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Corporations Act

The Corporations Act, sections 123, 153 and 601DE, contains certain requirements with regard to the showing of Australian Company Numbers (A.C.N.'s) and Australian Registered Body Numbers (A.R.B.N.'s) in public documents. The requirements are such that they cannot always be easily checked by Land and Property Information New South Wales (LPI). For example, whether or not an entity is required to use an A.R.B.N., depends on where the entity is formed and where it carries on business.

Having regard to the fact that the requirements are made of company or entity officials rather than the Registrar General, LPI has adopted the following practice.

Where an instrument lodged for registration is drawn in the name of a corporation or registrable body, the name where first appearing in the instrument should be followed by an A.C.N. or A.R.B.N.

If an A.C.N. is shown it must also be shown in any seal pursuant to which the corporation has executed the document.

An A.C.N. or A.R.B.N. is not required for the following bodies:

- Aboriginal associations or corporations
- an owners corporation in a strata scheme
- charitable or religious bodies
- community title associations
- co-operative societies
- incorporated associations
- solicitor corporations
- statutory authorities

As a consequence of the enactment of the Financial Sector Reform (Amendments and Transitional Provisions) Act (No. 1) 1999, regulation of building societies, credit unions and friendly societies is now the responsibility of the Commonwealth. The Act amended the Corporations Act to permit building societies, credit unions and friendly societies (referred to as “transferring financial institutions”) to be automatically registered as companies (under their previous names) and to be regulated by the Australian Securities and Investment Commission (ASIC). From the transfer/registration date of 1 July 1999, each financial institution was given an Australian Company Number (ACN) and this must be shown on all instruments after 1 July 2000.

A statutory declaration may be required to explain the absence of an A.C.N. or A.R.B.N. in any case where the relevant body does not appear to be exempt from the requirements of the *Corporations Act*.

Inquiries relating to dealings may be made in person at the Client Service Counter, ground floor, by telephone on 9228 6713 or fax 9223 9464. Inquiries relating to plans should be made at the Plan Support Counter, level 2, North wing, Land and Property Information, 1 Prince Albert Road, Queens Square, Sydney by telephone on 9228 6798 or by fax on 9221 4405.



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