

3.3 Interpretation

3.3.1 Reference to:

- (a) one gender includes the others;
  - (b) the singular includes the plural and the plural includes the singular;
  - (c) a person includes a body corporate;
  - (d) a party includes the party's executors, administrators, successors and permitted assigns;
  - (e) a statute, regulation or provision of a statute or regulation ("Statutory Provision") includes:
    - (i) that Statutory Provision as amended or re-enacted;
    - (ii) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
    - (iii) another regulation or other statutory instrument made or issued under that Statutory Provision; and
  - (f) money is to Australian dollars, unless otherwise stated.
- 3.3.2 "Including" and similar expressions are not words of limitation.
- 3.3.3 Where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning.
- 3.3.4 Headings and any table of contents or index are for convenience only and do not form part of this Agreement or affect its interpretation.
- 3.3.5 A provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of the Agreement or the inclusion of the provision in the Agreement.
- 3.3.6 If an act must be done on a specified day which is not a Business Day, it must be done instead on the next Business Day.

3.4 Parties

- 3.4.1 If a party consists of more than 1 person, this Agreement binds each of them separately and any 2 or more of them jointly.
- 3.4.2 An obligation, representation or warranty in favour of more than 1 person is for the benefit of them separately and jointly.

4 PROVISION OF THE LOAN

4.1 When Loan to be provided

So long as an Event of Default has not occurred, and subject to the provisions of this Agreement, the Lender will provide the Loan on the Commencement Date, as requested in writing by the Borrower. If the parties agree, the Loan may be provided in 2 or more instalments.