

**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* (the *Act*).

Title

2. This instrument is ASIC Instrument 20-0163.

Commencement

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

Order

4. Rincon Mining Pty Limited ACN 088 854 639 (*Company*) does not have to comply with Part 2M.3 of the Act in relation to the relevant financial year.

Where this order applies

5. This order applies where the Company:
 - (a) was a public company as at 31 December 2019 and was controlled by a foreign company for all or part of the relevant financial year;
 - (b) converted to a proprietary company, effective on 3 January 2020;
 - (c) is not part of a group controlled by a foreign company which is a large group for the relevant financial year.

Conditions

6. The Company must make publicly available a copy of this instrument on the Company's website within 7 days from the date of this instrument.

Interpretation

7. In this instrument:

combined revenue of the group means the sum of the revenue of all of the entities in the group, while they are members of the group, making all adjustments as would be required in preparing consolidated financial statements under accounting standards in force at the relevant time (even if the standard

does not otherwise apply to the relevant financial year of some or all of the companies concerned).

combined value of gross assets of the group means the sum of the value of the gross assets of all of the entities in the group, making all adjustments as would be required in preparing consolidated financial statements under accounting standards in force at the relevant time (even if the standard does not otherwise apply to the relevant financial year of some or all of the companies concerned).

control has the same meaning as in Australian Accounting Standard AASB 10 Consolidated Financial Statements.

entity means a company, a registered scheme, a disclosing entity, any other corporation, a partnership, an unincorporated body or a trust.

group means, in relation to an entity for the relevant financial year, the entity together with all of the following;

- (a) any other entity which controlled the entity at any time during, or at the end of, the relevant financial year and which was registered or formed in Australia or carries on business in Australia;
- (b) any other entity (a corresponding entity) which is:
 - (i) controlled at any time during, or at the end of, the relevant financial year by any foreign company which at the same time controls the entity; and
 - (ii) incorporated or formed in Australia or carries on business in Australia during that part of the relevant financial year when it is controlled by the same foreign company as controls the entity;
- (c) any entity which is controlled at any time during, or at the end of, the relevant financial year by the entity;
- (d) any entity which is controlled by a corresponding entity during that part of the relevant financial year when the corresponding entity is controlled by the same foreign company as controls the entity.

large group means a group which, for the relevant financial year, satisfied at least 2 of the following paragraphs:

- (a) the combined revenue of the group for the relevant financial year was \$25 million, or any other amount prescribed for the purposes of paragraph 45A(2)(a) of the Act, or more;

- (b) the combined value of gross assets of the group at the end of the relevant financial year was \$12.5 million, or any other amount prescribed for the purposes of paragraph 45A(2)(b) of the Act, or more;
- (c) the group had 50, or any other number prescribed for the purposes of paragraph 45A(2)(c) of the Act, or more employees (part-time employees being counted as an appropriate fraction of a full-time equivalent) at the end of the relevant financial year.

relevant financial year means the period commencing on 1 January 2019 and ending on 31 December 2019.

Dated this 24th day of February 2020

A handwritten signature in black ink, appearing to be 'S. Mobbs', written in a cursive style.

Signed by Sabrina Mobbs
as a delegate of the Australian Securities and Investments Commission