ASIC registered agent number	
lodging party or agent name	
office, level, building name **or** PO Box no.	
street number & name	
suburb/city	state/territory postcode
telephone	( )
facsimile	( )
DX number	suburb/city

309   1/2 15 July 2001

ASS.   REQ-A ☐
CASH. REQ-P ☐
PROC.
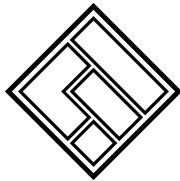
Australian Securities & Investments Commission

form **309**

Notification of
details of a charge

Corporations Act 2001
263, 264

This form must be lodged where | **any Australian company or registered body creates a charge or acquires property subject to a charge**
(lodge within 45 days after the charge was created or the property was acquired)

or | **any foreign company or registrable Australian body has an existing charge on its property and is applying for registration** (lodge with appropriate registration form)

Corporation name (chargor) _____

A.C.N. or A.R.B.N. _____

Details of the charge

Date charge was created (d/m/y)   /   /   or date property was acquired (d/m/y)   /   /

How was the charge created?   ☐ by resolution   ☐ by instrument   ☐ by deposit   ☐ by other conduct, specify below

Type of charge   ☐ fixed   ☐ floating   ☐ fixed and floating

If the charge is a floating charge or a fixed and floating charge, is the creation of subsequent charges restricted or prohibited?   yes ☐   no ☐

Briefly describe the liability (whether present or prospective) secured by the charge:

Maximum prospective liability (if applicable, see section 282):

Briefly describe the property charged:

☐ details of the chargee   ☐ details of the trustee for the debenture holders

Name (family & given names or corporation name, if a corporation give ACN or ARBN if applicable).

ACN or ARBN

office, floor, building name _____

street number & name _____

suburb/city _____ state/territory _____ postcode _____

country (if not Australia) _____

financial benefit _____

Nominate any financial benefit (such as an amount or rate percent of commission, allowance or discount) given to someone who, absolutely or conditionally, subscribes to or agrees to subscribe to, or procures or agrees to procure, subscriptions for any debentures included in this notice.

Signature

This form must be signed by, or on behalf of, the Australian company, the registrable Australian body or the foreign company or by an interested person.

Print name of person signing _____

Capacity or nature of interest of person signing (including details of the authority you have, if signing on behalf of a corporation) _____

If signing on behalf of a corporation, print name of corporation & ACN or ARBN _____

sign here _____   date   /   /

● **Complete and sign the verification on page 2.**

page 1

Documents

I declare that the statements ticked below are correct. (tick boxes which apply)

charge created by issue of debentures

I verify ☐ *the annexure marked (   ) of (   ) pages is a true copy of the resolution(s) passed by the corporation authorising the issue of a series of debentures constituting the charge.*

and ☐ *I witnessed the execution of the first debenture in the series.*

and ☐ *The annexure marked (   ) is a true copy of the first debenture in the series.*

charge created by an instrument

☐ *The original of the instrument(s) creating or evidencing the charge is attached.*

OR

I verify ☐ *the annexure marked (   ) of (   ) pages is a true copy of the instrument(s) creating or evidencing the charge and I witnessed the execution by the chargor of the instrument(s).*

charge existing on the property acquired

I verify ☐ *the annexure marked (   ) of (   ) pages is a true copy of the instrument(s) creating or evidencing the charge.*

● **Annexures must conform to the requirements shown at the end of this form**.

Signature

This form must be signed by, or on behalf of, the Australian company, the registrable Australian body or the foreign company or by an interested person.

Print name of person signing

Capacity or nature of interest of person signing
(including details of the authority you have, if signing on behalf of a corporation)

If signing on behalf of a corporation, print name of corporation & ACN or ARBN.

sign here   date   /   /

Small Business (less than 20 employees), please provide an estimate of the time taken to complete this form

Include

· The time actually spent reading the instructions, working on the question and obtaining the information

· The time spent by all employees in collecting and providing this information

hrs   mins

Compliance with stamp duty law

A duly completed certification of compliance with stamp duties law (form 350)

☐ accompanies this form.

☐ does not accompany this form.

If all the documents accompanying this form required by section 263(1) have been stamped in accordance with the law relating to stamp duty, complete and attach the **form 350 'Certification of compliance with stamp duties law'**.

Provisional registration
If any document accompanying this form has not been stamped as required by any law relating to stamp duty,
or
if this form contains the company name and the name of the trustee or chargee but not all other details,

the Commission will mark the entry in the Register as 'provisional' and ask you to complete the requirements.

If the requirements have not been completed by a specified time, the Commission will delete all particulars of the charge from the register.

Send to

Australian Securities and Investments Commission
PO Box 4000
Gippsland Mail Centre VIC 3841

Annexures

To make any annexure conform to the regulations, you must

1 use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides

2 show the corporation name and A.C.N. or A.R.B.N.

3 number the pages consecutively

4 print or type in dark blue or black ink, so that the document is clearly legible when photocopied

5 identify the annexure with a mark such as A, B, C, etc

6 endorse the annexure with the words:
This is annexure (mark) of (number) pages referred to in form (form number and title)

7 sign and date the annexure
The annexure must be signed by the same person(s) who signed the form.

GUIDE This guide does not form part of the prescribed form and is included by ASIC to assist you in completing and lodging form 309.

Signature

This form must be signed by, or on behalf of, the Australian company, the registrable Australian body or the foreign company

or by an interested person

Lodging period

45 days after creation of charge or acquiring property that is subject to a charge.

Lodging Fee

$120 within the prescribed lodging period. Late lodging fees will apply thereafter

1 month	$65
More than 1 month	$260

A receipt will not be issued unless requested.

Other forms to be completed

Form 350.

Additional information

If all the documents accompanying this form required by section 263(1) have been stamped in accordance with the law relating to stamp duty, or are not required to be stamped, complete and attach the **form 350 'Certification of compliance with stamp duties law'**.

Provisional registration

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or if this form contains the company name and the name of the trustee or chargee but not all other details, the Commission will mark the entry in the Register as 'provisional' and ask you to complete the requirements.

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5 identify the annexure with a mark such as A, B, C, etc

6 endorse the annexure with the words:
This is annexure (mark) of (number) pages referred to in form (form number and title)

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Information in this guide is intended as a guide only. Please consult your accountant or solicitor for further advice.