

# ASIC Class Order [CO 98/1418]

## Wholly-owned entities

This instrument has effect under s341(1) of the *Corporations Act 2001*.

This compilation was prepared on 13 August 2014 taking into account amendments up to [CO 14/757].

Prepared by the Australian Securities and Investments Commission.

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### Australian Securities and Investments Commission Subsection 341(1) — Corporations Act 2001 Class Orders and Revocations

#### First order

Pursuant to subsection 341(1) of the Corporations Act 2001 (“the Act”), the Australian Securities and Investments Commission (“ASIC”) hereby makes an order relieving a company (“the Entity”) from the requirement to comply with the following provisions of the Act in relation to a financial year ending on or after 1 July 1998 (“the Relevant Financial Year”):

- Paragraphs 292(1)(b) and (c) (the requirements to prepare a financial report and directors’ report);
- Subsection 301(1) (the requirement to have the financial report audited);
- Subsections 314(1), 315(1) and 315(4) and section 316 (the requirements concerning distribution of the financial report, directors’ report and auditors’ report and any concise financial report (“the reports”) to members);
- Section 317 (the requirement for a public company to lay reports before an annual general meeting);
- Subsection 319(1) (the requirement to lodge reports with ASIC); and
- Sections 327A, 327B and 327C (the requirement for a public company to appoint an auditor).

ON CONDITION THAT:

#### *Relevant Financial Year*

- (a) The financial year of the Holding Entity ends on the same date as the end of the Relevant Financial Year;

#### *Restrictions on the Entity, Holding Entity and Trustee*

- (b) The Entity is one of the Wholly-owned Entities of the Holding Entity at the end of the Relevant Financial Year and is:

- (i) a public company;
- (ii) a large proprietary company; or
- (iii) a small proprietary company to which paragraph 292(2)(b) applies;
- (c) The Entity is not a borrower in relation to debentures, a disclosing entity, or a financial services licensee;
- (d) The Holding Entity is not a small proprietary company;
- (da) Except in relation to a Deed of Cross Guarantee lodged with ASIC before 1 July 2004 — a company holds office as trustee under the Deed of Cross Guarantee;
- (db) Except in relation to a Deed of Cross Guarantee lodged with ASIC before 1 July 2004 — if the person holding office as trustee under the Deed of Cross Guarantee is a Group Entity within the meaning of that Deed, another person that is a company holds office as alternative trustee under that Deed;

*Consolidated financial statements*

- (e) The Holding Entity has prepared consolidated financial statements which include a consolidated statement of cash flows together with notes thereto for the Relevant Financial Year (“the Consolidated Financial Statements”);
- (f) If the Holding Entity is not a registered foreign company:
  - (i) where the economic entity comprising the Holding Entity and its controlled entities was not a reporting entity (as defined in accounting standards):
    - (A) the Consolidated Financial Statements covered at least those controlled entities which were part of the Extended Closed Group and included no entities which were not controlled entities;
    - (B) where the Consolidated Financial Statements did not cover the entire economic entity, the notes thereto made it clear which entities were covered by those Consolidated Financial Statements;
    - (C) accounting standard AASB 1024 “Consolidated Accounts” (except paragraph 39) (for reporting periods commencing before 1 January 2005) or AASB 127 “Consolidated and Separate Financial Statements” (except paragraphs 40 and Aus40.1) (for reporting periods commencing on or after 1 January 2005) was applied as if the entities to which the Consolidated Financial Statements relate were a reporting entity; and
    - (D) the Holding Entity complied with all of the other requirements of Chapter 2M as if the Consolidated Financial Statements were part of its financial report;
  - (ii) where s319(4) of the Corporations Law (as taken to be included in the Act by s1408(2) of the Act) applies to the Holding Entity, the Consolidated Financial Statements are lodged with ASIC within 4 months (or for a financial year commencing from 1 January 2005 to 31 December 2005 (both inclusive), 5

months) after the end of the Relevant Financial Year unless all entities in the Closed Group are Exempt Entities; and

- (iii) where all entities which are parties to the Deed of Cross Guarantee are Exempt Entities, the Holding Entity lodged with ASIC within 4 months (or for a financial year commencing from 1 January 2005 to 31 December 2005 (both inclusive), 5 months) after the end of the Relevant Financial Year a document signed by one director or the company secretary (in accordance with a resolution of the directors) containing:

- (A) the information required by subparagraphs (i)(i) to (iv);

- (B) a statement that all entities in the Closed Group are Exempt Entities; and

- (C) the statement required to be included in the directors' declaration under paragraph (j);

- (g) If the Holding Entity is a registered foreign company:

- (i) the Holding Entity prepared Consolidated Financial Statements in accordance with:

- (A) where the Holding Entity is controlled by a disclosing entity formed or incorporated in Australia, a company or a registered scheme — the requirements of Chapter 2M (including s295(4)) as if the Holding Entity were a public company (and paragraph (f)(i) may be applied as if the Holding Entity was not a registered foreign company);

- (B) where (A) does not apply — a requirement of the law in its place of origin, and those Consolidated Financial Statements covered the Holding Entity and at least those controlled entities which are part of the Extended Closed Group (and included a note making it clear which entities were covered by those Consolidated Financial Statements); or

- (C) where neither (A) nor (B) applies — the requirements of Chapter 2M as to the form and content of Consolidated Financial Statements, as if the Holding Entity were a public company and covering at least those entities in the Extended Closed Group; and

- (ii) the Holding Entity lodged the Consolidated Financial Statements with ASIC no later than 4 months after the end of the Relevant Financial Year;

- (h) The Consolidated Financial Statements:

- (ii) include adequate provision in relation to the liabilities of any parties to the Deed of Cross Guarantee which are not consolidated where it is probable that those liabilities will not be fully met by those parties;

- (i) The notes to the Consolidated Financial Statements:

- (i) include a short statement of the nature of the Deed of Cross Guarantee;

- (ii) list the parties to the Deed of Cross Guarantee, separately identifying:

- (A) the members of the Closed Group; and
- (B) the other members of the Extended Closed Group;
- (iii) give details (including dates) of parties which, during or since the Relevant Financial Year, have been:
  - (A) added by an Assumption Deed contemplated by the Deed of Cross Guarantee;
  - (B) removed by a Revocation Deed contemplated by the Deed of Cross Guarantee; or
  - (C) the subject of a Notice of Disposal contemplated by the Deed of Cross Guarantee;
- (iv) give details (including dates and reasons) of any entities which obtained relief under this order or a previous order at the end of the immediately preceding financial year but which were ineligible for relief in respect of the Relevant Financial Year;
- (v) if the Consolidated Financial Statements cover entities which are not members of the Closed Group, set out the information specified in the Schedule in respect of the consolidation of the entities which are members of the Closed Group (after eliminating all transactions between members of the Closed Group);
- (vi) if the Consolidated Financial Statements cover entities which are not parties to the Deed of Cross Guarantee, set out the information specified in the Schedule in respect of the consolidation of the Holding Entity and those entities which are parties to the Deed of Cross Guarantee and controlled by the Holding Entity (after eliminating all transactions between parties to the Deed of Cross Guarantee); and
- (vii) if there are any parties to the Deed of Cross Guarantee which are not controlled by the Holding Entity, set out the information specified in the Schedule in respect of those parties (either individually or in aggregate);
- (j) A statement as to whether, as at the date of the relevant document, there are reasonable grounds to believe that the members of the Extended Closed Group (identified in the note required by paragraph (i)(ii)) will be able to meet any obligations or liabilities to which they are, or may become, subject by virtue of the Deed of Cross Guarantee is included in all of the following documents (as applicable):
  - (i) the directors' declaration of the Holding Entity for the Relevant Financial Year (including a directors' declaration prepared pursuant to subparagraph (g)(i)(A));
  - (ii) the document required by paragraph (f)(iii); and
  - (iii) where subparagraphs (g)(i)(B) or (C) apply, a document signed by a director in accordance with a resolution of directors and lodged with ASIC with the Consolidated Financial Statements within 4 months (or for a financial year

commencing from 1 January 2005 to 31 December 2005 (both inclusive), 5 months) after the end of the Relevant Financial Year;

*Opt-in and opt-out notices by the Entity*

(k) Unless:

- (i) the Entity took advantage of the relief available under this order in respect of the financial year immediately preceding the Relevant Financial Year; and
- (ii) the Holding Entity of the Entity is the same for the Relevant Financial Year and the financial year immediately preceding it,

a notice signed by a director or secretary is lodged with ASIC using Form 389 within 4 months after the end of the relevant financial year, containing a statement that the Entity has taken advantage of relief under this order together with the identity of the Holding Entity;

(ka) If the relief available under this order is not taken advantage of in respect of a financial year (the ***first non-reliance year***) immediately following a financial year in which relief was taken advantage of then, unless the Entity lodges an annual financial report prepared under Chapter 2M of the Act for the first non-reliance year, a notice that the Entity has ceased to take advantage of the relief signed by a director or secretary is lodged with ASIC using Form 399:

- (i) within 4 months after the end of the first non-reliance year; or
- (ii) such other time as is approved in writing by ASIC;

*Annual resolution*

(kb) At or about the time of the Entity's balance date for the Relevant Financial Year the directors reassess the advantages and disadvantages associated with the Entity remaining a party to the Deed of Cross Guarantee and taking advantage of the relief afforded by this order and the directors resolve either that the Entity should continue to remain a party to the Deed of Cross Guarantee, or seek to revoke the Deed of Cross Guarantee, as the case may be;

*Timing requirements in relation to membership of Closed Group and being party to the Deed of Cross Guarantee*

(l) Before the end of the Relevant Financial Year:

- (i) the Entity and every other entity in the Closed Group became parties to the Deed of Cross Guarantee; and
- (ii) an original of that Deed of Cross Guarantee (or the relevant Assumption Deed) has been lodged with ASIC; and
- (iii) where the lodgement of a Deed referred to in paragraph (ii) occurs on or after 1 July 2004 — an original of a certificate relating to that Deed is also lodged with ASIC, where that certificate conforms with the definition of Certificate as it appeared in this order at the time that the Deed was lodged;

- (m) Where the Deed of Cross Guarantee has been lodged with ASIC before 1 July 2004, that Deed has been approved by ASIC at least 60 days before the signing of the Holding Entity's directors' declaration for the Relevant Financial Year or the document referred to in subparagraph (j)(iii);
- (n) The Entity and the Holding Entity were members of the Closed Group and parties to the Deed of Cross Guarantee at the end of the Relevant Financial Year and:
  - (i) remain members of the Closed Group and parties to that Deed at all times up to, and including, the date on which the Consolidated Financial Statements (or the document required by paragraph (f)(iii)) are lodged with ASIC; or
  - (ii) if the Entity ceased to be a member of the Closed Group or a party to the Deed prior to the date on which the directors of the Holding Entity lodged the Consolidated Financial Statements, within one month of that cessation the Entity became party to another Deed of Cross Guarantee with another holding entity, an original of which has been lodged with ASIC, and (after making reasonable and diligent enquiries) the Entity's directors have no reason to believe that the Entity may not be able to obtain relief under this order in respect of its next financial year;

*Initial procedures in applying for relief*

- (o) Before the end of the first financial year in respect of which the Entity took advantage of relief under this order or a previous order (being a financial year at the end of which the Entity was one of the Wholly-owned Entities of the Holding Entity):
  - (i) The directors of the Entity have made a statement, signed by at least 1 director, stating that in the directors' opinion immediately prior to the execution of the Deed of Cross Guarantee or Assumption Deed by the Entity there were reasonable grounds to believe that the Entity would be able to pay its debts as and when they become due and payable;
  - (ii) The directors of the Entity have resolved that the Entity should obtain the benefit of this order or a previous order and the directors have not revoked that resolution or resolved to the contrary;
  - (v) In respect of every other entity (the "Other Entity") which has become a party to the Deed of Cross Guarantee after the date of this order (irrespective of whether the Other Entity has taken advantage of relief under this order) the directors of that Other Entity have made a statement, signed by at least 1 director, and made before the end of the financial year in which it became a party to the Deed of Cross Guarantee, stating that in the directors' opinion immediately prior to the execution of the Deed of Cross Guarantee or Assumption Deed by the Other Entity there were reasonable grounds to believe that the Other Entity would be able to pay its debts as and when they become due and payable,

except that subparagraph (o)(i) does not apply where the Entity became a party to the Deed of Cross Guarantee prior to 1 July 1997 and has lodged with ASIC a financial report or financial statements containing an unqualified directors' declaration (required by section 295(4) of the Act) or directors' statement (required by section 301 or section 302 of the Corporations Law as it stood prior to the Company Law

Review Act 1998) in respect of a financial year which ended after becoming a party to the Deed of Cross Guarantee and before the Relevant Financial Year);

*Foreign entities*

- (q) No entity was a member of the Closed Group unless it:
  - (i) was a company;
  - (ii) was a body corporate incorporated or formed in Australia, the United Kingdom, New Zealand, Singapore or Hong Kong; or
  - (iii) was the Holding Entity;
- (r) So long as any entity (including the Holding Entity, where applicable) which is not a body corporate incorporated or formed in Australia or a company (“the foreign entity”) is a party to the Deed of Cross Guarantee the directors of the Entity and the Holding Entity are satisfied (as evidenced by resolutions of the directors of those two entities), before the Holding Entity lodges the Consolidated Financial Statements, that, on the basis of appropriate recent advice, the Deed of Cross Guarantee is in a class of documents generally enforceable in the foreign entity's place of incorporation or formation as against the foreign entity;

*Variations to Deed of Cross Guarantee*

- (s) Neither the Entity nor the Holding Entity have terminated, repudiated or attempted to repudiate or terminate or agreed to any variation of the Deed of Cross Guarantee except by:
  - (i) an Assumption Deed contemplated by the Deed of Cross Guarantee and either:
    - (A) lodged with ASIC together with a 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; or
    - (B) where the Assumption Deed is lodged with ASIC before 1 July 2004 — approved by ASIC;
  - (ii) a Revocation Deed contemplated by the Deed of Cross Guarantee pursuant to which the Deed of Cross Guarantee ceases to apply to one or more entities other than the Entity;
  - (iii) the the substitution of a trustee, or addition or substitution of an alternative trustee, contemplated by the Deed of Cross Guarantee and where the variation is lodged with ASIC before 1 July 2004 — approved by ASIC; or
  - (iv) any variation to reflect any amendment of the ASIC Pro Forma *Deed of Cross Guarantee* (ASIC Pro Forma 24) that may be made by ASIC from time to time;

*Companies which cease to be members of the Closed Group*

- (u) Within 2 months of ceasing to be a Wholly-owned Entity, the Entity prepares a financial report and directors' report for the Relevant Financial Year and lodges those documents with ASIC, except where:
  - (i) within one month, the Entity becomes a party to another Deed of Cross Guarantee and (after making reasonable and diligent enquiries) the directors of the Entity have no reason to believe that it will not be relieved from preparing a financial report under this order in respect of its next financial year;
  - (ii) the Entity was also subject to relief from the requirement to prepare a financial report pursuant to a provision of the Act or another ASIC order in respect of the Relevant Financial Year;
  - (iii) at the time the Entity ceases to be a member of the Closed Group it is less than 1 month until, or is after, the end of the first financial year immediately after the Relevant Financial Year; or
  - (iv) the Entity was a small proprietary company for the Relevant Financial Year;

*Auditor of the Holding Entity*

- (v) If the Holding Entity's financial report is required to be audited, the auditor of the Holding Entity is satisfied that paragraphs (e), (f)(i), (g)(i), (h), (i) and (j) (as applicable) have been complied with; and

*Entities excluded from relying on this order*

- (w) ASIC has:
  - (i) not notified the Entity in writing that it may not rely on this order or may not rely on this order for the Relevant Financial Year; or
  - (ii) notified the Entity in writing that it may not rely on this order or may not rely on this order for the Relevant Financial Year but has subsequently revoked or varied that notice so that it does not cover the Relevant Financial Year.

## SCHEDULE

For reporting periods commencing before 1 January 2009 and where the version of accounting standard AASB 101 "Presentation of Financial Statements" ("AASB 101") dated September 2007 has not been adopted early by the Holding Entity for the Relevant Financial Year, the following information for the Relevant Financial Year with comparative information for the immediately preceding financial year:

- (i) An Income Statement setting out the information specified by paragraphs 81 to 85 of accounting standard AASB 101 "Presentation of Financial Statements" issued in July 2004 (as applicable to the financial statements of the Holding Entity for the Relevant Financial Year) ("old AASB 101");



- (ii) Opening and closing retained earnings, dividends provided for or paid, and transfers to and from reserves; and
- (iii) A Balance Sheet complying with paragraphs 68 to 73 of old AASB 101.

In any other case, the following information for the Relevant Financial Year with comparative information for the immediately preceding financial year:

- (i) A Statement of Comprehensive Income setting out the information specified by paragraphs 82 to 87 of AASB 101 and, where paragraph 84 of AASB 101 is applied, an Income Statement;
- (ii) Opening and closing retained earnings, dividends provided for or paid, and transfers to and from reserves; and
- (iii) A Statement of Financial Position complying with paragraphs 54 to 59 of AASB 101.

Comparative information is only required where the Holding Entity was a holding entity in a deed of cross guarantee for the purposes of this order at any time during the immediately preceding financial year.

## **Interpretation**

In this order:

“borrower in relation to debentures” means a body that is or will be liable to repay money under a debenture, but does not include a body that only has debentures on issue that were issued or allotted:

- (i) by excluded issues to which paragraph 66(2)(d) of the Corporations Law applied as that Law stood prior to 13 March 2000; or
- (ii) pursuant to offers which did not need disclosure to investors under Part 6D.2 of the Act because of s708(1) of the Act.

“Certificate” in relation to a Deed of Cross Guarantee or an Assumption Deed to which an Entity is a party, means one or more certificates in writing addressed to the Entity, the trustee and any alternative trustee under the Deed of Cross Guarantee and to ASIC which together include statements to the following effect:

- (a) that the Deed is in exactly the same terms as ASIC Pro Forma 24 or 27 as the case requires except for the following:
  - (i) all instructions for the inclusion of specified information have been replaced by that information in a complete and accurate manner and any consequential changes of a minor or editorial nature that are necessary for the effective operation of the deed have been made;
  - (ii) execution clauses have been added, deleted, modified or varied as required in order to facilitate the proper execution of the deed;
  - (iii) the date has been completed;

- (iv) the headnote, the headings before the headnote and any editorial note have been omitted;
  - (v) in the case of an Assumption Deed which covers more than one Entity — such variations as are necessary to enable the additional entities to be covered;
  - (vi) in the case of an Assumption Deed which covers making the trustee of the Deed of Cross Guarantee to which the Assumption Deed relates a member of the Closed Group — such variations as are necessary to enable the Assumption Deed to have that effect;
- (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; and
- (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;

where:

- (e) the certificates referred to in paragraphs (a), (b) and (ba) are given by a lawyer who holds a practising certificate.

“Closed Group” means the Holding Entity and the Wholly-owned Entities;

“Control” has the same meaning as in accounting standard AASB 127 “Consolidated and Separate Statements” (for reporting periods commencing before 1 January 2013) or accounting standard AASB 10 “Consolidated Financial Statements” (for reporting periods commencing on or after 1 January 2013).

“Deed of Cross Guarantee” means the deed to which the Entity is a party which:

- (i) is in exactly the same terms as ASIC Pro Forma 24 except for the following:
  - (A) all instructions for the inclusion of specified information have been replaced by that information in a complete and accurate manner and any consequential changes of a minor or editorial nature that are necessary for the effective operation of the deed have been made;
  - (B) execution clauses have been added as required in order to facilitate the proper execution of the deed;
  - (C) the date has been completed;

- (D) the headnote, the headings before the headnote and any editorial note have been omitted;
- (ia) in the case of a deed lodged with ASIC before 1 July 2004 — is substantially in the form set out in ASIC Pro Forma 24 and which has been approved by ASIC under this order;
- (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);
- (ii) has been approved for the purposes of a previous order; or
- (iii) is in the form required for the purposes of Class Order [CO 95/1530], has been lodged with ASIC between 1 July 1998 and the date of this order, and has been approved by ASIC for the purposes of this order or Class Order [CO 95/1530] (even if the Entity never obtains relief under Class Order [CO 95/1530]),

and includes such a deed as varied by:

- (iv) an Assumption Deed contemplated by the Deed of Cross Guarantee and either:
  - (A) lodged with ASIC together with a 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;
  - (B) where the Assumption Deed is lodged with ASIC before 1 July 2004 — approved by ASIC;
- (v) a Revocation Deed contemplated by the Deed of Cross Guarantee;

“Exempt Entity” means a company which is not controlled by a foreign company and which is:

- (a) a small proprietary company; or
- (b) a large proprietary company which:
  - (i) satisfied all of the requirements of s319(4) of the Corporations Law (as taken to be included in the Act by s1408(2) of the Act), or would have satisfied all of those requirements except that its financial statements or financial reports during 1993 or a later financial year were not audited before the deadline for reporting to members for that year pursuant to relief obtained under this Class Order, Class Order [CO 95/1530] or Class Order [CO 96/1579]; and
  - (ii) has not at any time during 1993 or a later financial year been a member of a Closed Group for the purposes of this Class Order or Class Order [CO 95/1530] where that Closed Group included a company which was not an Exempt Entity;

“Extended Closed Group” means the Closed Group and any other entities which are parties to the Deed of Cross Guarantee and which are controlled by the Holding Entity;

“Holding Entity” is a company, a disclosing entity which is a body corporate incorporated or formed in Australia, or a registered foreign company:

- (i) of which the Entity is one of the Wholly-owned Entities;
- (ii) which is not controlled by another member of the Closed Group; and
- (iii) which is a party to the Deed of Cross Guarantee;

“previous order” means any one of ASIC Class Orders [CO 91/996] dated 19 December 1991, [CO 92/770] dated 20 July 1992, [CO 93/1370] dated 4 November, [CO 94/1862] dated 13 December 1994, [CO 95/1530] dated 10 November 1995 or [CO 96/153] dated 12 March 1996; and

“Wholly-owned Entities” collectively mean companies and foreign companies:

- (i) all of which are controlled by the Holding Entity;
- (ii) no member of any of which is a person other than the Holding Entity, another one of the Wholly-owned Entities, a nominee for the Holding Entity or a nominee for another one of the Wholly-owned Entities; and
- (iii) all of which are parties to the Deed of Cross Guarantee.

In this order, for the purposes of determining whether a person has complied with a requirement of Chapter 2M, ignore any non-compliance with the requirement that results merely from any or all of the following:

- (a) a person being an affected auditor (as defined in ASIC Class Order [CO 14/757]) rather than a registered company auditor;
- (b) an act, matter or thing being done by an affected auditor rather than a registered company auditor;
- (c) a company being an affected audit company (as defined in ASIC Class Order [CO 14/757]) rather than an authorised audit company;
- (d) an act, matter or thing being done by an affected audit company rather than an authorised audit company.

## **Second order**

And under subsection 341(1) of the Act ASIC relieves a company that is a Holding Entity for the purposes of the first order from the requirement to comply with subsections 295(2) and (3) of the Act to the extent they would prevent:

- (a) the inclusion of Consolidated Financial Statements (for the purposes of paragraph (f) of the first order) where the consolidated group is not a reporting entity for the purposes of accounting standards under subsection 296(1) of the Act; or
- (b) the notes to the Consolidated Financial Statements (within the meaning of the first order) from including the information specified in paragraph (i) of the first order.

## **Revocations**

Pursuant to subsection 341(1) of the Corporations Act 2001 (“the Act”), the Australian Securities and Investments Commission hereby revokes Class Orders [CO 95/1530] dated 10 November 1995, [CO 96/153] dated 12 March 1996, [CO 96/805] dated 28 May 1996 and [CO 97/1018] dated 9 July 1997, with effect for financial years ending on or after 1 July 1998 (8 July 1998 where the Holding Entity adopts Class Order [CO 98/0095]).

## Notes to ASIC Class Order [CO 98/1418]

### Note 1

ASIC Class Order [CO 98/1418] (in force under s341(1) of the *Corporations Act 2001*) as shown in this compilation comprises that Class Order amended as indicated in the tables below.

### Table of Instruments

Instrument number	Date of making or FRLI registration	Date of commencement	Application, saving or transitional provisions
[CO 98/1418]	13/8/1998 ( <i>see</i> F2006B01644)	13/8/1998	
[CO 98/2017]	30/10/1998 ( <i>see</i> F2006B00222)	30/10/1998	-
[CO 00/321]	8/2/2000 ( <i>see</i> F2006B00369)	8/2/2000	-
[CO 01/1087]	4/10/2001( <i>see</i> F2006B01645)	4/10/2001	-
[CO 02/248]	2/3/2002 ( <i>see</i> F2006B01646)	11/3/2002	-
[CO 02/1017]	26/7/2002 ( <i>see</i> F2006B01654)	26/7/2002	-
[CO 04/663]	22/6/2004 ( <i>see</i> F2006B01656)	22/6/2004	-
[CO 04/682]	1/7/2004 ( <i>see</i> (F2006B01657)	1/7/2004	-
[CO 05/542]	20/6/2005 ( <i>see</i> F2005L01930)	20/6/2005	-
[CO 05/1270]	16/12/2005 ( <i>see</i> F2011C00498)	1/1/2005	-
[CO 06/51]	31/1/2006 ( <i>see</i> F2006L00292)	31/1/2006	-
[CO 08/11]	31/3/2008 ( <i>see</i> F2008L00956)	31/3/2008	-
[CO 08/285]	16/6/2008 ( <i>see</i> F2008L02091)	16/6/2008	-
[CO 08/618]	14/8/2008 ( <i>see</i> F2008L03055)	14/8/2008	-
[CO 09/626]	11/8/2009 ( <i>see</i> F2009L03131)	11/8/2009	-
[CO 13/1051]	22/8/2013 ( <i>see</i> F2013L01614)	22/8/2013	-
[CO 14/757]	7/8/2014 ( <i>see</i> F2014L01082)	7/8/2014	-

## Note 2

ASIC Class Order [CO 05/1270] incorporates by reference amendments set out in ASIC Class Order [CO 04/1624]. A copy of ASIC Class Order [CO 04/1624] may be obtained from ASIC's website: <http://www.asic.gov.au/co>.

## Table of Amendments

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
Class order .....	[CO 98/2017]; [CO 00/321]; [CO 01/1087]; [CO 04/663] and [CO 06/51]
Subpara (6 <sup>th</sup> dash point).....	ad. [CO 98/2017] rs. [CO 04/682]
Para (b) heading .....	rs. [CO 04/663]
Para (c).....	am. [CO 01/1087] and [CO 02/248]
Para (da).....	ad. [CO 04/663]
Para (db).....	ad. [CO 04/663]
Para (f)(i) .....	am. [CO 05/1270]
Para (f)(ii) .....	am. [CO 01/1087] and [CO 06/51]
Para (f)(iii) .....	am. [CO 06/51]
Para (h)(i).....	am. [CO 06/51] rep. [CO 08/618]
Para (i) .....	am. [CO 01/1087]
Para (j)(iii) .....	am. [CO 06/51]
Para (k).....	am. [CO 06/51] rs. [CO 08/11] and [CO 09/626]
Para (ka).....	ad. [CO 08/11]
Para (kb).....	ad. [CO 08/11]
Para (l) .....	am. [CO 08/11]
Para (l)(iii) .....	ad. [CO 04/663] am. [CO 06/51] and [CO 08/285]
Para (m) .....	am. [CO 04/663]
Para (o)(i).....	am. [CO 08/11]
Para (o)(iii).....	rep. [CO 08/11]
Para (o)(iv).....	rs. [CO 04/663] rep [CO 08/11]
Para (o)(v).....	am. [CO 08/11]
Para (p).....	rep. [CO 08/11]
Para (p)(i).....	am. [CO 01/1087]
Para (p)(iii).....	am. [CO 01/1087]
Para (q)(iii).....	am. [CO 01/1087]
Para (s).....	am. [CO 01/1087]

<b>Provision affected</b>	<b>How affected</b>
Para (s)(i) .....	rs. [CO 04/663]
Para (s)(i)(A).....	am. [CO 08/285]
Para (s)(iii).....	rs. [CO 04/663]; am. [CO 08/285] and [CO 08/618]
Para (t) .....	rep. [CO 06/51]
Para (w).....	rs. [CO 08/11]
Schedule.....	am. [CO 01/1087] and [CO 02/1017] rs. [CO 05/1270] and [CO 08/11] am. [CO 08/285] and [CO 08/618]
Interpretation.....	am. [CO 01/1087]; [CO 02/248]; [CO 04/663]; [CO 05/1270]; [CO 05/542]; [CO 08/11], [CO 08/285]; [CO 13/1051] and [CO 14/757]
Second order .....	am. [CO 06/51] rs. [CO 08/11]
Revocations.....	am. [CO 06/51]