



## Guide to Statutory Declaration for claims by former members/shareholders on deregistered company funds

This is only a general guide as to ASIC's requirements and does not represent legal advice and should not be interpreted as such. Each claim will be considered on its facts and decided on its individual merits, based on all the information available to ASIC at the time.

You may be required to reinstate the company to make a claim.

We encourage you to seek your own professional advice to find out how the law affects your individual circumstances.

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### **Do not complete this Statutory Declaration if:**

**the Company was in liquidation prior to deregistration**

The company was in liquidation prior to deregistration unless it was a Member's Voluntary liquidation. If it was another type of liquidation e.g. Court Ordered or Creditor's Voluntary, you will need to arrange for the company to be reinstated and a liquidator appointed to distribute the funds. Information on how to reinstate a company is available at [ASIC/Reinstatement of company](#)

**the Company was acting as trustee for a superannuation fund or trust**

Refer to "How to claim money owed to a deregistered company acting as trustee for a trust or superannuation fund" [Claim money from shares and investments - Moneysmart.gov.au](#)

**the former shareholder/member is deceased**

Please email [unclaimed.money@asic.gov.au](mailto:unclaimed.money@asic.gov.au) with the following information

- name of deregistered company and ACN that ASIC holds the funds for
- Original Transaction number (OTN) as per Moneysmart
- name of deceased shareholder/member.

**the former shareholder/member is a deregistered company:**

Please email [unclaimed.money@asic.gov.au](mailto:unclaimed.money@asic.gov.au) with the following information:

- name of deregistered company and ACN that ASIC holds the funds for
- Original Transaction number (OTN) as per Moneysmart
- name of the deregistered company and ACN that was the shareholder/member (deregistered member company)

In some instances, it may be more appropriate to reinstate both deregistered companies before a claim can be made.

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**Checklist – ALL former shareholders/members must provide :**

- Signed and witnessed Statutory Declaration
- Signed and witnessed Deed of Indemnity
- 2 x Personal Property Security Register (PPSR) grantor searches (i.e. one by deregistered company name and one by its ACN) showing whether any security interests are registered over the company. If there are secured interests registered, you will need to have them removed before submitting your unclaimed money application NOTE: For information about PPSR searches, visit [ppsr.gov.au](http://ppsr.gov.au) or ph: 1300 007 777
- 2 forms of personal identification as proof of identity.  
Primary Personal identification – certified copy of the following:
  - Current passport or drivers licence (both sides)
  - Centrelink/pension card
  - Department of Veterans Affairs (DVA) card
  - 18+ card with your signature clearly evidenced.  
Secondary Personal identification – certified copy of the following:
  - another Primary Personal identification as listed above
  - Medicare card
  - credit/debit card (black out account numbers)
  - birth certificate and marriage certificates etc.

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**How to have a document certified:** A **certified** copy is a copy (often a photocopy) of a primary document that has on it an endorsement or certificate that it is a true copy of the primary document. It does not certify that the primary document is genuine, only that it is a true copy of the primary document (example shown below).

**EXAMPLE ONLY:**

*I certify that this is a true copy of the document produced to me on xx / xx / 20xx*

Signature \_\_\_\_\_ Name \_\_\_\_\_ Qualification (e.g. JP,  
Pharmacist) \_\_\_\_\_

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**How long will my claim take?** Allow approximately 60 days for ASIC to either request further information from you to support the claim or process a successful claim by posting a cheque.

If we request more information from you, the 60 days will start again from when you provide that information.

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**Help:** If you require any assistance contact ASIC on 1300 300 630 or [unclaimed.money@asic.gov.au](mailto:unclaimed.money@asic.gov.au)

**Lodgement:** Scan a clear completed copy of this form along with all accompanying certified documents as **one** scanned PDF to [unclaimed.money@asic.gov.au](mailto:unclaimed.money@asic.gov.au). Please retain originals as ASIC reserves the rights to request original documentation for review.

OR Post your completed claim along with all accompanying documents to:

ASIC Unclaimed Money Unit  
GPO Box 9827  
MELBOURNE VIC 3001

**Important:** All documents received by post will be destroyed 3 months after receipt. To claim any original documents (Probate, Wills, birth/marriage/death certificates, superannuation/trust deeds, etc.), please contact [unclaimed.money@asic.gov.au](mailto:unclaimed.money@asic.gov.au) within 1 month of sending your documents.

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COMMONWEALTH OF AUSTRALIA  
STATUTORY DECLARATION  
*Statutory Declarations Act 1959*

I,  
Name: \_\_\_\_\_  
*Name of former shareholder/member*  
*If former member is a registered company "<Name>, <director/secretary> of <Name of registered company> <ACN>"*

Address: \_\_\_\_\_ Of \_\_\_\_\_

Occupation : \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_  
*Details of person making the declaration*

make the following declaration under the *Statutory Declarations Act 1959*:

1. \_\_\_\_\_ (We/I, or name of former shareholder/member)  
was registered as the holder of shares in  
\_\_\_\_\_ (name of deregistered company)  
\_\_\_\_\_ (ACN of deregistered company).
2. \_\_\_\_\_ (I, or company who is entitled) am/is  
beneficially entitled to the whole of the interest in these shares and there are no trusts or  
secured interests in relation to these shares.
3. There are no outstanding debts, secured creditors (including on the Personal Property Security Register (PPSR)), disputed or otherwise, remaining outstanding against the company. I understand that secured creditors may have priority to any payment to me/us as a former shareholder/member.
4. **Attached** are 2 x Personal Property Security Register (PPSR) grantor searches (i.e. one by deregistered company name and one by its ACN) showing there are no security interests registered over the company. (If there are secured interests registered, you will need to have them removed before submitting your unclaimed money application NOTE: For information about PPSR searches, visit [ppsr.gov.au](http://ppsr.gov.au) or ph: 1300 007 777)

5. \_\_\_\_\_ (I, or company who is entitled) am/is entitled to \_\_\_\_\_% of \$\_\_\_\_\_ (amount/s as listed on MoneySmart), OTN (Original Transaction Number) \_\_\_\_\_. (**All the former shareholders/members** must indicate the percentage (%) of the money they are entitled to, e.g. 50% to each former member if there are 2 members with 1 share each. All statutory declarations provided must accumulatively total 100%. If a former member is not entitled to any of the funds held by ASIC, they will still need to complete the claim requirements by inserting 0% in this paragraph.)

6. **Attached** are certified copies of two forms of personal identification as proof of my identity. (See checklist for more information on identity documents)

7. **Attached** is the completed Deed of Indemnity.

I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.

I/we agree to my identifying information being checked with the Issuer or Official Record Holder.

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*Signature of person making declaration*

Declared \_\_\_\_\_ on \_\_\_\_\_ of \_\_\_\_\_  
at \_\_\_\_\_ Place \_\_\_\_\_ Day \_\_\_\_\_ Month and Year \_\_\_\_\_

Before me,

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*Signature of person before whom the declaration is made (see list of persons who can witness)*

Name \_\_\_\_\_

Qualification \_\_\_\_\_

Address & Phone number \_\_\_\_\_

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*Of person before whom the declaration is made (in printed letters)*

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

ASIC is authorised to collect information provided in the Statutory Declaration under Part 9.7 of the *Corporations Act 2001* (the Act). The information collected will be used in the assessment of an application for unclaimed money and for personal identification purposes. For more details, please see Privacy Statement on [www.asic.gov.au](http://www.asic.gov.au).



## DEED OF INDEMNITY

**TO: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION ["ASIC"]**

WHEREAS the ASIC acting in pursuance of subsection 1341 of the *Corporations Act 2001* will pay certain monies to

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*Insert name of the applicant*

being money paid to ASIC by virtue of the deregistration of the company

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*Insert name and ACN of deregistered company in whose name the funds are held by ASIC*

NOW IN CONSIDERATION for such payment by the ASIC I/we undertake that I/we shall at all times hereafter indemnify and keep indemnified the ASIC from and against all claims, losses, suits, damages, demands, costs and expenses incurred by the ASIC by reason of the said payment in particular (but without limiting the generality of the foregoing) I/we shall indemnify the ASIC against claims of the creditors of

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*Insert name and ACN of deregistered company in whose name the funds are held by ASIC*

due to the payment.

I agree to my identifying information being checked with the Issuer of Official Record holder.

**SIGNED, SEALED and  
DELIVERED by**

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*Insert name of the applicant*

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*Signature of the applicant*

**On:**

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*Insert date – day/month/year*

**In the presence of:**

Witness

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*Insert name and qualification of the witness (see list of persons who can witness)*

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*Signature of the witness*

## Who can witness a Statutory Declaration and Deed of Indemnity?

### A statutory declaration under the *Statutory Declarations Act 1959* may be made before—

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)  
Bailliff

Bank officer with 5 or more continuous years of service  
Building society officer with 5 or more years of continuous service  
Chief executive officer of a Commonwealth court  
Clerk of a court

Commissioner for Affidavits  
Commissioner for Declarations  
Credit union officer with 5 or more years of continuous service  
Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association  
Finance company officer with 5 or more years of continuous service  
Holder of a statutory office not specified in another item in this list  
Judge of a court  
Justice of the Peace  
Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*  
Master of a court

Member of Chartered Secretaries Australia  
Member of Engineers Australia, other than at the grade of student  
Member of the Association of Taxation and Management Accountants  
Member of the Australasian Institute of Mining and Metallurgy  
Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

ASIC is authorised to collect information provided in the Statutory Declaration under Part 9.7 of the *Corporations Act 2001* (the Act). The information collected will be used in the assessment of an application for unclaimed money and for personal identification purposes. For more details, please see Privacy Statement on [www.asic.gov.au](http://www.asic.gov.au).