

**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 Order is ASIC Instrument 16-1012.

Commencement

3. This Instrument commences on the day it is signed.

Order

4. Ansett Australia Limited (subject to deed of company arrangement) ACN 004 209 410 (the *Company*) does not have to comply with any of the following obligations under Part 2M.3 of the Act:

- (a) report to members of the Company under section 314 within the time required by section 315;
- (b) send reports to a member of the Company in accordance with a request under subsection 316(1) within the time required by subsection 316(2);
- (c) lodge reports with ASIC under subsection 319(1) within the time required by subsection 319(3);

in relation to a financial year of the Company ending during the deferral period.

This paragraph applies until the last day of the deferral period.

Conditions

5. The deed administrators must do all of the following:
 - (a) must comply with any obligation to which paragraph 4 applies by no later than the last day of the deferral period;
 - (b) maintain arrangements for answering enquiries from members of the Company about the external administration of the Company;
 - (c) for each 6-month period commencing from 1 July 2016, during which the deed administrators are the deed administrators – within one month after that period, submit to ASIC an account that:

- (i) is verified by a written statement;
 - (ii) shows the receipts and payments information for the relevant period; and
 - (iii) shows the aggregate amount of receipts and payments information during all preceding 6-month periods since the commencement of the deed of company arrangement.
- (c) within 2 business days of submitting to ASIC an account referred to in subparagraph (b), make the account available on a website that is maintained by or on behalf of the deed administrators for the Company in a way that is readily accessible from the website; and
 - (d) within 2 business days of commencement of this order or of any subsequent order that amends this order, make the order available on the same website, and in the same way, referred to on subparagraph (c).
 - (e) must comply with any obligation to which paragraph 4 applies by no later than the last day of the deferral period.
 - (c) must have adequate arrangements in place to answer, within a reasonable period of time and without charge, any reasonable questions asked by a member of the Company about the external administration.
7. This instrument will cease to apply in relation to a financial year of the Company from the date of any failure to comply with a condition in paragraph 5 (subject to paragraph 6) in relation to the financial years.

Interpretation:

In this instrument:

Deed of company arrangement means the deed of company arrangement in respect of the Company, executed and dated 2 May 2002 (and varied on 31 August 2006), appointing Mark Anthony Korda and Mark Francis Mentha as deed administrators.

deferral period means the period starting on the date of this instrument and ending on whichever is the earlier of:

- (a) 12 October 2018; or
- (b) the date that the Company cease to be under external administration.

external administration means where an external administrator has been appointed to the Company.

external administrator means:

- (a) an administrator of the Company appointed under section 436A, 436B or 436C of the Act;
- (b) where the Company has executed a deed of company arrangement that has not yet terminated, the administrator of the deed appointed under Part 5.3A of the Act;
- (c) a provisional liquidator of the Company; or
- (d) a managing controller appointed in relation to property of the Company.

prescribed notice means a notice that contains statements to the following effect:

- (a) the reports for the relevant financial year of the Company have been lodged with ASIC; and
- (b) the Company will send copies of the reports to a member of the Company free of charge if the member asks for the reports in writing; and
- (c) the reports are available for download on the relevant website together with a hypertext link to the reports.

receipts and payments information means the accounts covering each 6 month period commencing from 1 July 2016 onwards, the information substantially in the form specified in sections 1 to 5 (inclusive) of ASIC Form 524 *Presentation of accounts and statement* that the deed administrators would have been required to lodge with ASIC under section 445J of the Act, had that section applied to deed administrators in relation to the Company.

verified by a written statement, in relation to an account, means a verification by the deed administrators in writing on the terms specified in section 7 of ASIC Form 524 *Presentation of accounts and statement*.

Dated: 12 October 2016



Signed by Pamela Smith

as a delegate of the Australian Securities and Investments Commission