

Deeds of cross-guarantee and related documents - ASIC Corporations (Wholly- owned Companies) Instrument 2016/785

Attach the documents indicated below to this form.

Document details

Indicate in the appropriate box the type of document(s) included with this form.

Type of document	ASIC use only (Form code)
<input type="checkbox"/> Deed of cross-guarantee - (<i>Pro forma</i> 24)	351
<input type="checkbox"/> Assumption deed - (<i>Pro forma</i> 27)	352
<input type="checkbox"/> Notice of disposal - (<i>Pro forma</i> 25)	353
<input type="checkbox"/> Revocation deed - (<i>Pro forma</i> 26)	355

Holding company details

Company name

ACN/ABN/ARBN

Lodgement details

Who should ASIC contact if there is a query about this form?

Firm/organisation

Contact name/position description

ASIC registered agent number (if applicable)

Company/entity name

ACN/ABN/ARBN (if applicable)

Telephone number

Postal or DX address

Email address (optional)

Total number of pages including this cover sheet

Signature

I certify that the information in this form is true and complete.

Name

Capacity

Entity name (if acting as an agent)

Signature

Date signed

<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>	/	<input type="text"/>	<input type="text"/>
[D	D]		[M	M]		[Y	Y]

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841.

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: Deeds of cross-guarantee and related documents - ASIC Corporations (Wholly- owned Companies) Instrument 2016/785

This guide does not form part of the form. It is included by ASIC to assist you in completing and lodging the Form CF06.

Use of this form

The use of this form is optional. It has been prepared by ASIC to assist industry with the lodgement process by highlighting information required by ASIC to make a more rapid assessment.

Lodgement fee

A lodgement fee may apply to the pro forma documents submitted under this form.

For information on fees refer to www.asic.gov.au/forms.

Documents to be attached to this form

All documents indicated on the form should be attached.

When preparing the documents accompanying this form please strongly consider whether details addressing the following factors should be included:

Deed of cross-guarantee/Assumption deed

Condition	Yes	No	Comments
• Is the Deed exactly in the form of the relevant pro forma (ie PF24 for deeds of cross-guarantee and PF27 for assumption deeds) except for the company names and date?	<input type="checkbox"/>	<input type="checkbox"/>	
• Is the following required documentation and the relevant fee ready to be lodged together: * Deed * Certification by a legal practitioner with a current practising certificate?	<input type="checkbox"/>	<input type="checkbox"/>	
• Will the deed be lodged before the end of the year for which relief is to first apply?	<input type="checkbox"/>	<input type="checkbox"/>	Refer paragraph 6(m) of ASIC Corporations (Wholly-owned Companies) Instrument 2016/785.
• Are all company ACNs/ARBNs correct in the relevant documents (deed schedule and solvency statements)?	<input type="checkbox"/>	<input type="checkbox"/>	
• Are all companies that are intending to rely on ASIC Corporations (Wholly-owned Companies) Instrument 2016/785 eligible for relief?	<input type="checkbox"/>	<input type="checkbox"/>	Refer subsections 6(a) and 6(b) of ASIC Corporations (Wholly-owned Companies) Instrument 2016/785.
• Has the deed been correctly executed?	<input type="checkbox"/>	<input type="checkbox"/>	
• If the trustee is a group entity, is there an alternative trustee?	<input type="checkbox"/>	<input type="checkbox"/>	Refer clause 7.1 of PF 24.
• Are all wholly-owned entities within the closed group included in the deed?	<input type="checkbox"/>	<input type="checkbox"/>	
• Has a director of each company seeking relief signed the solvency statement?	<input type="checkbox"/>	<input type="checkbox"/>	Refer to paragraph 6(g) (ii) of ASIC Corporations (Wholly-owned Companies) Instrument 2016/785.
• Is the certification by a legal practitioner complete?	<input type="checkbox"/>	<input type="checkbox"/>	Refer to definition of "certificate" in ASIC Corporations (Wholly-owned Companies) Instrument 2016/785.

Revocation deed

Condition	Yes	No	Comments
• Is the deed substantially in the form of PF26, (except for company names and the date)?	<input type="checkbox"/>	<input type="checkbox"/>	
• Are all company ACNs correct?	<input type="checkbox"/>	<input type="checkbox"/>	
• Has the deed been correctly executed? * Has it been executed by every party to the Deed of Cross Guarantee (ie trustee, group entities and related entities)? * Has the company seal been fixed to the document and fixing of the seal witnessed by 2 directors or 1 director and the secretary who have signed the document?	<input type="checkbox"/>	<input type="checkbox"/>	
• If the deed is releasing the Trustee and other group entities, have 2 deeds been executed (ie one with the trustee releasing all group entities and one with the alternative trustee releasing the trustee entity [in this second deed the word "Trustee" must have been replaced with "Alternative Trustee"])	<input type="checkbox"/>	<input type="checkbox"/>	N/A <input type="checkbox"/>

Notice of disposal

Condition	Yes	No	Comments
• Is the notice of disposal substantially in the form of PF25, (except for company names and the date)?	<input type="checkbox"/>	<input type="checkbox"/>	
• Are all company ACNs correct?	<input type="checkbox"/>	<input type="checkbox"/>	
• Has the notice of disposal been correctly executed? Has it been signed by a director or secretary of the holding company?	<input type="checkbox"/>	<input type="checkbox"/>	
• If the disposal is the result of a sale, is a certificate by the directors attached, certifying that the disposal is a bona fide sale and that the consideration for the sale is fair and reasonable?	<input type="checkbox"/>	<input type="checkbox"/>	

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

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