

Form 390

Corporations Act 2001

340, 341

ASIC Corporations (Wholly-owned
Companies) Instrument 2016/785

Annual notice by holding entity which does not lodge consolidated financial statements pursuant to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785

If there is insufficient space in any section of the form, you may photocopy the relevant page(s) 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)

Company details

Company name

ACN

Details of notice

- a) This notice has been completed by the Company pursuant to paragraph 6(s)(iii) of ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 in relation to the financial year ended:

Relevant financial year

		/			/		
[D	D]		[M	M]		[Y	Y]

b) The company has entered into a Deed of Cross Guarantee with its Wholly-owned Entities (as defined in ASIC Corporations (Wholly-owned Companies) Instrument 2016/785) and with other bodies corporate which are listed in (c) (if any). This deed enables certain Wholly-owned Entities of the Company to satisfy one of the conditions for relief under ASIC Corporations (Wholly-owned Companies) Instrument 2016/785. Under the Deed of Cross Guarantee, each body has guaranteed that the debts to each creditor of each other body which is a party to the deed will be paid in full in accordance with the deed.

c) The parties to the Deed of Cross Guarantee are:

Members of the Closed Group. *

Name	ACN/ARBN

Other members of the Extended Closed Group.**

Name	ACN/ARBN

d) Details (including dates) of parties added or removed by an Assumption Deed, Revocation Deed or Notice of Disposal contemplated by the Deed of Cross Guarantee during or since the Relevant Financial Year are as follows.**

Parties added by an Assumption Deed	ACN/ARBN	Date																
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Parties removed by a Revocation Deed	ACN/ARBN	Date																
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Parties Disposed	ACN/ARBN	Date																
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Continued... **Details of notice**

- e) Companies which obtained relief under ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 or a previous order at the end of the immediately preceding financial year but which were ineligible for relief in respect of the Relevant Financial Year**

Entity	ACN	Date
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The reasons why each of the above entities were ineligible for relief are*

- f) All companies in the Closed Group (as detailed in paragraph (c) of this form and any annexure thereto) are Exempt Companies, as defined in ASIC Corporations (Wholly-owned Companies) Instrument 2016/785.
- g) As at the date of this form, the directors of the Company have resolved that, in their opinion, there are reasonable grounds to believe that the members of the Extended Closed Group (identified in paragraph (c) of this form and any annexures thereto) will be able to meet any obligations or liabilities to which they are, or may become, subject by virtue of the Deed of Cross Guarantee.

* If there is insufficient space, an annexure containing the required information should be made in accordance with regulation 1.0.06 of the Corporations Regulations 2001.
 ** If there are none, state 'none'. If there is insufficient space, an annexure containing the required information should be made in accordance with regulations 1.0.06 of the Corporations Regulations 2001.

Signature

This form must be signed by a director or secretary of the holding entity

I certify that information in this form is true and complete.

Name of person signing

Capacity

Signature

Date signed

 / /
 [D] [D] [M] [M] [Y] [Y]

Lodgement

If lodging with ASIC, 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: Annual notice by holding entity which does not lodge consolidated financial statements pursuant to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785

(large pty exempt from lodging accounts under s319(4) of old Corporations Law - as continued by s1408(1) of the Act)

This guide does not form part of the prescribed form. It is included by ASIC to assist you in completing and lodging form 390.

Signature	This form must be signed by a director of the Company or the company secretary (See additional information below).
Lodgement period	Within 4 months after the end of each financial year of the Company.
Lodgement fee	Nil
Other forms to be completed	Nil

Additional information

Purpose of Form 390

Form 390 is to be prepared annually by a Company where:

- (i) Any of its Wholly-owned Companies obtains relief from preparing and lodging a financial report with ASIC pursuant to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 (Instrument 2016/785); and
- (ii) The Company and all of the parties to the Deed of Cross Guarantee required by Instrument 2016/785 are Exempt Entities as defined in Instrument 2016/785; and
- (iii) The Company does not lodge consolidated financial statements pursuant to paragraph 6(s)(iii) of Instrument 2016/785.

"Exempt Entity" is defined by ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 as "a company which is not controlled by a foreign company and which is:

- (a) a small proprietary company; or
- (b) a large proprietary company which:
 - (i) satisfied all of the requirements of s.319(4) of the Law (as taken to be included in the Act by subsection 1408(2), or would have satisfied all of the requirements of s.319(4) of the Act except that its financial statements or financial reports during 1993 or a later financial year were not audited before the deadline for reporting to members for that year pursuant to relief obtained under this instrument, ASIC Class Order [CO 98/1418] or Australian Securities Commission Class Order [CO 95/1530] or [96/1579]; and
 - (ii) has not at any time during 1993 or a later financial year been a member of:
 - (a) a closed group for the purposes of this instrument; or
 - (b) a closed group for the purposes of ASIC Class Order [CO 98/1418] or Australian Securities Commission Class Order 95/1530;where that Closed Group included a company which was not an exempt entity." Conditions of Instrument 2016/785 include a requirement that the company enter into a Deed of Cross Guarantee with the Wholly-owned Entities obtaining relief and any intermediate Wholly owned Entities. Refer to Instrument 2016/785 for the full requirements for relief.

Signing of Form 390

Form 390 must be signed by a director of the Company or the company secretary in accordance with a resolution of the directors of the Company.

Timing of resolutions and lodgement of Form 390

Form 390 must be lodged with ASIC within 4 months after the end of each financial year of the Company. The resolution referred to in the preceding paragraph must have been made before the form is signed and lodged.

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 the margin of at least 10mm on all sides
2. show the corporation 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. 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

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

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