

## APPLICATION FORM

# Deregistration of Company

Voluntary deregistration is the simplest way to close down a company.

### When would you choose to deregister your company?

You may decide to deregister your company for a number of reasons, including:

1. the company is dormant or is no longer trading and is not required;
2. you are undertaking a restructure of your group; or
3. you are transferring your CGT appreciating assets into a more “tax friendly” environment.

It is important to remember, while registered, your company is still subject to the legal requirements of a registered company, including payment of the annual review fee.

### Steps for deregistering your company

In order to deregister a company, you must first ensure that each of the members of the company agree to it being deregistered and sign a resolution to that effect.

The resolution will state:

1. all members of the company agree to deregister;
2. the company is not carrying on business;
3. the company’s assets are worth less than \$1,000;
4. the company has no outstanding liabilities which includes amounts owed to employees, including:
  - a. annual leave;
  - b. long service leave;
  - c. payment in lieu of notice;
  - d. redundancy pay; and
  - e. wages;
6. the company is not a party to any legal proceedings;
7. the company has paid all fees and penalties payable under the **Corporations Act 2001** (Cth).

The application for deregistration is completed and lodged with ASIC. The above resolution will form part of a declaration which is provided to ASIC in the Form 6010. You must be able declare that all these requirements have been met. Making a false declaration to ASIC is an offence.

### Who can sign an application form?

The applicant for deregistration of a company must be the company, a director or member of the company, or a liquidator of the company. If the applicant is the company, a director or secretary of the company must sign Form 6010.

In signing the form, the applicant declares that the company meets the legal requirements for voluntary deregistration.

If it is later found that the applicant knowingly made a false declaration about the legal requirements being met, they may face a penalty of \$34,000 or five years in jail, or both.

#### If the sole director or member is deceased

If the sole director or member is deceased, the executor of an estate can sign Form 6010.

#### If the sole director or member is a bankrupt person

A bankrupt person is ineligible to apply for deregistration and cannot sign Form 6010. The trustee of the person's bankruptcy can sign Form 6010.

#### What happens if the application is approved?

ASIC will advise if the application for deregistration has been approved. ASIC will publish a notice of the proposed deregistration on the Insolvency notices website.

Two months after the notice is published, ASIC will deregister the company unless it receives a request to defer or cancel the deregistration of the company.

#### Keeping the company's books after deregistration

The directors of the company must keep its books for a period of three years after deregistration.

#### If you have any questions about completing the application form please contact:

**Christopher Davis**

Principal

Phone: (07) 3014 6530

Email: [cdavis@mcw.com.au](mailto:cdavis@mcw.com.au)

**Anthea Faherty**

Principal

Phone: (07) 3231 0645

Email: [afaherty@mcw.com.au](mailto:afaherty@mcw.com.au)

By completing and submitting the form you confirm as follows:

- a. It is the purchaser's responsibility to ensure that the information supplied is correct.
- b. If new documents have to be prepared as a result of errors in the information a further fee will be payable.

Please ensure you complete all details below, and contact us with any questions you have prior to submitting the form.

### PRICES (GST EXCLUSIVE)

All prices are for email delivery only. Mark the relevant box if documents are required in hard copy.

Deregistration of company (i.e. provision of draft documents):

Same day – urgent – instructions received by 10:00am			\$500 plus GST
Next day or other agreed day			\$400 plus GST
ASIC fee for deregistering a company (Form 6010)			TBC*
Attending to lodgement of the documents with ASIC	Yes	No	\$50 plus GST
Company search (company extract)	Yes	No	TBC*
Documents in hard copy			express post - \$15 courier - TBA

\*Please contact a member of our team to confirm current search and ASIC fees.

### PURCHASER'S DETAILS

Full Name:

Name of firm (if applicable):

Telephone:

Fax:

Email address:

Street Address:

Suburb/City:

State:

Postcode:

Postal Address:  
(if different from above)

Suburb/City:

State:

Postcode:

### COMPANY DETAILS

Name and ACN of company:

### INFORMATION REQUIRED/TO BE CONFIRMED/TO BE PROVIDED

1. The company confirms:
  - a. All members of the company agree to deregister. Yes No
  - b. The company is not carrying on business. Yes No
  - c. The company's assets are worth less than \$1,000. Yes No
  - d. The company has no outstanding liabilities. Yes No
  - e. The company is not a party to any legal proceedings. Yes No
  - f. The company has paid all fees and penalties payable under the **Corporations Act 2001** (Cth). Yes No
2. The company constitution has been provided/included with the application form. Yes No
3. The balance sheet/financials of the company are included with the application form. Yes No
4. The company does not act as trustee of trust. Yes No

## DIRECTORS' DETAILS AND NOMINATED A REPRESENTATIVE TO SIGN ASIC FORMS (only 1 required)

### Director 1

Full name

Nominated Representative?                      Yes                      No

### Director 2 (if any)

Full name

Nominated Representative?                      Yes                      No

### Director 3 (if any)

Full name

Nominated Representative?                      Yes                      No

### Director 4 (if any)

Full name

Nominated Representative?                      Yes                      No

## SHAREHOLDERS/MEMBERS DETAILS

### Shareholder/Member 1

Full name/Entity name and ACN/ABN

### Shareholder/Member 2 (if any)

Full name/Entity name and ACN/ABN

### Shareholder/Member 3 (if any)

Full name/Entity name and ACN/ABN

### Shareholder/Member 4 (if any)

Full name/Entity name and ACN/ABN

## RETURNING THIS FORM

After completing this form please either:

- print, sign, and fax it to McInnes Wilson Lawyers at (07) 3221 2921; or
- print, sign, scan, and email it to McInnes Wilson Lawyers at mcwonline@mcw.com.au; or

To print this form for signing click here:

To email this form to McInnes Wilson Lawyers, after confirming instructions below, click here:

## CONFIRMATION OF INSTRUCTIONS

The purchaser agrees to purchase the goods and services indicated on this application form and acknowledges that legal or financial advice has not been given by McInnes Wilson Lawyers in relation to the preparation of the relevant document(s). The purchaser acknowledges that McInnes Wilson Lawyers will incur Australian Securities and Investment Commission fees behalf of the purchaser and warrants that all necessary consents by the officers of the company have been obtained as required under the **Corporations Act 2001** (Cth).

Signed by purchaser

Date (dd/mm/yy)

OR

Confirmed by purchaser

Date (dd/mm/yy)

Note: This application form will not be processed by McInnes Wilson Lawyers unless this section is completed.

## CREDIT CARD PAYMENTS

Please debit the following credit card for the supply of goods and services indicated on this application form.

Note: Payment by credit card will incur a fee of 1.07% (incl GST) for VISA, and MasterCard, and 3% (incl GST) for AMEX, on the GST inclusive price.

Credit card:

Visa           MasterCard           American Express

Total Remitted \$

Expiry date

    plus credit card fee specified above

Cardholder's Name

Card Number

Cardholder's Signature

Date