change must be lodged
- did not happen but were previously notified, such as change of address – in that case the previous document should be withdrawn.

Additionally, a Form 494 cannot be lodged electronically if it is being used to correct details relevant to a Form 201 "Application for Registration as an Australian Company" – it must be lodged manually.



There is no lodgement fee for a Form 492, except in circumstances where the correction highlights a fee that would have been charged if the original document had been lodged and processed correctly.

Date Correction

Appropriate supporting documentation is required for a correction to a date of change. Documentation is defined as including a copy of any company record (minutes, resolution, file note, memorandum, letter, etc) evidencing the company's decision relating to the event seeking to be corrected.

The copy of the information being provided as evidence to support the correction to a date of change must be duly authorised by a current director or Company Secretary of the company (signed, dated, signatory capacity).

If the change relates to something like a director's date of birth, a certified copy of the birth certificate should be lodged with the Form 492.

In summary then, to correct the date on which the company's Registered Office changed, a Form 492 should be used and be accompanied by an extract from the relevant board minutes where it was resolved to relocate the Registered Office.

For the sake of completeness I set out hereunder some additional comments on correcting ASIC records.

Corrections to Charge Documents

If the original form related to a charge over assets there are special provisions and rules to follow which are detailed in the guide to Form 492. And where the Form is used to correct charges matters it must be signed by the chargee, a service provider/agent to the chargee, the chargor, a service provider/agent to the chargor or another party with authority to do so from the chargee, chargor or their representative.

ASIC Requested Corrections

Form 902 "Notification of Information Supplementary to a Form or Document Previously Lodged" is used to notify corrections and to provide supplementary information in response to a requisition from ASIC relating to a document not fully processed.

This Form may also be lodged manually or electronically.

Telephone Corrections

In certain circumstances ASIC may accept minor corrections over the phone (number 1300 300 630) if changes have already been notified but they are not shown correctly on ASIC's database.



Only typographical errors or misspelled words will be accepted over the telephone. In particular, corrections to dates of change will not be accepted over the phone as they require supporting documentation.

DISCLAIMER

The comments in this memo reflect some commercial aspects and observations on the matter experienced or observed by the writer in practice as he understands them. The information is given as a guide only and does not represent a definitive or legal view of any of the issues raised, covered or referred to and the reader is urged to seek his own professional advice on all aspects of, or pertaining to, this and any related matter.