



Commonwealth of Australia



ASIC

Australian Securities &
Investments Commission

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RIGHTS OF REVIEW

Persons affected by certain decisions made by ASIC under the Corporations Act and the other legislation administered by ASIC may have rights of review. ASIC has published **Practice Note 57 [PN57] Notification of rights of review** and Information Sheet [INFO 1100] **ASIC decisions – your rights** to assist you to determine whether you have a right of review. You can obtain a copy of these documents from the ASIC Digest, the ASIC website at www.asic.gov.au or from the Administrative Law Co-ordinator in the ASIC office with which you have been dealing.

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Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 951B(1)(c) — Declaration and Revocation

1. Under paragraph 951B(1)(c) of the *Corporations Act 2001* (the *Act*) the Australian Securities and Investments Commission (*ASIC*) declares that Part 7.7 of the Act applies in relation to the class of persons referred to in the Schedule as if provisions of that Part were modified or varied as follows:

Main modifications

- (a) in Division 3, add after section 948A:

'Subdivision F – Statement of Additional Advice

948AA What is a Statement of Additional Advice

A *Statement of Additional Advice* is a document by which a person who provides another person (the *client*) with advice may satisfy the requirement to give the client a Statement of Advice in relation to the advice without necessarily setting out all the information required to be contained in the Statement of Advice because the client has previously received that information in another form mentioned in this Subdivision.

948AB Title of Statement of Additional Advice

- (1) The title "Statement of Additional Advice" must be used on the cover of, or at or near the front of, a Statement of Additional Advice.
- (2) In any other part of a Statement of Additional Advice, "Statement of Additional Advice" may be abbreviated to "SoAA".

948AC Situation in which a Statement of Additional Advice can be given

- (1) If:
- (a) apart from this section, a person (the *providing entity*) would be required to give another person (the *client*) a Statement of Advice; and
- (b) the client has previously been given an eligible advice document containing some, but not all, of the statements or information that the Statement of Advice is required to contain, by:
- (i) the providing entity; or
- (ii) another person (the *previous providing entity*) that was, when the document was given, an authorised representative of the financial services licensee (the *authorising licensee*) that the providing entity is an authorised representative of at the time the providing entity is required to give the client the Statement of Advice; or
- (iii) the authorising licensee,

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then subject to this Subdivision, the providing entity may, instead of giving the client the Statement of Advice, give the client a Statement of Additional Advice.

(2) In this section:

authorised representative of an authorising licensee means:

- (a) in relation to a time before Part 7.7 applied to the authorising licensee – a person who provided a financial service on behalf of the authorising licensee at a time when the authorising licensee was a person of the kind described in an item of column 2 of the table in subsection 1430(1); and
- (b) otherwise – an **authorised representative** as defined in section 761A;

eligible advice document means any of the following:

- (a) a Statement of Advice given to the client by the providing entity, a previous providing entity or the authorising licensee; or
- (b) a Statement of Additional Advice given to the client by the providing entity, a previous providing entity or the authorising licensee; or
- (c) any document given to the client by the providing entity, a previous providing entity or the authorising licensee where all of the following apply:
 - (i) the document was given to the client before Part 7.7 applied to the authorising licensee;
 - (ii) the authorising licensee was a person of the kind described in an item of column 2 of the table in subsection 1430(1) at the time the document was given; and
 - (iii) the document:
 - (A) was the means by which financial product advice was given to the client; or
 - (B) was a record of financial product advice given to the client; or
 - (C) was a record of the client's relevant personal circumstances in relation to the giving of financial product advice.

(3) In this Subdivision **eligible advice document** has the same meaning as in this section.

948AD Content of Statement of Additional Advice

- (1) A Statement of Additional Advice must include all of the statements or information that the Statement of Advice (the **substituted Statement**) that would otherwise be required to be given would be required to include.

Note: The effect of section 948AF must be taken into account in determining whether this provision is complied with.

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- (2) A Statement of Additional Advice may incorporate any statements or information contained in an eligible advice document other than:
- (a) statements required to be included in the substituted Statement by section 945B; and
 - (b) information required to be included in the substituted Statement by paragraphs 947B(2)(d) and (e), or paragraphs 947C(2)(e) and (f), as the case requires, that specifically relates to the advice that would be covered by the substituted Statement (regardless of how it is expressed in the eligible advice document); and
 - (c) information required to be included in the substituted Statement by section 947D.

The statements or information that may be incorporated into a Statement of Additional Advice are referred to elsewhere in this Subdivision as *relevant statements or information*.

- (3) A Statement of Additional Advice may contain other statements or information.
- (4) At or near the beginning of a Statement of Additional Advice there must be:
- (a) a statement clearly identifying the eligible advice documents (the *identified eligible advice documents*) from which it incorporates statements or information;
 - (b) a statement to the effect that the Statement of Additional Advice should be read together with all the identified eligible advice documents and that the relevant statements or information in the identified eligible advice documents are taken to be incorporated in the Statement of Additional Advice except to the extent clearly set out in the Statement of Additional Advice;
 - (c) a statement that clearly explains the extent (if any) to which the relevant statements or information taken to be incorporated from the identified eligible advice documents are no longer accurate; and
 - (d) a statement that a person can obtain a copy of any or all of the identified eligible advice documents from the providing entity free of charge and how copies can be obtained.
- (5) The Statement of Additional Advice must be dated. The date must be the date on which the Statement of Additional Advice was prepared or its preparation was completed.
- (6) For the purposes of subsection (2), information of the kind required by paragraphs 947B(2)(d) or 947C(2)(e) included in an identified eligible advice document that was the means by which financial product was given or was a record of financial product advice is taken not to *specifically relate* to advice that would be covered by the substituted Statement if it is about the

remuneration (including commission) or other benefits that a person referred to in those paragraphs is to receive as a result of:

- (a) the financial product advice set out in the identified eligible advice document being acted on (regardless of whether that advice has been acted on at the time of the preparation of the Statement of Additional Advice); and
- (b) the advice that would be in the substituted Statement being acted on.

Note: An effect of subsections 948AD(2) and (6) is that some kinds of information about remuneration may be incorporated by reference in a Statement of Additional Advice. For example, information about brokerage rates for share transactions set out in the eligible advice document may be so incorporated if those rates are applicable to transactions conducted as a result of acting on any advice included in or covered by the eligible advice document as well as acting on the advice covered by the Statement of Additional Advice.

948AF Inclusion of information in a Statement of Additional Advice by reference

A Statement of Additional Advice is taken to include all of the relevant statements or information included in an eligible advice document identified in it and from which it is expressed to incorporate relevant statements or information, except to the extent clearly set out in the Statement of Additional Advice.

948AG Wording and presentation of a Statement of Additional Advice

The statements or information included (other than because of section 948AF) in a Statement of Additional Advice must be worded and presented in a clear, concise and effective manner.

948AH How a Statement of Additional Advice must be given

A Statement of Additional Advice is given to a person if it is given in any way permitted by section 940C in relation to a Statement of Advice.

948AI Statement of Additional Advice not to be combined with Financial Services Guide or Product Disclosure Statement

A Statement of Additional Advice must not be combined in a single document with a Financial Services Guide or a Product Disclosure Statement.”;

Consequential modifications

- (b) in section 761A add after the definition of *self-managed superannuation fund*:
 “*Statement of Additional Advice* has the meaning given by section 948AA.”;
- (c) in subsection 766B(9) (definition of *exempt document or statement*) omit “Advice;” from subparagraph (a)(i), substitute “Advice or Statement of Additional Advice;”;
- (d) in section 940B:
 - (i) omit “section 940C)” from paragraph (1)(b), substitute “section 940C or 948AH)”;

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- (ii) after “section)” in paragraph (2)(a) insert “or section 948AH”;
- (e) in subsection 946A(3) after “section 946B” insert “and Subdivision F”;
- (f) in subsection 952B(1) (definition of *defective*):
 - (i) omit “Advice,” from paragraph (b) (introductory words), substitute “Advice or Statement of Additional Advice,”; and
 - (ii) at the end of subparagraph (b)(iii) add “or”; and
 - (iii) after subparagraph (b)(iii) add:
 - “(iv) if it is a Statement of Additional Advice that is given for the purposes of section 948AC – there is an omission from the Statement of Additional Advice of material that because of subsection 948AD is required by paragraphs 947B(2)(d) and (e), or 947C(2)(e) and (f), or sections 945B or 947D;”;
- (g) in section 952B (definition of *disclosure document or statement*) after paragraph (c) insert:
 - “(ca) a Statement of Additional Advice; or”;
- (h) in section 952C omit “section 940C” (twice occurring), substitute “section 940C or 948AH”;
- (i) in each of subsections 952D(3) and 952E(7) omit “section 940C.”, substitute “section 940C or 948AH.”;
- (j) in subsection 952F(1) after “Advice,” (twice occurring) insert “a Statement of Additional Advice,”;
- (k) in subsection 952G(1) after “Advice,” (twice occurring) insert “a Statement of Additional Advice,”;
- (l) in section 952J:
 - (i) omit “person;” in paragraph (1)(a), substitute “person, or instead gives the person a Statement of Additional Advice;”;
 - (ii) omit “947E.” from paragraph (1)(b), substitute “947E or the Statement of Additional Advice does not comply with section 948AB or 948AI.”; and
 - (iii) omit “section 940C.” from subsection (3), substitute “section 940C or 948AH.”;
- (m) in subsection 953A(1) (definition of *defective*):
 - (i) omit “Advice,” from paragraph (b) (introductory words), substitute “Advice or Statement of Additional Advice,”; and
 - (ii) omit “section.” from the end of subparagraph (b)(iii), substitute “section; or”; and

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(iii) after subparagraph (b)(iii) add:

“(iv) if it is a Statement of Additional Advice that is given for the purposes of section 948AC – there is an omission from the Statement of Additional Advice of material that because of section 948AD is required by paragraphs 947B(2)(d) and (e), or 947C(2)(e) and (f), or sections 945B or 947D.”;

(n) in subsection 953A(1) (definition of *disclosure document or statement*) after paragraph (c) insert:

“(ca) a Statement of Additional Advice; or”; and

(o) in section 953B omit “section 940C” (twice occurring), substitute “section 940C or 948AH”.

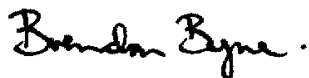
Revocation

2. Under paragraph 951B(1)(c) of the Act, ASIC revokes Class Order [04/576].

Schedule

A person who is required by a provision of Part 7.7 of the Act to give another person a Statement of Advice, except a person who has received written notice from ASIC stating that this instrument does not apply in relation to the person.

Dated this 21st day of December 2004



Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission

04/1633



Corporations (Terrey Hills Golf and Country Club Holdings Limited) Exemption Notice 2004

I, CHRIS PEARCE, Parliamentary Secretary to the Treasurer, issue this Notice under section 791C of the *Corporations Act 2001*.

Dated 22 DECEMBER 2004

Parliamentary Secretary to the Treasurer

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Section 1

1 Name of Notice

This Notice is the *Corporations (Terrey Hills Golf and Country Club Holdings Limited) Exemption Notice 2004*.

2 Commencement

This Notice commences on the date of its publication in the *Gazette*.

3 Termination of exemption

This exemption terminates at the end of 30 January 2011.

4 Definitions

In this Notice:

Act means the *Corporations Act 2001*.

note transfer facility means the financial market that is to be operated by Terrey Hills in relation to the notes mentioned in section 6.

Terrey Hills means Terrey Hills Golf and Country Club Holdings Limited (ACN 003 917 628).

Note Other terms defined or used in the Act have the same meaning in this Notice (see *Acts Interpretation Act 1901*, section 46). These include:

- ASIC (section 9 of the Act)
- financial market (section 761A of the Act)
- financial product (section 761A of the Act).

5 Exemption

For section 791C of the Act and subject to the conditions mentioned in sections 6 to 14 of this Notice, the note transfer facility is exempt from the operation of Part 7.2 of the Act.

6 Financial products

The financial products that Terrey Hills may allow to trade on the note transfer facility are restricted to notes:

- (a) that are issued by Terrey Hills; and
- (b) that are in all material respects issued in accordance with the terms and conditions of the "A" Notes or the "B" Notes described in the Prospectus dated 23 December 2003; and
- (c) that entitle the note holder to become a member of the golf club operated by Terrey Hills; and

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Section 11

- (d) that give the holder the right to use the facilities of the golf club operated by Terrey Hills; and
- (e) under which no interest is payable.

7 Limit on transactions

Terrey Hills must not permit more than 100 completed transactions to be entered into through the note transfer facility in any 12 month period.

8 Automatic execution of orders and formation of contracts

The note transfer facility must not have a mechanism for the automatic:

- (a) execution of orders; or
- (b) formation of contracts between users of the facility that enter into a transaction through the facility.

9 Handling of purchase money

Terrey Hills must not handle the purchase money for the settlement of a transaction entered into through the note transfer facility.

10 Notification to first-time users

If a person wants to use the note transfer facility, Terrey Hills must notify the person, in writing, before the person uses the facility for the first time, that:

- (a) the facility is covered by an exemption under section 791C of the Act; and
- (b) as a consequence, Terrey Hills is not licensed under Part 7.2 of the Act in relation to the facility; and
- (c) Terrey Hills is not subject to legal obligations that apply to the operator of a licensed financial market, including the requirement, to the extent that it is reasonably practicable to do so, to do all things necessary to ensure that the market is a fair, orderly and transparent market.

11 Operation of the note transfer facility

Terrey Hills must operate the note transfer facility, in all essential details, in the way set out in:

- (a) the application for this exemption by Terrey Hills dated 9 January 2004; and
- (b) any additional documents provided to ASIC in support of the application.

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Section 12**12 Compliance with the Act**

- (1) Terrey Hills must comply with the provisions of Chapters 6CA and 7 of the Act (except to the extent that Terrey Hills is exempt from the operation of Part 7.2 of the Act).
- (2) Terrey Hills must notify ASIC, in writing, as soon as practicable, if Terrey Hills:
 - (a) fails to comply with any provision of Chapter 6CA or 7 of the Act (except to the extent that Terrey Hills is exempt from the operation of Part 7.2 of the Act); or
 - (b) has reason to suspect, in the course of operating the note transfer facility, that another person has committed, is committing, or is likely to commit, a contravention of the Act in connection with the person's participation in the facility.

13 Requests from ASIC or authorised persons

Terrey Hills must comply with a request from ASIC, or a person authorised by ASIC, to assist in monitoring and supervising compliance with the conditions set out in this exemption, including:

- (a) giving ASIC a copy of any records about the operation of the note transfer facility; and
- (b) allowing ASIC, or a person authorised by ASIC, access to any premises at which the facility is conducted.

14 Report about transactions

For:

- (a) the period of 12 months after the commencement of this Notice; and
- (b) each subsequent period of 12 months;

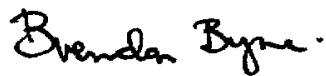
Terrey Hills must give a written report to ASIC, as soon as practicable after the end of the period, but not later than 1 month after the end of the period, stating the total number and total value (measured by sale price) of transactions carried out on the note transfer facility for each month of the period.

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**Australian Securities and Investments Commission
Corporations Act 2001 — Section 65, Paragraph 911A(2)(l) and
Subsections 1020F(1) and 1437(2) — Revocations**

1. The Australian Securities and Investments Commission effects these revocations under section 65, paragraph 911A(2)(l) and subsections 1020F(1) and 1437(2) of the *Corporations Act 2001*.
2. The following instruments are revoked:
 - Class Order [CO 94/1913]
 - Class Order [CO 02/434]
 - Class Order [CO 02/435]
 - Class Order [CO 02/436]
 - Class Order [CO 02/734]
 - Class Order [CO 02/779]
 - Class Order [CO 02/1013]
 - Class Order [CO 02/1071]
 - Class Order [CO 02/1084]
 - Class Order [CO 02/1399]
 - Class Order [CO 03/645]
 - Class Order [CO 03/653]
 - Class Order [CO 03/965].
3. This instrument commences on gazettal.

Dated this 23rd day of December 2004



Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission

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**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraphs 601QA(1)(b) –Declaration**

Under paragraph 601QA(1)(b) of the *Corporations Act 2001* (the "Act"), the Australian Securities and Investments Commission ("ASIC") declares that section 601NG of the Act applies to the person referred to in Schedule A in the case referred to in Schedule B as if section 601NG was modified or varied in the manner set out in Schedule C.

Schedule A

Your Prosperity Limited ACN 077 305 652 ("YP") in its capacity as operator of the IDPS under the Dealers Licence.

Schedule B

Where:

- (a) YP has in its possession or control unclaimed money or undistributed money or other property (*Unclaimed Property*) held through the IDPS; and
- (b) The total value of all Unclaimed Property does not exceed \$50,000.

Schedule C

- 1. Omit "registered scheme", substitute "managed investment scheme that is not a registered scheme".

Interpretation

In this instrument:

Dealers Licence means the dealers licence (licence no: 176430) dated 30 November 2000 granted by ASIC under section 784 of the Corporations Law; and

IDPS means the Investor Directed Portfolio Service within the meaning of paragraph 1 of Class Order [CO02/294] operated by YP, the winding up of which has been completed.

Dated this 24th day of December 2004



Signed by Lidia Muhieddine
as a delegate of the Australian Securities and Investments Commission



04/1637

AUSTRALIAN SECURITIES
& INVESTMENTS COMMISSION

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ASIC

Australian Securities & Investments Commission

NOTICE UNDER SUBSECTION 830(1) OF THE CORPORATIONS ACT 2001 (AS IT APPLIED PRIOR TO 11 MARCH 2002) AND SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001

Notice is hereby given under subsection 830(1) of the Corporations Act 2001 (as it applied prior to 11 March 2002) and sections 920A and 920B of the Corporations Act 2001 that the Australian Securities and Investments Commission has made an order in the terms set out below, which order took effect on the date of service of it on the person to whom it relates, being 5 JANUARY 2005.

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**IN THE MATTER OF ALEXANDER CARRICK ROSS
AND THE CORPORATIONS ACT 2001**

To: **ALEXANDER CARRICK ROSS**
22 Grant Street
BERWICK VIC 3806

**BANNING ORDER PURSUANT TO SUBSECTION 830(1) OF THE
CORPORATIONS ACT 2001 (AS IT APPLIED PRIOR TO 11 MARCH 2002) AND
SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001**

TAKE NOTICE that pursuant to subsection 830(1) of the Corporations Act 2001 (as it applied prior to 11 March 2002) and sections 920A and 920B of the Corporations Act 2001 the Australian Securities and Investments Commission **HEREBY PROHIBITS ALEXANDER CARRICK ROSS** from the date of service of this Banning Order from **PERMANENTLY** providing any financial services

Dated this 24th day of December 2004.

Signed:.....

JOHN RAIKE
Delegate of the
Australian Securities and Investments Commission.

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Australian Securities and Investments Commission
Corporations Act 2001 - Paragraphs 741(1)(b) and 1020F(1)(c) - Declaration

First Exemption: Distribution Plan relief

Under paragraph 741(1)(b) of the *Corporations Act 2001* (the Act), the Australian Securities and Investments Commission (ASIC) declares that Chapter 6D.2 applies to the Company (as defined in Schedule A) in the case specified in Schedule B as if subsection 708(13) were modified by:

1. deleting "or" at the end of subsection 708(13)(a);
2. deleting "." at the end of subsection 708(13)(b) and adding "; or"; and
3. adding a new subsection 708(13)(c) as follows:

"an offer of fully-paid shares in a body and interests in a managed investment scheme to 1 or more existing holders of shares and interests, is made under a reinvestment plan where the shares and interests offered under the reinvestment plan can only be traded or transferred together."

And under paragraph 1020F(1)(c) of the Act, ASIC hereby declares that Part 7.9 of the Act applies to the Responsible Entity (as defined in Schedule A) in the case specified in Schedule B as if subsection 1012D(3) were modified by:

1. deleting "or" at the end of subsection 1012D(3)(b)(i);
2. deleting "." and adding ";" at the end of subsection 1012D(3)(b)(ii); and
3. adding a new subsection 1012D(3)(b)(iii) as follows:

"in a recommendation situation - the advice that constitutes the relevant conduct relates to an offer made under a distribution reinvestment plan where the interests in a managed investment scheme and the shares in a body offered under the distribution reinvestment plan can only be traded or transferred together; or"

4. adding a new subsection 1012D(3)(b)(iv) as follows:

"in an issue situation - the offer or issue that constitutes the relevant conduct is made under a distribution reinvestment plan where the interests in a managed investment scheme and shares in a body offered under the distribution reinvestment plan can only be traded or transferred together."

Second Exemption: Secondary sales relief

And under paragraph 741(1)(b) of the Act, ASIC declares that Chapter 6D applies to the Company (as defined in Schedule A) in the case specified in Schedule C as if section 707 were modified or varied by omitting subsections 707(3) and (4) and substituting:

- “(3) An offer of a body's securities for sale within 12 months after their issue needs disclosure to investors under this Part if the body issued the securities:
- (a) without disclosure to investors under this Part; and

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- (b) with the purpose of the person to whom they were issued:
- (i) selling or transferring them; or
 - (ii) granting, issuing or transferring interests in, or options or warrants over, them;
- and section 708 or 708A does not say otherwise.
- (4) Unless the contrary is proved, a body is taken to issue securities with the purpose referred to in paragraph 3(b) if any of the securities are subsequently sold, or offered for sale, within 12 months after their issue.”.

Third Exemption: Continuously quoted relief

And under paragraphs 741(1)(b) and 1020F(1)(c) of the Act, ASIC declares that for the purposes of subsections 713(1) and 1013FA(1) and paragraph 1013F(2)(d), securities issued by Company and interests issued by the Responsible Entity specified in Schedule A in the case specified in Schedule D are deemed to be "continuously quoted securities".

Schedule A

Macquarie Infrastructure Bermuda Limited (**Company**) and Macquarie Infrastructure Investment Management Limited ACN 072 609 271 (**Responsible Entity**) in its capacity as the responsible entity of the Macquarie Infrastructure Investment Trust (I) ARSN 092 863 780 and the Macquarie Infrastructure Investment Trust (II) ARSN 092 863 548 (**Scheme**).

Schedule B

Offers for issue under the Macquarie Infrastructure Group Distribution Reinvestment Plan (**Plan**) of shares in the Company and units in the Scheme where:

1. each investor has agreed in writing to the terms of the Plan upon election to participate;
2. any subsequent amendments to the Plan will be notified to investors;
3. participation in the Plan is not compulsory; and
4. the terms of the Plan permit distributions and dividends to be pooled prior to the offer or issue of stapled securities under the Plan.

Schedule C

Offers of securities in the Company for sale within 12 months of their issue pursuant to a scheme of arrangement approved by the court in accordance with section 425 of the *Companies Act 1985* (UK) (**UK Companies Act**) where:

1. The Explanatory Statement provided under the UK Companies Act meets the disclosure standards under subsection 713(2) of the Act.
2. The notice of scheme meeting and accompanying Explanatory Statement (**Scheme Documents**) are:

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- a) provided to the Australian Stock Exchange (ASX) for release to the market at the same time as the Scheme Documents are despatched to members; and
- b) the order of the court under section 425 of the UK Companies Act is provided to the ASX for release to the market prior to the time when the Company securities are first quoted on the ASX.

Schedule D

An offer of a stapled security comprising of securities in the Company and interests in the Scheme in the 12 months following the listing of the Company pursuant to a scheme of arrangement approved by the court in accordance with section 425 of the UK Companies Act.

Interpretation

“stapled security” means two or more financial products (at least one of which is a share) which, under the terms on which each is traded, must be transferred together.

Dated this twelfth day of January 2005



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

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**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 951B(1)(a) – Variation**

Under paragraph 951B(1)(a) of the *Corporations Act 2001* the Australian and Securities Investments Commission varies ASIC Instrument [04/288] by omitting "31 September 2005" and substituting "30 September 2005" in the introductory words.

Dated the 7th day of January 2005.



Signed by Lidia Muhieddine
as a delegate of the Australian Securities and Investments Commission

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Australian Securities and Investments Commission

Corporations Act 2001 - Paragraphs 741(1)(b) and 1020F(1)(c) - Declaration

First Exemption: Distribution Plan Relief

Under paragraph 741(1)(b) of the *Corporations Act 2001* (the *Act*), the Australian Securities and Investments Commission (*ASIC*) declares that Chapter 6D.2 applies to the Company (as defined in Schedule A) in the case specified in Schedule B as if subsection 708(13) were modified by:

1. deleting “or” at the end of subsection 708(13)(a);
2. deleting “.” at the end of subsection 708(13)(b) and adding “; or”; and
3. adding a new subsection 708(13)(c) as follows:

“an offer of fully-paid shares in a body and interests in a managed investment scheme to 1 or more existing holders of shares and interests, is made under a reinvestment plan where the shares and interests offered under the reinvestment plan can only be traded or transferred together.”

And under paragraph 1020F(1)(c) of the Act, ASIC hereby declares that Part 7.9 of the Act applies to the Responsible Entity (as defined in Schedule A) in the case specified in Schedule B as if subsection 1012D(3) were modified by:

1. deleting “or” at the end of subsection 1012D(3)(b)(i);
2. deleting “.” and adding “;” at the end of subsection 1012D(3)(b)(ii); and
3. adding a new subsection 1012D(3)(b)(iii) as follows:

“in a recommendation situation - the advice that constitutes the relevant conduct relates to an offer made under a distribution reinvestment plan where the interests in a managed investment scheme and the shares in a body offered under the distribution reinvestment plan can only be traded or transferred together; or”

4. adding a new subsection 1012D(3)(b)(iv) as follows:

“in an issue situation - the offer or issue that constitutes the relevant conduct is made under a distribution reinvestment plan where the interests in a managed investment scheme and shares in a body offered under the distribution reinvestment plan can only be traded or transferred together.”

Second Exemption: Secondary Sales Relief

And under paragraph 741(1)(b) of the Act, ASIC declares that Chapter 6D applies to the Company (as defined in Schedule A) in the case specified in Schedule C as if section 707 were modified or varied by omitting subsections 707(3) and (4) and substituting:

- “(3) An offer of a body's securities for sale within 12 months after their issue needs disclosure to investors under this Part if the body issued the securities:
- (a) without disclosure to investors under this Part; and

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- (b) with the purpose of the person to whom they were issued:
- (i) selling or transferring them; or
 - (ii) granting, issuing or transferring interests in, or options or warrants over, them;
- and section 708 or 708A does not say otherwise.
- (4) Unless the contrary is proved, a body is taken to issue securities with the purpose referred to in paragraph 3(b) if any of the securities are subsequently sold, or offered for sale, within 12 months after their issue.”.

Third Exemption: Continuously Quoted Relief

And under paragraphs 741(1)(b) and 1020F(1)(c) of the Act, ASIC declares that for the purposes of subsections 713(1) and 1013FA(1) and paragraph 1013F(2)(d), securities issued by Company and interests issued by the Responsible Entity specified in Schedule A in the case specified in Schedule D are deemed to be "continuously quoted securities".

Schedule A

Macquarie Infrastructure Bermuda Limited (*Company*) and Macquarie Infrastructure Investment Management Limited ACN 072 609 271 (*Responsible Entity*) in its capacity as the responsible entity of the Macquarie Infrastructure Trust (I) ARSN 092 863 780 and the Macquarie Infrastructure Trust (II) ARSN 092 863 548 (*each a Scheme*).

Schedule B

Offers for issue under the Macquarie Infrastructure Group Distribution Reinvestment Plan (*Plan*) of shares in the Company and units in the Scheme where:

1. each investor has agreed in writing to the terms of the Plan upon election to participate;
2. any subsequent amendments to the Plan will be notified to investors;
3. participation in the Plan is not compulsory; and
4. the terms of the Plan permit distributions and dividends to be pooled prior to the offer or issue of stapled securities under the Plan.

Schedule C

Offers of securities in the Company for sale within 12 months of their issue pursuant to a scheme of arrangement approved by the court in accordance with section 425 of the *Companies Act 1985* (UK) (*UK Companies Act*) where:

1. The Explanatory Statement provided under the UK Companies Act meets the disclosure standards under subsection 713(2) of the Act.
2. The notice of scheme meeting and accompanying Explanatory Statement (*Scheme Documents*) are:

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- a) provided to the Australian Stock Exchange (ASX) for release to the market at the same time as the Scheme Documents are despatched to members; and
- b) the order of the court under section 425 of the UK Companies Act is provided to the ASX for release to the market prior to the time when the Company securities are first quoted on the ASX.


Schedule D

An offer of a stapled security comprising of securities in the Company and interests in each Scheme in the 12 months following the listing of the Company pursuant to a scheme of arrangement approved by the court in accordance with section 425 of the UK Companies Act.

Interpretation

stapled security means two or more financial products (at least one of which is a share) which, under the terms on which each is traded, must be transferred together.

Dated this 12th day of January 2005



Signed by Andrew Yik
as a delegate of the Australian Securities and Investments Commission

05 / 0014

Australian Securities and Investments Commission**Corporations Act 2001 — Paragraphs 741(1)(b) and 1020F(1)(c) — Revocation**

Under paragraphs 741(1)(b) and 1020F(1)(c) of the *Corporations Act 2001* (the *Act*) the Australian Securities and Investments Commission (*ASIC*) revokes ASIC Instrument [05/0011] dated 12 January 2005.

This instrument commences 13 January 2005.

Dated this 13th of January 2005



Signed by Andrew Yik
as a delegate of the Australian Securities and Investments Commission

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**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 601QA(1)(b) – Declaration**

Pursuant to paragraph 601QA(1)(b) the Australian Securities and Investments Commission declares that Chapter 5C of the *Corporations Act 2001* applies to the person referred to in the Schedule until 31 March 2005 as if section 601GA was modified or varied by:

1. in subsection (1), omitting "The" and substituting "Subject to subsections (5), (6) and (7), the";
2. in subsection (4), omitting "If" and substituting "Subject to subsections (5), (6) and (7), if";
3. adding after subsection 601GA(4):

" (5) The constitution does not have to make adequate provision for transaction costs associated with the acquisition of an interest in the scheme or a withdrawal from the scheme where the responsible entity discloses the basis on which those costs are calculated:

 - (a) in each Product Disclosure Statement for interests in the scheme that is given to a person as a retail client while the constitution does not make such provision; or
 - (b) where a Product Disclosure Statement is not required to be given, in each information memorandum for interests in the scheme that is given to a person while the constitution does not make such provision.

(6) The constitution does not have to make adequate provision for the consideration to acquire an interest in the scheme or the proceeds payable upon a withdrawal from the scheme to the extent that it depends on determining the value of an asset that is scheme property or the amount of a liability that may be satisfied from scheme property where the responsible entity:

 - (a) reasonably believes that the value or amount cannot be objectively ascertained at the relevant time; and
 - (b) discloses a general description of the valuation methods and policies it will apply in determining the value or amount:
 - (i) in each Product Disclosure Statement for interests in the scheme that is given to a person as a retail client while the constitution does not make such provision; or
 - (ii) where a Product Disclosure Statement is not required to be given, in each information memorandum for interests in the scheme that is given to a person while the constitution does not make such provision.

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(7) The constitution does not have to make adequate provision for any initial fee that must be paid to acquire an interest in the scheme provided that:

- (a) the constitution states the maximum amount of initial fees that will be charged to acquire an interest in the scheme;
- (b) each Product Disclosure Statement for interests in the scheme that is given to a person as a retail client while the constitution does not make such provision states:
 - (i) the maximum amount of initial fees that must be paid to acquire an interest in the scheme; and
 - (ii) the factors that will affect the actual amount of initial fees that must be paid to acquire an interest in the scheme; and
- (c) where a Product Disclosure Statement is not required to be given, each information memorandum for interests in the scheme that is given to a person while the constitution does not make such provision states:
 - (i) the maximum amount of initial fees that must be paid to acquire an interest in the scheme; and
 - (ii) the factors that will affect the actual amount of initial fees that must be paid to acquire an interest in the scheme.

(8) In this section:

initial fee means the fee (if any) that must be paid to the responsible entity to acquire an interest in the scheme and does not exceed 10% of the consideration to acquire an interest in the scheme;

information memorandum means a document provided to wholesale clients, as defined in section 761G, in connection with the offer to issue, offer to arrange for the issue or the issue of interests in the scheme; and

transaction costs means, in relation to the acquisition of an interest in the scheme or a withdrawal request, the amount that is included in the price at which the interest is acquired or has been deducted from the amount that would otherwise be paid in meeting the request that is reasonably attributable to the expenses associated with the acquisition or disposal of scheme assets merely because the interest has been acquired or the withdrawal request is met."

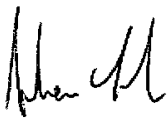
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Schedule

Elfred Enterprises Limited ACN 096 077 575 in its capacity as responsible entity of the Ray White Invest Property Trust No 5 ARSN 112 329 192.

Dated this 7th day of January 2005



Signed by
Andrew Yik
as a delegate of the Australian Securities and Investments Commission



ASIC

05/0016

Australian Securities & Investments Commission

NOTICE UNDER SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001

Notice is hereby given under sections 920A and 920B of the Corporations Act 2001 that the Australian Securities and Investments Commission has made an order in the terms set out below, which order took effect on the date of service of it on the person to whom it relates, being 6 January 2005.

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**IN THE MATTER OF KANG CUN ZHUANG (also known as CHEE QIAN SOO,
ALLAN SOO and JASON SOO)**

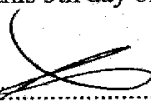
AND**THE CORPORATIONS ACT 2001**

**To: KANG CUN ZHUANG
(also known as CHEE QIAN SOO, ALLAN
SOO and JASON SOO)
9/23 Elphin Grove,
Hawthorn Vic 3122**

**BANNING ORDER PURSUANT TO SECTIONS 920A AND 920B OF THE
CORPORATIONS ACT 2001**

TAKE NOTICE that pursuant to sections 920A and 920B of the Corporations Act 2001 the Australian Securities and Investments Commission **HEREBY PROHIBITS KANG CUN ZHUANG (also known as CHEE QIAN SOO, ALLAN SOO and JASON SOO)** from the date of service of this Banning Order from **PERMANENTLY** providing any financial services

Dated this 5th day of January 2005.

Signed 
JOHN RAIKE
Delegate of the
Australian Securities and Investments Commission.

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Your attention is drawn to sections 920C and 1311 of the Corporations Act 2001 (as in force after 11 March 2002), which provides that a person commits an offence if they engage in conduct that breaches a banning order that has been made against them (Penalty \$2,750 or imprisonment for 6 months or both).



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ASIC

Australian Securities & Investments Commission

Australian Securities & Investments Commission
Corporations Act 2001 Section 915B

Notice of Cancellation of an Australian Financial Services Licence

TO: InsuranceGuard Pty Ltd, ("the Licensee")
Level 4, 131 Leichhardt Street, SPRING HILL QLD 4000

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 246631 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 6th day of January 2005.

Signed

Frank Varga, a delegate of the Australian Securities and Investments Commission



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ASIC

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 655A(1) – Declaration**

Under paragraph 655A(1)(b) of the Corporations Act 2001 ("Act"), the Australian Securities and Investments Commission ("ASIC") declares that Chapter 6 of the Act applies to the person specified in Schedule A in the case referred to in Schedule B as if items 11 and 12 of the table in subsection 633(1) of the Act were modified by omitting the words "no later than 15 days" and substituting the words "no later than 20 days".


Schedule A

QR Sciences Limited ACN 071 648 309 (the "target")

Schedule B

An off-market bid by QR Sciences Holdings Limited ACN 009 259 876 for all the fully paid ordinary shares in the target in respect of which a bidder's statement was lodged with ASIC on 3 December 2004.

Dated 7 January 2005


.....
Signed by James Rowe
as a delegate of the Australian Securities and Investments Commission



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ASIC

Australian Securities & Investments Commission

Australian Securities & Investments Commission
Corporations Act 2001 Section 915B

Notice of Cancellation of an Australian Financial Services Licence

TO: Mako Global Derivatives Pty Limited, ("the Licensee")
3rd Floor, 25 Christopher Street, London UK EC2A2BS
UNITED KINGDOM

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 224023 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 12th day of January 2005.

Signed 

Frank Varga, a delegate of the Australian Securities and Investments Commission



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ASIC

Australian Securities & Investments Commission

Australian Securities & Investments Commission
Corporations Act 2001 Section 915B

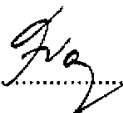
Notice of Cancellation of an Australian Financial Services Licence

TO: Enhance Capital Pty Ltd , ("the Licensee")
Level 20, 144 Edward Street, BRISBANE QLD 4000

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 246417 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 12th day of January 2005.

Signed


.....

Frank Varga, a delegate of the Australian Securities and Investments Commission

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**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 951B(1)(a) – Variation**

Under paragraph 951B(1)(a) of the *Corporations Act 2001* the Australian and Securities Investments Commission varies ASIC Instrument [04/289] by omitting "31 September 2005" and substituting "30 September 2005" in the introductory words.

Dated the 7th day of January 2005.



Signed by Lidia Muhieddine
as a delegate of the Australian Securities and Investments Commission

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Australian Securities and Investments Commission
Corporations Act 2001 — Paragraphs 911A(2)(l), 992B(1)(a) 1020F(1)(a) —
Exemption

Under paragraphs 911A(2)(l), 992B(1)(a), and 1020F(1)(a) of the *Corporations Act 2001* ("the Act") the Australian Securities and Investments Commission ("ASIC") exempts until 30 September 2005, the Glebe Administration Board ARBN 008 382 090 ('GAB') from:

- (i) the requirement to hold an Australian financial services licence for the provision of financial services;
- (ii) section 992A of the Act; and
- (iii) Part 7.9 of the Act;

in relation to the cheque facility provided by GAB in connection with the Glebe Income Accounts,

in the case referred to in Schedule A and on the condition referred to in Schedule B for so long as the condition is met.

Schedule A

This exemption is available where:

- (i) GAB remains a charitable body; and
- (ii) GAB has made an application dated 5 January 2005 to the Administrative Appeals Tribunal under subsection 41(2) of the Administrative Appeals Tribunal Act 1975 (Cth) in AAT proceedings number 2005/17 for a review of decisions made by ASIC dated 28 October 2004 and 6 December 2004 to refuse relief from the regulation of the cheque facility provided by GAB in conjunction to Glebe Income Accounts.

Schedule B

GAB complies with all the conditions set out in the First Exemption of ASIC Class Order [CO 02/184] with respect to the Glebe Income Accounts and the Diocesan Endowment Fund.

Interpretation

In this instrument:

"charitable body" has the meaning given in ASIC Class Order [CO 02/184].

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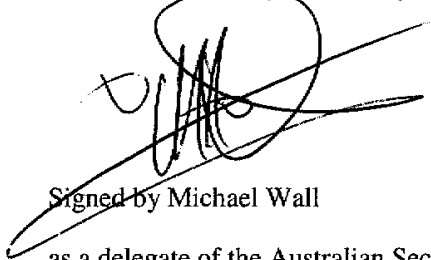
"Diocesan Endowment Fund" means the charitable trust established under the Diocesan Endowment Ordinance 1984 made by the Synod of the Sydney Diocese of the Anglican Church; and

"Glebe Income Accounts" means the debentures issued by GAB which were formerly issued under the "Sydney Anglican Deposit Plan" and which are the subject of an identification statement registered by ASIC on 15 March 1996.

Commencement

This instrument takes effect upon gazettal.

Dated the 13th day of January 2005

A handwritten signature in black ink, appearing to be 'Michael Wall', is written over a large, faint circular stamp or watermark. The signature is written in a cursive style with several loops and a long horizontal stroke extending to the right.

Signed by Michael Wall

as a delegate of the Australian Securities and Investments Commission



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ASIC

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 741(1) – Declaration**

Under paragraph 741(1)(b) of the *Corporations Act 2001* ("Act") the Australian Securities and Investments Commission ("ASIC") declares that Chapter 6D applies to the person identified in Schedule A as if subparagraph 708A(6)(d)(i) were modified or varied by inserting the words "(other than section 319 in relation to a financial year ended in the calendar year 2002)" after the words "Chapter 2M".

Schedule A

Sphere Investments Limited ACN 009 134 847

Dated this 13th day of January 2005

James Rowe

as a delegate of the Australian Securities and Investments Commission

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Australian Securities and Investments Commission
Corporations Act 2001 — Paragraphs 601QA(1)(a), 741(1)(a), 911A(2)(l), 992B(1)(a)
and 1020F(1)(a) — Exemption

Disclosure relief

1. Under paragraphs 741(1)(a) and 1020F(1)(a) of the Corporations Act 2001 ("Act"), the Australian Securities and Investments Commission ("ASIC"), exempts the persons referred to in Schedule A from Parts 6D.2 and 6D.3 (except section 736), to the extent that the eligible offer is an offer for issue of a security, and from Part 7.9, in the case specified in Schedule B, where the person:
 - (i) makes an eligible offer;
 - (ii) offers to arrange for the issue of financial products under an eligible offer; or
 - (iii) issues a financial product under an eligible offer,that does not involve a contribution plan, on the conditions set out in Schedule C and for so long as the conditions are met.

Licensing and hawking relief

2. Under paragraph 911A(2)(l) ASIC exempts the persons referred to in Schedule A in the case specified in Schedule B from the requirement to hold an Australian financial services licence for the provision of a financial service consisting of general advice reasonably given in connection with an eligible offer (including any general advice given in the offer document) where the offer document for the offer includes a statement to the effect that any advice given by the person in connection with the offer is general advice only, and that eligible employees should consider obtaining their own financial product advice from an independent person who is licensed by ASIC to give such advice, on the conditions set out in Schedule C and for so long as the conditions are met.
3. Under paragraph 911A(2)(l) ASIC exempts the persons referred to in Schedule A in the case specified in Schedule B from the requirement to hold an Australian financial services licence for the provision of a financial service consisting of a dealing in a financial product in connection with an eligible offer where any acquisition by purchase or disposal of the product by the persons referred to in Schedule A occurs either:
 - (a) through a person who holds an Australian financial services licence authorising the holder to deal in financial products; or
 - (b) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place,on the conditions set out in Schedule C and for so long as the conditions are met.
4. Under paragraphs 741(1)(a) and 992B(1)(a), ASIC exempts the persons referred to in Schedule A from sections 736, 992A and 992AA in the case specified in Schedule B in relation to offers made in the course of, or because of, unsolicited meetings or

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telephone calls reasonably held or made in connection with the eligible offer, on the conditions set out in Schedule C and for so long as the conditions are met.

Managed investments relief

5. Under paragraph 601QA(1)(a), ASIC exempts, for the avoidance of doubt, the persons referred to in Schedule A from Chapter 5C in the case specified in Schedule B in connection with an eligible offer, on the conditions set out in Schedule C and for so long as the conditions are met.

Schedule A

Credit Suisse Group A.G., a body corporate incorporated under the laws of Switzerland ("issuer"), and any person acting on its behalf.

Schedule B

An eligible offer where all of the following apply:

- (a) there are no more than 110 eligible employees in this jurisdiction to whom the eligible offer is made within the first 12 month period from the date of this instrument of relief; and
- (b) in each subsequent 12 month period from the date of this instrument of relief, the number of eligible employees in this jurisdiction to whom an eligible offer is made is not greater than 20 more than the maximum number of eligible employees in this jurisdiction to whom an eligible offer was able to be made under this instrument of relief in the previous 12 month period.

Schedule C

The following conditions apply:

1. The issuer must:
 - (a) include that offer in an offer document; and
 - (b) take reasonable steps to ensure that any eligible employee to whom the offer is made is given a copy of the offer document; and
 - (c) provide to ASIC a copy of the offer document (which need not contain details of the offer particular to the employee such as the identity or entitlement of the employee) and of each accompanying document not later than 7 days after the first provision of that material to an eligible employee; and
2. the issuer must comply (or, in the case of an issuer which does not have a registered office in this jurisdiction, cause an associated body corporate which does so have a registered office to comply) with any undertaking required to be made in the offer document by reason of this instrument; and

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3. the issuer must take reasonable steps to ensure that the number of shares to be received on settlement (in accordance with the Rules of the Plan) of the Phantom Rights the subject of the offer when aggregated with:
- (a) the number of shares in the same class which would be issued were each outstanding offer with respect to shares, units of shares and options to acquire unissued shares, under an employee share scheme to be accepted or exercised; and
 - (b) the number of shares in the same class issued during the previous 5 years resulting from the settlement of Phantom Rights pursuant to the Rules of the Plan or any other employee share scheme extended only to eligible employees of the issuer;

but disregarding any offer made, or option acquired or share issued by way of or as a result of:

- (c) an offer to a person situated at the time of receipt of the offer outside this jurisdiction; or
- (d) an offer that was an excluded offer or invitation within the meaning of the Corporations Law as in force before the commencement of Schedule 1 to the *Corporate Law Economic Reform Program Act 1999*; or
- (e) an offer that did not need disclosure to investors because of section 708; or
- (f) an offer that did not require the giving of a Product Disclosure Statement because of section 1012D; or
- (g) an offer made under a disclosure document or Product Disclosure Statement,

must not exceed 5% of the total number of issued shares in that class of the issuer as at the time of the offer; and

4. the issuer must keep at its registered office or at the registered office of an associated body corporate in this jurisdiction and make available to ASIC, upon request, a register of those Participants who received an eligible offer in this jurisdiction and enter in the register:
- (a) the name and address of each Participant;
 - (b) the extent of the holding of each Participant;
 - (c) the date at which the name of each Participant was entered in the register; and
 - (d) the date at which any Participant's participation ceased; and
5. except as required by applicable laws, rules and regulations, the issuer must not modify or vary the Rules in any material respect which would adversely affect the Participants' Phantom Rights unless ASIC notifies the issuer or any person acting for or on behalf of the issuer in writing that it does not object to the modification or variation; and

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6. the issuer **must take all reasonable steps to ensure that the provisions of the Rules are complied with; and**
7. the issuer **must take all reasonable steps to ensure that the Plan at all times complies with the laws of Switzerland.**

[Note: where a document must be provided in writing it may be provided by electronic means. See s5C of the Act and s25 of the *Acts Interpretation Act 1901*.]

Interpretation

In this instrument:

1. **except where otherwise stated, references to provisions are to provisions of the Act;**
2. **the Plan shall not be regarded as extended to a person other than an eligible employee only because such an employee may renounce an offer of financial products made to them under the scheme in favour of their nominee;**
3. **"associated body corporate" of an issuer means:**
 - (a) **a body corporate that is a related body corporate of the issuer; or**
 - (b) **a body corporate that has voting power in the issuer of not less than 20%; or**
 - (c) **a body corporate in which the issuer has voting power of not less than 20%;**
4. **"Australian dollar equivalent" in relation to a price, means a price calculated by reference to the relevant exchange rate published by an Australian bank no earlier than the business day before the day to which the price relates;**
5. **"contribution plan" means a plan under which a participating eligible employee may save money by regular deductions from wages or salary (including through salary sacrifice arrangements) towards paying for shares offered for issue or sale under an employee share scheme where the terms and conditions of the contribution plan include terms and conditions to the effect that:**
 - (a) **all deductions from wages or salary made in connection with participation in the contribution plan must be authorised by the employee on the same form of application which is used in respect of the offer, or on a form which is included in or accompanies the offer document;**
 - (b) **before transferring contributions to acquire shares, an contributions made by an employee as part of the contribution plan must be held by the issuer in trust for the employee in an account of an Australian ADI which is established and kept by the issuer only for the purpose of depositing contribution moneys and other money paid by employees for the shares on offer under the employee share scheme;**
 - (c) **the employee may elect to discontinue their participation in the contribution plan at any time and as soon as practicable after the election is made all money deposited with the Australian ADI in relation to that**

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employee, including any accumulated interest, must be repaid to that employee;

6. "current market price" means in relation to a share, the price published by the operator of the principal financial market on which the share is quoted as the final price for the previous day on which the share was traded on that financial market;
7. "eligible employee" means, in relation to the issuer, a person who is at the time of an offer under the Plan, a full or part-time employee or director of the issuer or its Australian subsidiaries;
8. "eligible offer" means an offer for the issue of a Phantom Right under the Plan, which on settlement will result in the issue or sale of either:
 - (a) fully paid shares in the issuer in the same class as shares which have been quoted on the financial market operated by the Swiss Stock Exchange or the Deutsche Bourse throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days; or
 - (b) American Depositary Receipts of the issuer which have been quoted on the financial market operated by the New York Stock Exchange throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days,made under the Plan extended only to eligible employees;
9. "financial product advice" has the meaning given by section 766B;
10. "general advice" has the meaning given by section 766B;
11. "offer" has a meaning affected by sections 700, 702 and 1010C;
12. "offer document" means a document setting out an offer under the Plan that:
 - (a) includes or is accompanied by a copy, or a summary, of the Rules of the Plan under which the offer is made; and
 - (b) if a summary (rather than a copy) of the Rules of the Plan is given – includes an undertaking that during the period (the "offer period") during which an eligible employee may acquire the Phantom Rights offered, the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, within a reasonable period of the employee so requesting, provide the employee without charge with a copy of the Rules of the Plan; and
 - (c) includes an undertaking, and an explanation of the way in which, the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, during the offer period, within a reasonable period of the employee requesting, make available to the employee the current market price (or, where that price is denominated in a foreign currency, the Australian

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dollar equivalent of that price) of a share in the issuer in the same class as those which would be issued on settlement of the Phantom Rights in accordance with the Rules of the Plan; and

- (d) specifies, to the extent the following are not specified in the Rules of the Plan:
- (i) the basis upon which Phantom Rights are issued to those eligible employees that accept the offer;
 - (ii) the circumstances in which an eligible employee may receive cash benefits or shares under Phantom Rights; and
 - (iii) the circumstances in which Phantom Rights may be transferred or disposed of;
13. "Participant" means an eligible employee to whom an eligible offer is made and who accepts such an offer;
14. "Phantom Right" means an unsecured contractual right to receive one share or one American Depositary Receipt in the issuer and which carries a dividend equivalent entitlement equal to the amount of, and paid at the same time as, dividends paid on a share in the issuer, granted to an eligible employee pursuant to the Rules, which does not represent any economic rights to the capital of the issuer, on the terms and conditions of the Rules;
15. "Plan" means the Credit Suisse Group Master Share Plan adopted on 16 January 2004, International Phantom Share Certificate and International Supplement, as amended from time to time, under which eligible employees are offered the Phantom Rights;
16. "Rules" means the rules of the Plan included with or accompanying the offer document;
17. "security" has the meaning given by section 761A; and
18. "unit" in relation to a share means a legal or equitable right or interest in the share.

Dated this 14th day of January 2005.


Signed by Grant Moodie

as delegate of the Australian Securities and Investments Commission

Corporations Act 2001
Subsection 164(3)

Notice is hereby given that ASIC will alter the registration details of the following companies 1 month after the publication of this notice, unless an order by a court or Administration Appeals Tribunal prevents it from doing so.

BACKYARDS FOR KIDS LIMITED

ACN 099 361 529 will change to a proprietary company limited by shares. The new name will be BACKYARDS FOR KIDS PTY LTD ACN 099 361 529.

MERCURY POOLED DEVELOPMENT FUND

LIMITED ACN 060 579 919 will change to a proprietary company limited by shares. The new name will be MERCURY POOLED DEVELOPMENT FUND PTY LTD ACN 060 579 919.

BLACKWOOD CAPITAL PTY. LIMITED

ACN 101 849 110 will change to a public company limited by shares. The new name will be BLACKWOOD CAPITAL LIMITED ACN 101 849 110.

VIBRAQ CORPORATION PTY LTD

ACN 101 613 718 will change to a public company limited by shares. The new name will be VIBRAQ CORPORATION LIMITED ACN 101 613 718.