

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 340(1) – Order**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsection 340(1) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Instrument 24-0067.

Commencement

3. This instrument commences on the date it is signed.

Order

4. Albert Automotive Holdings Pty Ltd ACN 616 126 722 (*Company*), and any director of the Company, do not have to comply with a requirement arising from or under Part 2M.3 of the Act to the extent that:
 - (a) apart from this order, the Company or director would not comply with the requirement; and
 - (b) the non-compliance would result merely from the Company or director complying with the requirement in relation to a period that:
 - (A) is not a Statutory Financial Year; and
 - (B) is synchronised with, or is a transitional period to achieve synchronisation with, the financial year of a foreign company parent in its place of origin.

Where relief applies

5. The relief in section 4 is available where the following apply:
 - (a) in relation to the Relevant Statutory Financial Year - the Company or director complied with the requirement in relation to a period (the *Synchronising Financial Year*) that was not the Relevant Statutory Financial Year solely for the purpose of synchronising the Company's financial year with the financial year of the Foreign Parent in its place of origin;
 - (b) the Synchronising Financial Year commenced on 15 May 2023 and ended on 31 March 2024;
 - (c) in relation to any Statutory Financial Year following the Relevant Statutory Financial Year - the Company or director complied with the requirement in relation to a period (the *Synchronised Financial Year*) that was not a Statutory Financial Year of the Company Year solely because the Company had synchronised its financial year with the financial year of the Foreign Parent in its place of origin;
 - (d) the Synchronised Financial Year is a period of 12 months starting at:

- (i) the end of the Synchronising Financial Year; or
 - (ii) the end of any previous Synchronised Financial Year; and
- (e) at the time the Company synchronised its financial year with the financial year of the Foreign Parent, the Company and director reasonably believed that the Foreign Parent's financial year:
- (i) starts at the end of the Foreign Parent's previous financial year;
 - (ii) is 12 months long; and
 - (iii) starts on 1 April each year and ends on 31 March each year.

Conditions

6. The relief in section 4 is subject to the following conditions:
- (a) the Company must comply with Part 2M.3 of the Act in relation to the following periods:
 - (i) the Synchronising Financial Year - instead of the Relevant Statutory Financial Year; and
 - (ii) any Synchronised Financial Year - instead of any Statutory Financial Year of the Company following the Relevant Statutory Financial Year;
 - (b) the Company must apply the requirements of the Act, the Corporations Regulations 2001, the Corporations (Fees) Regulations 2001 and any disallowable legislative instruments made by ASIC in respect of the Synchronising Financial Year as if:
 - (i) paragraph 45A(2)(a) of the Act applied as if the reference to "the financial year" in that paragraph were a reference to the Synchronising Financial Year; and
 - (ii) paragraph 45A(3)(a) of the Act applied as if the reference to "the financial year" in that paragraph were a reference to the Synchronising Financial Year;
 - (c) if the Company or the director is relying on the relief in section 4, the notes to the financial statements of the Company that form part of the financial report prepared for the purposes of subsection 292(1) of the Act include a brief statement as to the relief provided by this instrument; and
 - (d) must arrange for a notice explaining the relief granted by this instrument to be published in a prominent place on the Company's website within 5 business days of the date of commencement of this instrument and remain publicly available whilst the relief applies.
7. The relief in section 4 will cease to apply from the date of any failure to comply with a condition in section 6.

Interpretation

Foreign Parent means Sojitz Corporation, being a company incorporated under the laws of Japan.

Relevant Statutory Financial Year means the financial year of the Company within the meaning of financial year in subsection 323D(2) of the Act that started on 15 May 2023.

Statutory Financial Year means a financial year for a company within the meaning of section 323D of the Act.

Dated this 19 March 2024

A handwritten signature in black ink, appearing to be 'D. Balaji', with a long, sweeping underline that extends to the left.

Signed by Deeksha Balaji
as a delegate of the Australian Securities and Investments Commission