



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (Extended Reporting and Lodgment Deadlines—Unlisted Entities) Instrument 2020/395**

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I, Grant Moodie, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 22 April 2020

Grant Moodie

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## Part 1—Preliminary

### 1 Name of legislative instrument

This is the *ASIC Corporations (Extended Reporting and Lodgment Deadlines—Unlisted Entities) Instrument 2020/395*.

### 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](http://www.legislation.gov.au).

### 3 Authority

This instrument is made under subsections 341(1), 601QA(1) and 992B(1) of the *Corporations Act 2001*.

### 4 Definitions

In this instrument:

*Act* means the *Corporations Act 2001*.

*financial year* has the following meaning:

- (a) for a company, registered scheme or disclosing entity—the meaning given by section 323D of the Act;
- (b) for a financial services licensee—the meaning given by section 989A of the Act.

## Part 2—Relief Orders and Exemptions

### 5 Reporting to members

- (1) A public company that is not listed and an unlisted disclosing entity that is not a registered scheme is relieved from subsection 315(1) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it reports to members under section 314 of the Act by the earlier of:
  - (a) 21 days before the next AGM after the end of the financial year; or
  - (b) 5 months after the end of the financial year.
- (2) A registered scheme that is not listed is relieved from subsection 315(3) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it reports to members under section 314 of the Act within 4 months after the end of the financial year.
- (3) A proprietary company that is not covered by subsection 315(1) or (2) of the Act is relieved from subsection 315(4) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it reports to members under section 314 of the Act within 5 months after the end of the financial year.

### 6 Lodgment of financial reports with ASIC

#### *Annual reports*

- (1) An unlisted disclosing entity and a registered scheme that is not listed is relieved from subsection 319(3) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports required to be prepared or obtained for the financial year under Division 1 of Part 2M.3 of the Act with ASIC within 4 months after the end of the financial year.
- (2) Any other entity that is not listed is relieved from subsection 319(3) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports that it is required to prepare or obtain for the financial year under Division 1 of Part 2M.3 of the Act with ASIC within 5 months after the end of the financial year.

#### *Half-year reports*

- (3) An unlisted disclosing entity is relieved from subsection 320(1) of the Act for a half-year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports that it is required to prepare or

obtain for the half-year under Division 2 of Part 2M.3 of the Act with ASIC within 105 days after the end of the half-year.

## **7 Lodgment of financial statements—financial services licensees**

- (1) A financial services licensee that is not a body corporate is exempt from subsection 989D(1) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports that it is required to prepare or obtain for the financial year under Subdivision C of Division 6 of Part 7.8 of the Act with ASIC before the day that is 3 months after the end of that financial year.
- (2) A financial services licensee that is an unlisted disclosing entity is exempt from subsection 989D(1) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports that it is required to prepare or obtain for the financial year under Subdivision C of Division 6 of Part 7.8 of the Act with ASIC before the day that is 4 months after the end of that financial year.
- (3) Any other financial services licensee that is a body corporate and is not listed is exempt from subsection 989D(1) of the Act for a financial year that ends between 31 December 2019 and 31 March 2020 (both inclusive) where it lodges the reports that it is required to prepare or obtain for the financial year under Subdivision C of Division 6 of Part 7.8 of the Act with ASIC before the day that is 5 months after the end of that financial year.

## **8 Audit of compliance plan of registered scheme**

An auditor of a compliance plan for a registered scheme that is not listed is exempt from subsection 601HG(3) of the Act for a financial year of the registered scheme that ends between 31 December 2019 and 31 March 2020 (both inclusive) where the auditor does the things required by that subsection within 4 months after the end of the financial year.

## **Part 3—Application**

### **9 Statutory deadlines that have already passed**

- (1) This instrument does not apply in relation to a statutory deadline that has passed before the commencement of this instrument.
- (2) In this section:

*statutory deadline* means:

- (a) a reporting deadline within section 315 of the Act;
- (b) a lodgment deadline within section 319 or 320 of the Act;

- (c) a lodgment deadline within section 989D of the Act;

Note: Regulation 7.8.14A of the *Corporations Regulations 2001* affects the operation of section 989D of the Act.

- (d) a reporting deadline within subsection 601HG(4) of the Act.