

Efficiency + Fulfillment + Integrity + Teamwork

#### ***Using an Australian Company Number (ACN)***

A company's ACN must be shown on a range of documents to ensure the company is adequately identified.

Section 153 of the Corporations Act 2001 provides that a company's ACN should appear on all its "public documents" and "negotiable instruments". This includes:

- business letterheads;
- official company notices;
- all documents required to be lodged with ASIC;
- statements of account, including invoices;
- receipts (provided they are not machine produced, e.g., a cash register receipt). If you are registered for GST, you will need to put your ABN on your invoices to make them "tax invoices";
- orders for goods & services; and
- cheques, promissory notes and bills of exchange.

#### ***A company's ACN is not required on:***

- machine produced receipts, including cash register receipts;
- credit cards and credit card vouchers;
- packaging and labelling, including envelopes and transport documents;
- business cards and "with compliments" slips; and
- items that are not documents.

If a company's name appears on two or more pages of a document or instrument, the ACN must be shown on the first of those pages following the company's name.

The Act does not outline how an ACN should appear on a document, however, it should be clear, easy to read and it must be obvious as to which company the ACN relates. The ACN should be identified by the words "Australian Company Number", or abbreviated "ACN" or "A.C.N."

The penalty for an individual breaching section 153 is a monetary penalty of \$1100 or 3 months' imprisonment, or both.

The penalty for a company breaching section 153 is a monetary penalty of \$5,500.

### ***Using an Australian Business Number (ABN)***

Section 1344 of the Act provides that you may use a company's ABN instead of its ACN on company documents and negotiable instruments, provided that:

- the ABN includes the nine-digit ACN; and
- the quotation of the ABN is effected in the same manner in which the quotation of the ACN would normally occur, e.g. a company is required to place its ACN with its name on the first page where that name appears in a document.

Section 29.70 of the A New Tax System (Goods and Services Tax) Act 1999 provides a company's ABN must be quoted on a tax invoice so other businesses will not withhold tax at the top marginal rate from payments they make to it. The ABN must also be quoted when supplying goods and services to other businesses (and other entities carrying on enterprises).

### **Contact Ray Ward if you have any further queries**

Telephone: 8215 1510

Email: [rward@wardlegal.com.au](mailto:rward@wardlegal.com.au)

Website: [www.wardlegal.com.au](http://www.wardlegal.com.au)