



MEMO

To: Board of Directors
From: Company Secretary
Subject: **USE OF ACN**

Under sec.153 of the Corporations Act all companies (proprietary as well as public) must display their **Australian Company Number** ("ACN") following their name (i.e., the company's full name, including its type – eg, 'Pty Ltd') on:

- public documents
- negotiable instruments
- their common seal (if they have one).

A principal purpose of the ACN is to ensure adequate identification of companies when transacting business.

A 'public document' is defined in sec.88A(1) and Regulatory Guide 13 as an instrument signed, issued or published by a company, including:

- business letterheads
- invoices / receipts
- statements of account, including demands for payment
- purchase orders
- official notices
- contracts / agreements
- advertisements making an offer that can be accepted in writing (eg, by completing an order form)
- documents lodged with any government department (including ASIC).

Other documents where the ACN should be used/recorded include:

- minutes of board/shareholder meetings – following the company's name at the top of the page
- registers
- corporate documents.

Instruments expressly excluded from the requirement to show an ACN include:

- packaging, labels, etc in which goods are supplied
- cash register receipts
- envelopes / business cards
- general advertisements.



A company can, in most cases, use its Australian Business Number (“ABN”) instead of its ACN.

Where a number of separate companies are listed on a document (eg, a letterhead) the ACN of each should appear in such a way that makes it clear which company each ACN relates to.

While there are no specific requirements as to how an ACN should appear on a document or what type size should be used, it should be clear, easily readable, and obvious as to the company to which it relates.

These regulations apply similarly to other entity types, such as:

ARBN – Australian Registered Body [Number]

ARSN – Australian Registered Scheme [Number]

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.