

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

Enabling legislation

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

Title

2. This instrument is ASIC Class Order [CO 08/285].

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 <http://www.frli.gov.au/>.

Variation

4. ASIC Class Order [CO 98/1418] is varied as follows:
 - (a) in subparagraph (l)(iii) omit “Class Order at the time that the Deed of Cross Guarantee”, substitute “order at the time that the Deed”; and
 - (b) in sub-subparagraph (s)(i)(A) omit “Certificate relating to that Deed;”, substitute “certificate relating to that Deed, where that certificate conforms with the definition of Certificate as it appeared in this order at the time that the Deed was lodged;”; and
 - (c) in subparagraph (s)(iii) omit “addition”, substitute “addition or substitution”; and
 - (d) in the “SCHEDULE” omit “on or after 1 January 2009”, substitute “before 1 January 2009”; and
 - (e) under the heading “**Interpretation**”, in the definition of “Deed of Cross Guarantee”:
 - (i) after paragraph (ia) insert:
 - “(iaa) in the case of a deed lodged with ASIC on or after 1 July 2004 but before 31 March 2008—is in exactly the same terms as ASIC Pro Forma 24 as at the date the deed was lodged except for the matters set out in subparagraphs (i)(A) to (D);”; and

- (ii) in subparagraph (iv)(A) omit “Certificate relating to that Deed;”, substitute “certificate relating to that Deed, where that certificate conforms with the definition of Certificate as it appeared in this order at the time that the Deed was lodged;”.

Dated this 12th day of June 2008

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