



Notification of commencement or completion of winding up of a registered scheme

If there is insufficient space in any section of the form, you may attach an annexure and submit as part of this lodgement

Lodgement details

Who should ASIC contact if there is a query about this form?

Name

ASIC registered agent number (if applicable)

Company/entity name

ACN/ABN/ARBN/ARSN

Telephone number

Postal address

Email address (optional)

Scheme details

Name of registered scheme

ARSN

Name of responsible entity

ACN

Details of winding up

Tick one box

Commencement

Completion

If winding up completed, attach to this form in an annexure a copy of the scheme's audited financial report & auditor's report, prepared for the period since the date of the last financial report & completion of winding up

Tick boxes that apply

<input type="checkbox"/>	The winding up is required by the scheme's constitution	Date of commencement [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]	Date of completion [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]
<input type="checkbox"/>	By a direction of the members under an extraordinary resolution	Date of commencement [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]	Date of completion [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]
<input type="checkbox"/>	Scheme's purpose is accomplished or cannot be accomplished	Date of commencement [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]	Date of completion [] [] / [] [] / [] [] [D] [D] / [M] [M] / [Y] [Y]

Continued... Details of winding up

<input type="checkbox"/> An order was made by the Court	Date of court order <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] [M] [M] [Y] [Y]	Date of completion <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> [D] [D] [M] [M] [Y] [Y]
Court		
<input type="checkbox"/> Federal Court of Australia (give state or territory registry)		
<input type="checkbox"/> Family Court of Australia (give state or territory registry)		
<input type="checkbox"/> Supreme Court of (give state or territory)		
State or territory	Proceeding-matter number	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Details of applicant (other than a creditor) for court order

Family name <input type="text"/>	Given name <input type="text"/>
or	
Firm name <input type="text"/>	
ACN/ARBN <input type="text"/>	
Office, unit, level <input type="text"/>	
Suburb/City <input type="text"/>	State/Territory <input type="text"/>
Postcode <input type="text"/>	Country (if not Australia) <input type="text"/>

Signature

This form must be signed by a director or secretary of the responsible entity.
I certify that the information in this form is true and complete.

Name of person signing

Capacity

Signature

Date signed
 / /
[D] [D] [M] [M] [Y] [Y]

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Notification of commencement or completion of winding up of a registered scheme

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form 5138.

Signature	This form must be signed by a director or secretary of the responsible entity.
Lodgement period	<ul style="list-style-type: none">• 14 days from the commencement of winding up; and• 14 days from the completion of the winding up.
Lodgement fee	\$35 if lodged within the prescribed lodging period. Late lodging fees will apply thereafter. 1 month \$69 More than 1 month \$287 A receipt will not be issued unless requested.
Other forms to be completed	<p>A Form 5138 is required to be lodged both upon commencement and at completion of winding up.</p> <p>s601NC If the winding up is because the scheme's purpose has been accomplished or cannot be accomplished, the responsible entity must give notice in writing to the members of the scheme and ASIC, explaining the proposal to wind up the scheme, including explaining how the scheme's purpose has been accomplished or why that purpose cannot be accomplished. (ASIC record this letter as a Form 5118. There is no printed version of this form available to complete.)</p> <p>The notice should also include information of the members' rights to take action under Div 1 of Part 2G.4 of the Corporations Act 2001 for the calling of a members' meeting to consider the proposed winding up of the scheme and vote on any extraordinary resolution members propose about the winding up of the scheme. The notice must inform the members that the responsible entity is permitted to wind up the scheme unless a meeting is called to consider the proposed winding up of the scheme within 28 days of the responsible entity giving the notice to the members.</p> <p>s601ND If the winding up is due to an issue of a Court Order, an office copy of the Court Order must be lodged within one (1) month of the order being made together with the cover sheet Form 105.</p>
Additional information	<p>This form is required to be lodged under Regulation 5C.9.01 telling ASIC that the winding up of the scheme has commenced, or been completed, whichever is the case:</p> <ul style="list-style-type: none">a) by the scheme's constitution (section 601NA)b) at the directions of members under an extraordinary resolution (section 601NB)c) because the scheme's purpose has been accomplished or cannot be accomplished (section 601NC)d) is ordered by the Court (section 601ND)

How to provide additional information**Annexures**

If there is insufficient space in any section of the form, you may submit annexures as part of this lodgement.

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 company name and ACN
3. number the pages consecutively
4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
5. mark the annexure with an identifying letter or symbol eg a,b,c or 1,2,3 etc.
6. endorse the annexure with the words:
This 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.

Lodgement

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