

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION  
SECTION 341(1) CORPORATIONS LAW  
CLASS ORDER AND REVOCATION**

PURSUANT to subsection 341(1) of the Law the AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION HEREBY MAKES AN ORDER in respect of each company and disclosing entity which is an Australian bank, the parent entity of an Australian bank or an entity controlled by an Australian bank ("the Entity") relieving the Entity from compliance with the requirements of the Law specified in the Schedule **ON CONDITION THAT:**

- (a) a statutory declaration meeting the following requirements is lodged with ASIC with the Entity's financial report as required to be lodged pursuant to subsection 319(1) of the Law for each of the financial years to which this Order applies:
  - (i) if the Entity is an Australian bank or a parent entity of an Australian bank, the declaration is made by two directors of the Company;
  - (ii) in any other case, the declaration is made by two directors of the Australian bank of which the Entity is a controlled entity;
  - (iii) the declaration states that the Entity has systems of internal controls and procedures which:
    - (A) in the case of any material financial instrument transaction, ensure that; and
    - (B) in any other case, are designed to provide a reasonable degree of assurance that, any financial instrument transaction of a Bank which may be required to be disclosed in the Entity's financial report in accordance with AASB 1017 and which is not entered into regularly, is drawn to the attention of the directors of the Entity so that it may be disclosed; and
- (b) a statement containing a summary of this class order is included in the notes to the Entity's financial report.

**SCHEDULE**

Except in respect of any loan made, guaranteed or secured by, or financial instrument transaction of, a Bank of which any director of the Entity should reasonably be aware that if not disclosed, would have the potential to adversely affect the decisions made by users of the financial report about the allocation of scarce resources, subsection 296(1) of the Law, in so far as that subsection requires the Entity's financial report to be made out in accordance with:

- (i) Paragraphs 4.10, 4.12 and 4.14 of AASB 1017 in respect of a loan regularly made, guaranteed or secured by a Bank other than a loan to a Director of the Entity; and
- (ii) Paragraphs 4.17, 4.18, 4.19, 6.2, 6.3, 6.4 and 6.5 of AASB 1017 in respect of a financial instrument transaction regularly made by a Bank (whether the Bank is a party to the financial instrument or not) where a Director of the Entity is not a party to the transaction.

## DEFINITIONS

In this instrument:

"AASB 1017" means accounting standard AASB 1017 "Related Party Disclosures";

"arm's length basis" in relation to a transaction between a Bank and another party, means on terms and conditions no more favourable to the other party than those which it is reasonable to expect the Bank would have adopted if dealing with the other party at arm's length in similar circumstances;

"Bank" means a corporation which lawfully carries on the general business of banking, whether in Australia or another country;

"Director" has the same meaning as "director" in paragraph 9.1 of AASB 1017;

"director" has the same meaning as in the Law;

"entity" means any legal, administrative, or fiduciary arrangement, organisational structure or other party (including a person) having the capacity to deploy scarce resources in order to achieve objectives;

"regularly" means lawfully and in the course of its ordinary banking business and either on an arm's length basis or with the approval of a general meeting of the Entity and its ultimate parent entity if any; and

"financial instrument transaction" means a transaction which has as its subject matter a "financial instrument" (other than a share or share option) as defined in paragraph 8.1 of AASB 1033 "Presentation and Disclosure of Financial Instruments" (whether or not that accounting standard applies to the Company or for the financial year) and includes, but is not limited to, transactions involving loans, financial investments (other than in shares and share options), deposits, borrowings, bills of exchange, foreign exchange contracts, forward rate agreements, interest and currency swaps, futures contracts and options, caps, collars and floor agreements and any of the following where credit related, provision of security, endorsements, guarantees and commitments and any income or expenditure relating to such a transaction, and, except for futures contracts, does not include a transaction which has as its subject matter goods (other than financial assets) or services.

PURSUANT to subsection 341(1) of the Corporations Law the AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION HEREBY REVOKES Class Order Number 97/1016 dated 9 July 1997 with effect from:

- (i) in respect of entities which apply the relief provided by Class Order 98/0095 dated 10 July 1998, financial years ending after 7 July 1998; and
- (ii) in all other cases, financial years ending after 30 June 1998.

Dated the 10th day of July 1998

Signed by George Durbridge  
as a delegate of the Australian Securities and Investments Commission