

Attachment to CP 338: Draft instrument



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Parent Entity Financial Statements) Instrument 2021/XX

I, <insert name>, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 2021

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

<insert name>

Contents

Part 1—Preliminary	3
1 Name of legislative instrument.....	3
2 Commencement	3
3 Authority.....	3
4 Definitions	3
Part 2—Exemption	4
5 Financial reporting relief to include parent entity financial statements	4
6 Conditions.....	4

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Parent Entity Financial Statements) Instrument 2021/XX*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 341(1) of the *Corporations Act 2001*.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

entity means a company, registered scheme or disclosing entity.

single entity financial statements means financial statements referred to in paragraph 295(2)(a) or 303(2)(a) of the Act.

Part 2—Relief Orders

5 Financial reporting relief to include parent entity financial statements

Financial year

- (1) An entity that includes consolidated financial statements in its financial report or its concise report for a financial year does not have to comply with subsections 292(1) and 314(1) of the Act to the extent that:
 - (a) subsection 295(2) or 314(2) of the Act prevents the inclusion of single entity financial statements in the financial report or concise report; and
 - (b) paragraph 295(3)(a) of the Act requires the inclusion of the information specified by regulation 2M.3.01 of the Corporations Regulations 2001.

Half-year

- (2) An entity which is a disclosing entity that includes consolidated financial statements in its half-year financial report does not have to comply with section 302 of the Act to the extent that subsection 303(2) of the Act prevents the inclusion of single entity financial statements in the half-year financial report.

6 Conditions

The entity must comply with the requirements of Part 2M.3 of the Act:

- (a) where subsection 5(1) applies—as if the single entity financial statements were required to be included in the financial report under subsection 295(2) or the concise report under subsection 314(2); and
- (b) where subsection 5(2) applies—as if the single entity financial statements were required to be included in the half-year financial report under subsection 303(2).