

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 341(1) — Variation**

Enabling provision

1. The Australian Securities and Investments Commission makes this instrument under subsection 341(1) of the *Corporations Act 2001*.

Title

2. This instrument is ASIC Class Order [CO 05/542].

Commencement

3. This instrument commences on the date it is registered under the *Legislative Instruments Act 2003*.

Note: An instrument is registered when it is recorded on the Federal Register of Legislative Instruments (*FRLI*) in electronic form: see *Legislative Instruments Act 2003*, s 4 (definition of *register*). The FRLI may be accessed at www.frli.gov.au.

Variation

4. ASIC Class Order [CO 98/1418] is varied by, in the definition of “Certificate” under the heading “Interpretation”:
 - (a) omitting paragraph (b) and substituting:
 - “(b) that, in relation to the execution of the Deed by each party to it that is a company, either:
 - (i) the Deed appears to be signed in accordance with subsection 127(1) of the Act; or
 - (ii) the company’s common seal appears to have been fixed to the Deed, and the fixing of the seal appears to have been witnessed, in accordance with subsection 127(2) of the Act;
 - and the provider of the certificate does not know and has no reason to suspect that the Deed has not been duly executed by the company;
 - (ba) that the provider of the certificate, after having made such inquiries as were reasonable in the circumstances, is of the opinion that the Deed has been duly executed by each party to it that is not a company;”;
- (b) in paragraph (d) after “reports” inserting “for the financial years”; and
- (c) in paragraph (e) omitting “(a) and (b)” and substituting “(a), (b) and (ba)”.

Dated this 15th day of June 2005

Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission