



Form 389

Corporations Act 2001

341

ASIC Corporations (Wholly-owned Companies)

Instrument 2016/785

Opt-in/change of holding entity notice by wholly-owned company relieved from financial reporting obligations

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.

Related Forms

390 Holding entity which does not lodge consolidated financial statements pursuant to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785

399 Opt-out notice by wholly-owned company relieved from financial reporting obligations

Company details

Company name

ACN / ABN

Lodgement details

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

Firm/organisation

Contact name/position description

ASIC registered agent number (if applicable)

Telephone number

Postal address

1. Details of cross-guarantee

- a) The company has taken advantage of relief under ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 in respect of the financial year ended

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

- b) The company has entered into a deed of cross-guarantee with its holding entity and the other bodies corporate which are listed in (c) (if any). 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:

The holding entity:

Name

ACN/ABN

1. Continued... Details of cross-guarantee

Members of the closed group (other than the holding entity)*

Name	ACN/ARBN

Other members of the extended closed group*

Name	ACN/ARBN

*If there are none, state 'none'. If there is insufficient space, an annexure containing the required information should be made in accordance with regulation 1.06 of the Corporations Regulations 2001.

2. Reason for lodgement

Please select the purpose for which you are lodging this form:

- Opt-in to relief
 Notify change of holding entity

Signature

I certify that the information in this form is true and correct and the attached documents marked () of () pages are true copies.

Name

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: Opt-in/change of holding entity notice by wholly-owned company relieved from financial reporting obligations

This guide does not form part of the prescribed form and is included by ASIC to assist you in completing and lodging form 389.

Related Forms

399 Opt-out notice by wholly-owned company relieved from financial reporting obligations

Purpose of Form 389

Form 389 is to be prepared by companies that obtain relief from preparing and lodging an audited financial report with ASIC pursuant to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785. Conditions of the instrument include a requirement that the company be wholly-owned by another company and enters into a deed of cross-guarantee with that company.

Form 389 needs to be lodged if :

- (a) the company did not take advantage of relief available under ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 or ASIC Class Order [CO 98/1418] in the immediately preceding year, or
- (b) the company's holding entity changes.

Refer to ASIC Corporations (Wholly-owned Companies) Instrument 2016/785, available from our website at www.asic.gov.au/co for the full requirements for relief.

Signature

This form must be signed by a director or secretary of the company.

Lodgement period

Form 389 must be lodged with ASIC within 4 months after the end of the Relevant Financial Year.

Extension of time

No extension of time is available to lodge this form with ASIC. Failure to lodge this form within the required lodging period will mean the company has not met the conditions of ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 and **should therefore** prepare, have audited and lodge financial statements and reports for the relevant financial year.

How to provide additional information

Photocopied Form 389 pages

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

Annexures

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