

*Corporations Act 2001*

**CREDITOR'S STATUTORY DEMAND FOR PAYMENT OF DEBT**

To EXAMPLE COMPANY PTY LTD A.C.N. 123 456 789, of 123 Example Street,  
Adelaide SA 5000

1. The company owes the Deputy Commissioner of Taxation of 26 Franklin Street, Adelaide ("the creditor") the amount of \$456,789.12, being the total of the amounts of the debts described in the Schedule.
2. Attached is the affidavit of Joe Bloggs, dated 22 November 2017, verifying that the amount is due and payable by the company.
3. The creditor requires the company, within 21 days after service on the company of this demand:
  - a) to pay to the creditor the total of the amounts of the debts; or
  - b) to secure or compound for the total of the amounts of the debts, to the creditor's reasonable satisfaction.
4. The creditor may rely on a failure to comply with this demand within the period for compliance set out in subsection 459F(2) as grounds for an application to a court having jurisdiction under the *Corporations Act 2001* for the winding up of the company.
5. Section 459G of the *Corporations Act 2001* provides that a company served with a demand may apply to a court having jurisdiction under the *Corporations Act 2001* for an order setting the demand aside. An application must be made within 21 days after the demand is served and, within the same period:
  - c) an affidavit supporting the application must be filed with the court; and
  - d) a copy of the application and a copy of the affidavit must be served on the person who served the demand.

**A failure to respond to a statutory demand can have very serious consequences for a company. In particular, it may result in the company being placed in liquidation and control of the company passing to the liquidator of the company.**

6. The address of the creditor for service of copies of any application and affidavit is ATO Review and Dispute Resolution, 26 Franklin Street, Adelaide SA 5000.