COMPANY SET UP AUSTRALIA

OPTIONS FOR COMPANY REGISTRATION IN AUSTRALIA FOR FOREIGN COMPANIES



Companies incorporated overseas but intending to operate in Australia can choose among 4 types of business structures, namely:

- Proprietary Limited (Pty Ltd) Company (Subsidiary)
- Branch Office
- Representative Office
- Shelf Company



Proprietary Limited (Pty Ltd) Company (Subsidiary)

BEST FOR

Foreign companies seeking to incorporate a local company with separate liability and legal entity.

SETUP REQUIREMENTS

Before lodging application with ASIC, the following requirements must be processed:

- Registered company name
- Registered office address
- At least 1 resident director (or a nominee director to act on their behalf)
- Company secretary
- Company constitution (how the company will be governed)

REGISTRATION TIMELINE

Registering a Pty Ltd can take 4-8 weeks, provided all documents are presented and thoroughly verified. If additional requirements are requested, the process can take longer. Delays in government processing are inevitable.

RESTRICTIONS

- Cannot have more than 50 non-employee shareholders
- Cannot engage in any fundraising activity that requires a prospectus

Branch Office

BEST FOR

Foreign companies that want to carry out business and manage their operations in Australia without separation of liability and legal entity.

SETUP REQUIREMENTS

To register a Branch Office, the following requirements must be arranged before lodging application:

- Certificate of Incorporation/ Registration
- Registered office address
- Resident agent

REGISTRATION TIMELINE

The general timeline for registering a Branch Office in Australia is 4-12 weeks. Depending on your circumstances, additional requirements may be requested. Delays in government processing are inevitable.

RESTRICTIONS

- Can only be registered by a company incorporated outside of Australia with good financial standing in its country of residence

Representative Office

BEST FOR

Foreign companies that intend to perform non-income generating activities; mainly for establishing presence in Australia by conducting market research and/or promoting products/services.

SETUP REQUIREMENTS

Similar to the setup requirements of a Branch Office, the following must be arranged:

- Certificate of Incorporation/ Registration
- Registered office address
- Resident agent

REGISTRATION TIMELINE

A Representative Office is not required to register with ASIC, but must register with ATO if it will employ locally. The process can take 3-5 weeks. Delays in government processing are inevitable.

RESTRICTIONS

- Can only be registered by a company incorporated outside of Australia with good financial standing in its country of residence
- Cannot derive income from activities conducted in Australia
- Cannot offer services to third parties
- Cannot apply for tax incentives from the government

NEED PROFESSIONAL ASSISTANCE WITH REGISTERING A COMPANY IN AUSTRALIA?

We have assisted hundreds of foreign companies with successfully registering their Australian company, offering expert advice from company registration and tax advisory to ongoing compliance and government grants application.



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