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# ASIC Gazette

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#### Australian Securities and Investments Commission Corporations Act 2001 - Subsection 655A(1) - Exemption

Pursuant to subsection 655A(1) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts the person specified in Schedule A from subsection 636(3) of the Act in the case referred to in Schedule B on the conditions specified in Schedule C in relation to a statement which is included in, or accompanies, the bidder's statement referred to in Schedule B and any supplementary bidder's statements lodged with ASIC, which is a correct and fair copy of, an extract from, or fairly represents a statement in an announcement to the Australian Stock Exchange Limited by the Target.

#### Schedule A

Reco Bay Pte Ltd ARBN 098 146 877 ("Bidder")

#### Schedule B

The off-market takeover bid by the Bidder for all the fully paid ordinary shares in Ipoh Limited ABN 57 002 443 316 ("Target") in respect of which a bidder's statement is to be lodged with ASIC on or about the date of this instrument ("Bidder's Statement").

#### Schedule C

- 1. The Bidder's Statement either:
  - (a) informs people of their right to obtain a copy of an announcement referred to in this instrument; or
  - includes a copy of the announcement. (b)
- 2. If the Bidder's Statement informs people of their right to obtain a copy of the announcement, the Bidder gives a copy of the announcement free of charge to anyone who asks for it during the offer period.
- 3. The Bidder's Statement states that a person who has made a statement referred to in an announcement referred to in this instrument has not consented to the statement being included in, or accompanying, the Bidder's Statement in the form and context in which it is included.

Dated this 14th day of September 2001.

Andrew Rich, a delegate of the Australian Securities and Investments Commission

## Australian Securities and Investments Commission O 1 / 1 1 4 2 Corporations Act 2001 - Subsections 655A(1), 669(1) and 673(1) - Declarations

Pursuant to subsections 655A(1), 669(1) and 673(1) of the Corporations Act 2001 ("the Act") the Australian Securities and Investments Commission ("ASIC") declares that Chapters 6, 6A and 6C of the Act apply in relation to the persons specified in Schedule A in relation to the class of securities specified in Schedule B, as if:

- 1. the definition of "associate" in section 9 was modified by:
  - (a) omitting the words:

": The following are the associates of a bidder making a takeover offer, a substantial holder or a 90% holder"

and substituting the following:

"when used in relation to a person in Chapters 6, 6A and 6C means":

- (b) replacing the references to "bidder or holder" with the word "person" wherever they appear; and
- (c) replacing the references to "a person" in paragraphs (b) and (c) with the words "another person"; and
- (d) inserting after paragraph (c) the sentence: "But another person is not an associate of the person merely because of one or more of the circumstances in paragraphs 16(1)(a) to (d).";
- 2. subsection 10(1) was modified or varied by omitting the word "This" and substituting "Unless the definition of associate in section 9 applies, this":
- 3. subsection 10(2) was omitted; and
- 4. subsection 12(1) was omitted.

#### Schedule A

Reco Bay Pte Ltd ARBN 098 146 877 ("Bidder")

#### Schedule B

The off-market takeover bid by the Bidder for all the fully paid ordinary shares in Ipoh Limited ABN 57 002 443 316 in respect of which a bidder's statement is to be lodged with ASIC on or about the date of this instrument.

Dated this 14th day of September 2001.

Signed:

Andrew Rich, a delegate of the Australian Securities and Investments Commission

#### Australian Securities and Investments Commission Corporations Act 2001 - Subsection 655A(1) - Declaration 0 1 / 1 1 4 3

Pursuant to subsection 655A(1) 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:

- item 2(d)(ii) of section 611 was omitted and the following paragraph substituted:
  - "(ii) subject only to one or both of the following:
    - (A) any conditions that relate only to the occurrence of an event or circumstance referred to in subsection 652C(1) or (2);
    - (B) the condition referred to in paragraph 625(3)(c)";
- 2. item 3(d)(ii) of section 611 was omitted and the following paragraph substituted:
  - "(ii) subject only to any conditions that relate only to the occurrence of an event or circumstance referred to in subsection 652C(1) or (2).";
- subsection 617(2) was modified by omitting the words: 3.

"the bid may extend to securities that come to be in the bid class during the offer period due to a conversion or exercise of the rights.",

and substituting the words:

"the bid may extend to securities that come to be in the bid class during the period from the date set by the bidder under subsection 633(2) to the end of the offer period due to a conversion or exercise of the rights.";

- subsection 619(3) were modified or varied by:
  - (a) in paragraph (a), omitting the words "foreign holders" and substituting the words "all foreign holders, or a class of foreign holders specified in the bidder's statement,"; and
  - (b) in subparagraph (b)(i), omitting the words "foreign holders" and substituting the words "those foreign holders referred to in paragraph (a)";
- paragraph 620(2)(b) was omitted and the following paragraph substituted:
  - "(ba) If the bidder is given the necessary transfer documents after the acceptance and before the end of the bid period and the offer is subject to a defeating condition at the time that the bidder is given the necessary transfer documents - by the end of whichever period ends earlier:
    - (i) within one month after the takeover contract becomes unconditional;

- (ii) 21 days after the end of the offer period; or
- (bb) If the bidder is given the necessary transfer documents after the acceptance and before the end of the bid period and the offer is unconditional at the time that the bidder is given the necessary transfer documents - by the end of whichever period ends earlier:
  - (i) one month after the bidder is given the necessary transfer documents;
  - (ii) 21 days after the end of the offer period; or";
- 6. paragraph 620(2)(c) was modified by adding at the end of the paragraph the following words:

"but if at the time the bidder is given the necessary transfer documents the takeover contract is still subject to a condition which relates to the occurrence of an event or circumstance referred to in subsection 652C(1), 652C(2) or 625(3)(c), within 21 days after the takeover contract becomes unconditional.";

7. subsection 625(3) was modified by adding at the end of the subsection the following words:

"The condition referred to in this subsection is not a defeating condition.";

- 8. paragraph 630(4) was modified by omitting the words "publishing" and "publish" and substituting in their place "giving" and "give" respectively;
- 9. items 2, 3 and 5 of the table contained in subsection 633(1) were modified by adding at the end of the entry in the left hand column for each item the following words:

"The bidder's statement and offer document need not include the name and address of the holders of bid class securities, the date of the proposed offer or any other date that is related to or dependent on that date, or the details referred to in subparagraphs 636(1)(k)(ii) and 636(1)(l)(ii) or details of transactions required to be disclosed under subparagraphs 636(1)(h) and 636(1)(i) from the period between the date of the bidder's statement and the date of the bid.

If this information is not included in the bidder's statement and offer document, the bidder must:

- include this information in the bidder's statement and offer document sent under item 6; and
- send to the target a copy of the bidder's statement sent under item 6.";

### 01/1143

10. paragraph 636(1)(j) was omitted and the following paragraph substituted:

"if the bid is to extend to securities that come to be in the bid class during the period from the date set by the bidder under subsection 633(2) to the end of the offer period due to the conversion of or exercise of rights attached to other securities (see subsection 617(2)) – a statement to that effect";

- 11. paragraph 636(1)(k) was modified by the insertion of the following subparagraph after subparagraph 636(1)(k)(ii):
  - "(iii) the number of securities in the class that the bidder had a relevant interest in immediately before the bidder's statement is lodged with ASIC (expressed as a number of securities or as a percentage of the total number of securities in the class)":
- 12. paragraph 636(1)(1) was omitted and the following paragraph substituted:
  - "(I) for an off-market bid the bidder's voting power in the company:
    - (i) as at the date of the bidder's statement; and
    - (ii) as at the date immediately before the first offer is sent.";
- 13. subsection 650B(2) was modified by omitting the words:

"The person is entitled to receive the improved consideration immediately, or immediately after the exercise of the election.",

and substituting the following:

"The person is entitled to receive the improved consideration immediately, except:

- if the time for payment of the consideration in accordance with subsection 620(2) has not yet occurred, the person is not entitled to receive the improved consideration until that time;
- (b) if the person has to make an election before being entitled to the improved consideration, the person is not entitled to receive the improved consideration until the later of:
  - the time when the person makes the election and returns any consideration under s651B(2);
  - (ii) the time applicable under paragraph (a).";

01/1143

14. the first sentence of paragraph 650C(2) was omitted and the following sentence substituted:

"If the bid is subject to a defeating condition, the bidder may extend the offer period after the bidder has given the notice under subsection 630(3) only if one of the following happens after the notice has been given:";

- 15. paragraph 650F(1)(a) was omitted and the following paragraph substituted:
  - "(a) if the condition relates only to the occurrence of an event or circumstances referred to in subsection 652C(1) or (2) not later than 3 business days after the end of the offer period; or";
- 16. paragraph 650G(b) was omitted and the following paragraph substituted:
  - "(b) the bidder has not declared the offers to be free from the condition in accordance with section 650F.";
- 17. paragraph 650G(c) was omitted and the following paragraph substituted:
  - "(c) the condition has not been fulfilled:
    - except as provided in subparagraph (ii), at the end of the offer period;
    - (ii) in the case of an event or circumstance referred to in subsection 652C(1) or (2), within 3 business days after the end of the offer period.

#### Schedule A

Reco Bay Pte Ltd ARBN 098 146 877 ("Bidder")

#### Schedule B

The off-market takeover bid by the Bidder for all the fully paid ordinary shares in Ipoh Limited ABN 57 002 443 316 in respect of which a bidder's statement is to be lodged with ASIC on or about the date of this instrument.

Dated this 14th day of September 2001.

Signed:

Andrew Rich, a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission Corporations Act 2001- Paragraph 655A(1)(a) - Exemption

01/1144

Pursuant to paragraph 655A(1)(a) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts the person named in Schedule A from subsection 636(3) of the Act in relation to the statements mentioned in Schedule B, to the extent that subsection 636(3) prohibits that person from including those statements in the supplementary bidder's statement referred to in Schedule B.

Schedule A
Bainton Pty Ltd ACN 097 138 362 ("Bidder").

#### Schedule B

Statements made in a supplementary bidder's statement in relation to a takeover bid for all the ordinary shares in Tourism Asset Holdings Limited ACN 060 896 568, which supplementary bidder's statement is to be lodged with ASIC on or about the date of this instrument and which statements fairly represent or are a correct and fair copy of, or extract from, statements made in a letter dated 11 September 2001 from ASIC to Bidder's legal representatives.

Dated this 18th day of September 2001.

Signed by:

Jeremy C Pearson, a delegate of ASIC.

Australian Securities and Investments Commission Corporations Act 2001 – Paragraph 655A(1)(b) – Declaration

01/1145

Pursuant to 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 in relation to the person mentioned in Schedule A in the case referred to in Schedule B, as if item 7 of section 611 of the Act were modified or varied by omitting paragraph (a) and replacing it with the following paragraph:

"(a) no votes are cast in favour of the resolution by the person proposing to make the acquisition and their associates; and".

#### Schedule A

Mirvac Funds Limited ACN 002 561 640 ("Mirvac"), as the responsible entity for Mirvac Commercial Trust ARSN 086 763 760 ("Commercial Trust").

#### Schedule B

A proposed acquisition by Mirvac, as the responsible entity for Mirvac Property Trust ARSN 086 780 645, of all the interests in the Commercial Trust, in respect of which a notice of meeting and related documents are to be sent to the holders of interests in the Commercial Trust on or about the date of this instrument.

Dated this 18th day of September 2001.

Signed by:

Jeremy C Pearson, a delegate of ASIC.

#### Australian Securities & Investments Commission **Corporations Law Section 824**

Order Revoking Licence

TO:

Richard Joseph Maggi ("the Licensee")

PO Box 1941 Subiaco WA 6904

Pursuant to paragraph 824(d) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes the Licence Number 57595 with effect from when this order is served on the Licensee.

Dated this 18th day of September 2001.
Signed

Australian Securities & Investments Commission Corporations Law Section 825

01/1147

Order Revoking Licence
TO: Williamson Pacific Securities Ptv Limited ACN: 002 108

Williamson Pacific Securities Pty Limited, ACN: 002 108 241 ("the Licensee")

21 The Grove

Mosman NSW 2088

Pursuant to paragraph 825(a) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 11951 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 18th day of September 2001.

Signed

### Australian Securities & Investments Commission

**Corporations Law Section 825** Order Revoking Licence

01/1148

TO:

Olive Planations of Australia Limited, ACN: 081 879 423 ("the Licensee")

PO Box 153 Flinders Lane

Melbourne VIC 8009

Pursuant to paragraph 825(a) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 202075 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 18<sup>th</sup> day of September 2001.
Signed

#### Australian Securities & Investments Commission **Corporations Law Section 825**

01/1149

Order Revoking Licence

TO:

Focus Investment Management Pty Ltd, ACN: 092 021 200 ("the Licensee")

Level 11

139 Macquarie St

Sydney NSW 2000

Pursuant to paragraph 825(a) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 199706 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 18th day of September 2001.

Signed Signed

## Australian Securities & Investments Commission 0 1 / 1 1 5 0 Corporations Law Section 824

Order Revoking Licence

TO: Philip Hope Charles Croll ("the Licensee")

79 Irrubel Rd

Newport NSW 2106

Pursuant to paragraph 824(d) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes the Licence Number 82341 with effect from when this order is served on the Licensee.

Dated this 19th day of September 2001.

Signed

### Australian Securities & Investments Commission

**Corporations Law Section 825** Order Revoking Licence

TO:

Fengood Pty Ltd, ACN: 068 929 582 ("the Licensee")

PO Box 2324

Taren Point NSW 2229

Pursuant to paragraph 825(a) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 169286 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 19<sup>th</sup> day of September 2001. Signed

Australian Securities and Investments Commission Corporations Act 2001 — Subsection 1454(2), Paragraph 601QA(1)(b), Paragraph 601QA(1)(a) and Subsection 1084(6) - Extension, Declaration, Revocation and Exemption

Pursuant to Subsection 1454(2), Paragraph 601QA(1)(b) and Subsection 1084(6) of the Corporations Act 2001 (the Act) the Australian Securities and Investments Commission (ASIC) hereby revokes the exemption instrument dated 10 April 2001 granted to the persons specified in Schedule A and signed by Jennifer Lewis.

Pursuant to subsection 601QA(1)(a) of the Act ASIC hereby exempts the persons specified in Schedule A from section 601ED of the Act with effect for the duration of the Relief Period, on the conditions referred to in Schedule B and for so long as they are met.

#### SCHEDULE A

The undertaking known as Tangalooma Island Resort Time-Share Scheme (the Scheme) to which the deed between Tangalooma Island Resort Limited (ACN 010 170 902) and Trust Company of Australia Limited (formerly known as The Union-Fidelity Trustee Company of Australia Limited) (the Trustee) dated 20 July 1984 relates, and Tangalooma TS Limited (ACN 096 666 965).

#### SCHEDULE B

- The persons specified in Schedule A must, as far as practicable, comply with the old Law (as defined in section 1451 of the Act) during the Relief Period as if that old Law continued to apply to the persons specified in Schedule A, except that Tangalooma TS Limited may act as trustee pursuant to the deed between the persons named in Schedule A and executed on 30 July 2001 without ASIC's approval pursuant to section 1067 of the old Law from the start of the Relief Period.
- The Trustee holds all scheme property as custodian during the Relief Period. 2.
- Documents for registration of the Scheme must be lodged by 31 July 2001 and any requests by ASIC for further information in relation to registration of the Scheme must be satisfactorily answered within 3 business days.

Interpretation

In this instrument "Relief Period" means the period starting on 30 July 2001 and ending on 14 August 2001.

Dated this 30th day of July 2001

Signed by Jennifer Lewis

as a delegate of the Australian Securities and Investments Commission

#### Australian Securities and Investments Commission Corporations Act 2001 – Paragraph 741(1)(a) – Exemption

01/1165

Pursuant to paragraph 741(1)(a) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission hereby exempts the persons specified in Schedule A from subsection 707(3) of the Act in the case specified in Schedule B.

#### Schedule A

Australian Stock Exchange Limited ACN 008 624 691 and its subsidiaries (collectively "ASX Limited") and officers, employees and agents of ASX Limited (collectively, with ASX Limited, the "offerors").

#### Schedule B

Offers by the offerors for the sale of Participating Foreign Securities within 12 months after their issue, which Participating Foreign Securities are the subject of offers for the issue or sale of Foreign Depository Interests made in compliance with the SCH Business Rules.

#### Interpretation

"Foreign Depository Interests" or "FDIs" means a beneficial interest, or any right or interest whether legal or equitable, in Participating Foreign Securities and includes an option to acquire a right or interest in Participating Foreign Securities held by a depositary nominee.

"Participating Foreign Securities" means securities:

- (a) quoted on a stock market other than in Australia; and
- (b) declared by SCH to be approved under the Clearing House Electronic Subregister System of Australian Stock Exchange Limited for the purpose of recording interests in FDIs.

Dated this 1st day of August 2001

Signed by Belisa Jong

a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission

01/1166

Corporations Act 2001 - section 741 - Declaration

Pursuant to sub section 741(1)(b) of the Corporations Act 2001 (the "Act") the Australian Securities and Investments Commission ("ASIC") declares that Chapter 6D of the Act applies in relation to the person named in Schedule A, in the case referred to in Schedule B, as if section 711 of the Act were modified by:

- 1. Inserting "at any time during the last 2 years" after "the nature and value of any benefit anyone has given or agreed to give" in the first sentence in subsection 711(3).
- 2. Inserting a new subsection 711(3A) in the same terms as the unmodified subsection 711(3), except for:
  - replacing "the" where it first occurs with "any material";
  - inserting before "benefit" where it first occurs "material"; and
  - the insertion of "at any time during the last 5 years" after the words "the nature and value of any benefit anyone has given or agreed to give" in the first sentence.
- 3. Replacing "and (3)" in the first sentence in subsection 711(4) with ", (3) and (3A)".

#### Schedule A

Questor Financial Services Limited ACN 078 662 718

#### Schedule B

An offer for interests in the Personal Investment Plan (ARSN 089 506 374) referred to in the disclosure document dated 20 July 2001.

Dated this 7th day of August 2001

Signed by Ian Domecillo a delegate of the

Australian Securities and Investments Commission



#### ASIC

Australian Securities & Investments Commission

#### Australian Securities & Investments Commission 0 1 / 1 1 6 7 Corporations Act 2001 Section 1190

#### **Order Revoking Licence**

TO: Guy Butler (Australia) Pty Limited ("the Licensee")

Level 9, 9 Castlereagh St SYDNEY NSW 2000

#### Whereas:

- 1. Licence Number 161764 ("the Licensee") was issued to the Licensee on 22 April 1996 pursuant to section 1145 of the Corporations Act 2001.
- 2. The Licensee asked the Australian Securities & Investment Commission to revoke the License by letter dated 31 July 2001.

Pursuant to section 1190 of the Corporations Act 2001 the Australian Securities and Investments Commission hereby revokes the Licence with effect from the date upon which this order is served on the Licensee.

Dated this 10th day of August 200

Signed.

Brian Burgess, a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission 0 1 / 1 1 6 8

Corporations Act 2001 — Subsection 1454(2), Paragraph 601QA(1)(b), Paragraph 601QA(1)(a) and Subsection 1084(6) — Extension, Declaration, Revocation and Exemption

Pursuant to Subsection 1454(2), Paragraph 601QA(1)(b) and Subsection 1084(6) of the Corporations Act 2001 (the Act) the Australian Securities and Investments Commission (ASIC) hereby revokes the exemption instrument dated 30 July 2001 granted to the persons specified in Schedule A and signed by Jennifer Lewis.

Pursuant to subsection 601QA(1)(a) of the Act ASIC hereby exempts the persons specified in Schedule A from section 601ED of the Act with effect for the duration of the Relief Period, on the conditions referred to in Schedule B and for so long as they are met.

#### SCHEDULE A

The undertaking known as Tangalooma Island Resort Time-Share Scheme (the Scheme) to which the deed between Tangalooma Island Resort Limited (ACN 010 170 902) and Trust Company of Australia Limited (formerly known as The Union-Fidelity Trustee Company of Australia Limited) (the Trustee) dated 20 July 1984 relates, and Tangalooma TS Limited (ACN 096 666 965).

#### SCHEDULE B

- The persons specified in Schedule A must, as far as practicable, comply with the old Law (as defined
  in section 1451 of the Act) during the Relief Period as if that old Law continued to apply to the
  persons specified in Schedule A, except that Tangalooma TS Limited may act as trustee pursuant to
  the deed between the persons named in Schedule A and executed on 30 July 2001 without ASIC's
  approval pursuant to section 1067 of the old Law from the start of the Relief Period.
- 2. The Trustee holds all scheme property as custodian during the Relief Period.
- Documents for registration of the Scheme must be lodged by 17 August 2001 and any requests by ASIC for further information in relation to registration of the Scheme must be satisfactorily answered within 3 business days.

Interpretation

In this instrument "Relief Period" means the period starting on 14 August 2001 and ending on 31 August 2001.

Dated this 14th day of August 2001

Signed by Jennifer Lewis

as a delegate of the Australian Securities and Investments Commission

01/1169

#### **AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

#### **CORPORATIONS ACT 2001 - SECTION 741 - DECLARATION**

Pursuant to section 741(1)(b) of the Corporations Act ("Act") the Australian Securities and Investments Commission ("Commission") declares that Chapter 6D of the Act applies in relation to the person named in Schedule A, in the case referred to in Schedule B, as if section 711 of the Act were modified by:

- 1. Inserting "at any time during the last 2 years" after "the nature and value of any benefit anyone has given or agreed to give" at the end of the first sentence in subsection 711(3).
- 2. Inserting a new subsection 711(3A) in the same terms as the unmodified subsection 711(3), except for:
- replacing "the" where it first occurs with "any material";
- inserting before "benefit" where it first occurs "material"; and
- the insertion of "at any time during the last 5 years" after the words "the nature and value of any benefit anyone has given or agreed to give" at the end of the first sentence.
- 3. Inserting ", (3A)" after "subsections (2)" in subsection 711(4).

#### Schedule A

Hillross Financial Services Limited (ACN 003 323 055)

#### Schedule B

An offer for interests in the Investment Service prospectus in relation to The Investment Service (ARSN 089056879) where the prospectuses have been lodged on or about the date of this instrument:

Dated this 24th of August 2001

Signed by Bryce Wilson

as a delegate of the Australian Securities & Investments Commission

## CORPORATIONS ACT 2001 0 1 / 1 1 7 0 SECTION 601PC(1)

Notice is hereby given that the registration of the managed investment scheme mentioned below has been reinstated.

#### THE SCHEME

The Hatchling Project (ARSN 096 753 972)

Dated this 5th day of September 2001

Nik/Petyovski

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

#### Australian Securities & Investments Commission 0 1 / 1 1 7 1 Corporations Law Section 825

#### **Order Revoking Licence**

TO: Hopkins Partners Funds Management Limited, ACN 063 060 542

("the Licensee")

88 COLLINS STREET MELBOURNE VIC 3000

Pursuant to paragraph 825(c) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 74063 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 6th day of September 2001

Signed ...

Jose Garcia, a delegate of the Australian Securities and Investments Commission

## Australian Securities & Investments Commission 0 1 / 1 1 7 2 Corporations Law Section 825

#### **Order Revoking Licence**

TO: Global Asset Management (Australia) Limited, ACN: 081 037 970

("the Licensee")

C/O Mallesons Stephen Jaques

LEVEL 53, GOVERNOR PHILLIP TOWER

1 FARRER PLACE SYDNEY NSW 2000

Pursuant to paragraph 825(c) of the Corporations Law, the Australian Securities and Investments Commission hereby revokes Licence Number 177607 held by the Licensee with effect from when this order is served on the Licensee.

Dated this 6<sup>th</sup> day of September 2001

Signed .....

Jose Garcia, a delegate of the Australian Securities and Investments Commission



#### ASIC

Australian Securities & Investments Commission

#### Australian Securities & Investments Commission 0 1 / 1 1 7 3 Corporations Act 2001 Section 1190

#### **Order Revoking Licence**

TO: Burdett Buckeridge Young Limited ("the Licensee")
Level 45, Rialto South Towers
Collins Street
Melbourne VIC 3000

#### Whereas:

- Licence Number 14954 ("the Licence") was issued to the Licensee on 7 September 1998 pursuant to section 1145 of the old Corporations Law.
  - 2. The Licensee asked the Australian Securities & Investment Commission to revoke the Licence by letter dated 22 August 2001.

Pursuant to section 1190 of the Corporations Act 2001 the Australian Securities and Investments Commission hereby revokes the Licence with effect from the date upon which this order is served on the Licensee.

Dated this 7th day of September 2001.

Signed

Brian Burgess, a delegate of the Australian Securities and Investments
Commission



#### ASIC

Australian Securities & Investments Commission

#### Australian Securities & Investments Commission Corporations Act 2001 Section 1190

#### **Order Revoking Licence**

**TO:** Reef Capital Pty Limited ("the Licensee") Suite 7, 44 William Street Port Macquarie NSW 2444

#### Whereas:

- Licence Number 181820 ("the Licence") was issued to the Licensee on 12 November 1998 pursuant to section 1145 of the old Corporations Law.
  - 2. The Licensee asked the Australian Securities & Investment Commission to revoke the Licence by letter dated 28 August 2001.

Pursuant to section 1190 of the Corporations Act 2001 the Australian Securities and Investments Commission hereby revokes the Licence with effect from the date upon which this order is served on the Licensee.

Dated this 7th day/of September 2001.

Brian Burgess, a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission Corporations Act 2001 (Cwlth) - Paragraph 601QA(1)(a) - Exemption

Pursuant to paragraph 601QA(1)(a) of the Corporations Act 2001 (Cwlth) ("Act") the Australian Securities and Investment Commission ("ASIC") hereby exempts the person referred to in Schedule A in respect of the scheme described in Schedule B from paragraph 601GA(4)(c) and Part 5C.6 of the Act in the cases referred to in Schedule C on the conditions set out in Schedule D.

#### SCHEDULE A

Tyndall Investment Management (Australia) Limited (ACN 002 060 228)

SCHEDULE B

Tyndall Meridian Trust (ARSN 089.535 526)

#### SCHEDULE C

The cancellation of holdings in the Scheme which are less than a marketable parcel, as defined in the ASX Listing Rules ("Cancellation") prior to 11th September 2002

#### SCHEDULE D

- The Cancellation complies with clause 3.17 of the constitution for Scheme ("Constitution"). 1
- Clause 3.17 of the Constitution complies with ASX Listing Rule 15.13 2
- la ma Tyndall Investment Management (Australia) Limited considers the Cancellation to be in the best interest of 3 all members.

Dated 11th September 2001

Signed by Maree Therese O'Brien

as delegate of the Australian Securities and Investment Commission



#### ASIC

Australian Securities & Investments Commission

### Australian Securities and Investment Commission 0 1 / 1 1 7 6

#### **Corporations Act 2001**

#### Paragraph 601QA(1)(a) Exemption

Pursuant to paragraph 601QA(1)(a) of the Corporations Act 2001 ("the Act") the Australian Securities and Investment Commission ("the ASIC") hereby exempts the person referred to in Schedule A ("the responsible entity"), in respect of the case referred to in Schedule B ("each a scheme") from sub-section 601KB(3) and section 601KD of the Act on the conditions specified in Schedule C.

#### Schedule A

National Australia Fund Management Limited ("NAFM") ACN 004 956 588

#### Schedule B

NAFM making a withdrawal offer to a member of the National Australia Property Fund ("the scheme") (ARSN 093 198 513) in November 2001 in accordance with Part 5.C.6 of the Act.

#### Schedule C

- 1. The withdrawal offer is made to all members of the scheme.
- 2. The withdrawal offer must, in addition to the material required by sub-section 601KB(3) of the Act, set out the nature of the offer including an explanation of the responsible entity's proposal to set aside an additional amount of money for the mop-up of holdings which fall below the minimum specified holdings.
- 3. The withdrawal offer complies with Part 5C 6 of the Act except that where there is an insufficient amount of money available from the assets specified to satisfy all requests, and subsequent requests being satisfied proportionately in accordance with the formula set out in section 601KD of the Act, the responsible entity may redeem units of members in excess of their entitlement, where this is

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01/1176

necessary to avoid them being left with holdings of units which are below the minimum holding specified in the constitution of the scheme.

The exemption only applies where the minimum holding specified in the constitution of the scheme is less than \$2000.

Dated this 12th day of September 2001.

Signed by Magdaline Goh

as delegated of the Australian Securities and Investments Commission



#### ASIC

Australian Securities & Investments Commission

### Australian Securities & Investments Commission Corporations Act 2001 Section 1190

01/1177

#### **Order Revoking Licence**

TO: Venitia Pty Ltd ("the Licensee")

PO Box 391

Morningside QLD 4170

#### Whereas:

- Licence Number 178698 ("the Licence") was issued to the Licensee on 30 June 1998 pursuant to section 1145 of the old Corporations Law.
- 2. The Licensee asked the Australian Securities & Investment Commission to revoke the Licence by letter dated 18 September 2001.

Pursuant to section 1190 of the Corporations Act 2001 the Australian Securities and Investments Commission hereby revokes the Licence with effect from the date upon which this order is served on the Licensee.

Dated this 20th day of September 2001.

Signed ...

Ian Podmore, a delegate of the Australian Securities and Investments Commission

## Australian Securities and Investments Commission Corporations Act 2001 — Subsection 741(1) — Exemption

01/1178

Pursuant to subsection 741(1) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts each person in the class of persons mentioned in Schedule A from Parts 6D.2 and 6D.3 of the Act in the cases referred to in Schedule B on the conditions set out in Schedule D and for so long as those conditions are met.

#### SCHEDULE A — PERSONS EXEMPTED

Macquarie Bank Limited (ABN 46 008 583 542) ("the Company").

#### SCHEDULE B — CASES EXEMPTED

This exemption applies to an offer of securities for issue or sale which is:

- (a) an offer for issue or sale of fully paid shares being shares in the same class as shares which at the time of the offer are quoted on the ASX or an approved foreign exchange and trading in which is not suspended ("quoted shares"); and
- (b) an offer for issue or sale of options over fully paid shares in the same class as quoted shares where the option is offered for no more than nominal consideration; and
- an issue or sale of fully paid shares in the same class as shares which at the time of issue or sale are quoted shares as a consequence of an offer of the kind referred to in paragraphs (a) or (b);

and which meets the further requirements set out in Schedule C, but does not apply to:

(d) an offer or grant of options for other than nominal consideration.

#### SCHEDULE C — FURTHER REQUIREMENTS

An offer, issue or sale to which this exemption applies must, insofar as it constitutes, includes or may result in the issue or transfer of shares (for example through the exercise of an option), meet the following requirements

- The shares the subject of the offer or option must be securities of the Company of which have been quoted on the ASX throughout the 12 month period immediately preceding the offer without suspension during that period exceeding in total 2 trading days.
- The offer must be made pursuant to an employee share scheme extended only to persons ("offerees") who at the time of the offer are full or part-time employees or directors of the Company or of associated bodies corporate of the Company.
- 3 The employee share scheme must not involve:
  - (a) a contribution plan; or
  - (b) any offer, issue or sale being made through a trust.
- The offer must be in writing ("the offer document") and:
  - (a) the offer document must include or be accompanied by a copy, or a summary, of the rules of the employee share scheme pursuant to which the offer is made;
  - (b) if the offer document includes or is accompanied by a summary (rather than a copy) of the rules of the employee share scheme, the offer document must include an undertaking that during the period or periods during which the offeree may acquire the shares offered or subject to the option ("the offer

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period"), the Company will, within a reasonable period of the offeree so requesting, provide the offeree without charge with a copy of the rules of the employee share scheme;

- (c) the offer document must specify in respect of the shares offered or subject to the option:
  - (i) the acquisition price in Australian dollars of the shares;
  - (ii) where the acquisition price of the shares is denominated in a foreign currency, the Australian dollar equivalent of the acquisition price as at the time of the offer; or
  - (iii) where the acquisition price of the shares is determinable at some future time by reference to a formula, the Australian dollar or Australian dollar equivalent of the acquisition price were that formula applied as at the date of the offer;
- (d) the offer document must include an undertaking, and an explanation of the way in which, the Company will, during the offer period, within a reasonable period of the offeree so requesting, make available to the offeree the following information:
  - the current market price (or, where that price is denominated in a foreign currency, the
    Australian dollar equivalent of that price) of shares in the same class as the shares offered or
    subject to the option; and
  - (ii) where either paragraph (c)(ii) or (iii) applies, the information referred to in that paragraph as updated to that date; and
- (e) if the Company or any associated body corporate of it offers the offeree any loan or other financial assistance for the purpose of acquiring the shares offered or subject to the option, the offer document must disclose the conditions, obligations and risks associated with such loan or financial assistance.
- In the case of an offer of shares or options for issue, the number of shares the subject of the offer or to be received on exercise of an option when aggregated with:
- (a) the number of shares in the same class which would be issued were each outstanding offer or option to acquire unissued shares, being an offer made or option acquired pursuant to an employee share scheme extended only to employees or directors of the Company and of associated bodies corporate of the Company, to be accepted or exercised (as the case may be); and
- (b) the number of shares in the same class issued during the previous 5 years pursuant to the employee share scheme or any other employee share extended only to employees or directors of the Company and of associated bodies corporate of the Company;

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 Australia; or
- (d) an offer that was an excluded offer or invitation within the meaning of the Corporations Law as it stood prior to 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 of the Act;
- (f) an offer made under a prospectus lodged with ASIC;
  - must not exceed 5% of the total number of issued shares in that class of the Company as at the time of the offer.

#### SCHEDULE D — CONDITIONS

01/1178

- The person making the offer (the "offeror") must provide to ASIC a copy of the offer document (which need not contain details of the offer particular to the offeree such as the identity or entitlement of the offeree) and of each accompanying document not later than 7 days after the provision of that material to the offeree.
- The offeror must ensure that the Company, complies with any undertaking required to be made in the offer document by reason of this instrument.

#### Interpretation

For the purposes of this instrument:

- A contribution plan is a plan under which a participating offeree may save money by regular deductions from wages or salary towards paying for shares offered for issue or sale under an employee share scheme.
- A body corporate is an associated body corporate of the Company if:
  - (a) the body corporate is a related body corporate of the Company; or
  - (b) the body corporate has voting power in the Company of not less than 20%; or
  - (c) the Company has voting power in the body corporate of not less than 20%;

(applying the definition of "voting power" contained in section 610 of the Act).

- The Australian dollar equivalent of a price shall be calculated by reference to the relevant exchange rate: published by an Australian bank on the previous business day.
- An employee share scheme shall not be regarded as extended to a person other than an employee or director of the Company or an associated body corporate of the Company merely because such an employee or director may renounce an offer of shares made to them under the scheme in favour of their nominee.
- An option shall be taken to have been offered or granted for nominal consideration if and only if the monetary consideration payable upon the issue of the option is not more than the lesser of:
  - (a) 1 cent per option; or
  - (b) 1% of the exercise price in respect of the option.
- The current market price of a share shall be taken as the price published by the principal exchange on which the share is quoted as the final price for the previous day on which the share was traded on the stock market of that exchange.

Dated the 21st day of September 2001

Signed by Vinh Huynh

as delegate of the Australian Securities and Investments Commission

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION 0 1 / 1 1 7 9 CORPORATIONS ACT 2001 SECTION 1113A - DECLARATION

PURSUANT to subsection 1113A(1) of the Corporations Act 2001 (the Act) the Australian Securities and Investments Commission (ASIC) hereby declares that Division 3 of Part 7.13 of the Act is to apply to the non-marketable securities referred to in the Schedule as if those securities were marketable securities within the meaning of that Division.

And pursuant to subsection 1113A(2) of the Act ASIC hereby declares that Division 3 of Part 7.13 of the Act has effect in its application to the securities referred to in the Schedule as if:

- 1. section 1097 were modified by:
  - inserting the words "(subject to subsection 1097(5))" after the word "means" in the definitions of "eligible body" and "issuing body" in subsection (1);
  - (b) inserting the following definition after the definition of "legal representative" in subsection (1):

""listed for quotation", in relation to a marketable security or marketable right that is a warrant issued in accordance with Section 8 of the Business Rules of ASX, includes admitted to trading status under those Rules;"; and

- (c) inserting the following subsection after subsection 1097(4):
  - "1097(5) The terms "eligible body" and "issuing body", in relation to a warrant issued in accordance with Section 8 of the Business Rules of ASX, include the Warrant-Issuer under those Rules."; and
- 2. section 1097A were modified by omitting subsection 1097A(4) and substituting the following subsection:
  - "1097A(4) For the purposes of subsections (1) and (2), marketable securities or marketable rights that are warrants issued in accordance with Section 8 of the Business Rules of ASX are taken to have stopped being listed for quotation when the warrants lose their trading status under those Rules."

#### Schedule

Warrants over units in the trust known as the Nasdaq-100 Trust being warrants admitted to trading status under Section 8 of the Business Rules of ASX and issued by SG Australia Limited pursuant to an Offering Circular substantially in the form of that provided to ASIC on 17 September 2001.

Dated the Albay of September 2001

Signed by Jehnifer O'Donnell

as a delegate of the Australian Securities and Investments Commission

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION 0 1 / 1 18 0 CORPORATIONS ACT 2001 SECTION 1113A - DECLARATION

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  - inserting the words "(subject to subsection 1097(5))" after the word "means" in the definitions of "eligible body" and "issuing body" in subsection (1);
  - (b) inserting the following definition after the definition of "legal representative" in subsection (1):
    - ""listed for quotation", in relation to a marketable security or marketable right that is a warrant issued in accordance with Section 8 of the Business Rules of ASX, includes admitted to trading status under those Rules;"; and
  - (c) inserting the following subsection after subsection 1097(4):
    - "1097(5) The terms "eligible body" and "issuing body", in relation to a warrant issued in accordance with Section 8 of the Business Rules of ASX, include the Warrant-Issuer under those Rules."; and
- 2. section 1097A were modified by omitting subsection 1097A(4) and substituting the following subsection:
  - "1097A(4) For the purposes of subsections (1) and (2), marketable securities or marketable rights that are warrants issued in accordance with Section 8 of the Business Rules of ASX are taken to have stopped being listed for quotation when the warrants lose their trading status under those Rules."

#### Schedule

Warrants over the S&P/ASX 200 Share Price Index being warrants admitted to trading status under Section 8 of the Business Rules of ASX and issued by SG Australia Limited pursuant to an Offering Circular substantially in the form of that provided to ASIC on 19 September 2001.

Dated the day of September 2001

signed by Jehnifer O'Donnell

as a delegate of the Australian Securities and Investments Commission

CORPORATIONS ACT 2001 SECTIONS 829 and 830

01/1181

#### **ORDER BANNING PERSON**

TO: Barry Alan Elms

c/- Elms Lazurko 59 Mary Street

NOOSAVILLE QLD 4566

TAKE NOTICE that pursuant to subsections 829(d), (f) and (g) and section 830 of the Corporations Act 2001, the Australian Securities and Investments Commission HEREBY PROHIBITS YOU for a period of 3 years from doing an act as a representative of a securities dealer or of an investment adviser from the date of service of this order.

Dated this 10<sup>th</sup> day of August 2001

Casandra Francas

Delegate of the Australian Securities and Investments Commission

Your attention is drawn to section 835 of the Corporations Act 2001 which provides that a person shall not contravene a banning order relating to the person.

Penalty: \$2,500 or imprisonment for 6 months or both.

## Australian Securities and Investments Commission Corporations Law — Paragraph 601QA(1)(a) — Exemption 0 1 / 1 1 8 2

 Pursuant to paragraph 601QA(1)(a) of the Corporations Act 2001 ("the Law"), the Australian Securities and Investments Commission ("ASIC") hereby exempts the persons referred to in Schedule A in the case described in Schedule B on the conditions set out in Schedule C from compliance with section 601ED.

#### SCHEDULE A

- 1. Davro (Aust) Pty Ltd ACN 088 569 028; and
- 2. Any other person who from time to time operates the Scheme who has undertaken to ASIC in writing that they have read and will comply with the conditions set out in Schedule C.
- 3. Any person who is an employee or agent of a person referred to in paragraph 1 or 2 of this Schedule A.

The persons described in this Schedule A are referred to in this instrument as "Promoters".

#### SCHEDULE B

Operating a managed investment scheme (the "Scheme") that involves registered proprietors of strata title units or community title interests located at Portobello Beachside Holiday Apartments, 2607 Gold Coast Highway, Mermaid Beach, Queensland ("strata units"), making their strata units available to a Promoter for use as part of a serviced apartment, hotel, motel or resort complex where every interest in the Scheme ("Interest") has been issued because of an offer or invitation:

- (a) made or issued before 2 March 2000;
- (b) made or issued after 1 March 2000 and before 1 January 2001 and a Promoter provides to each person to whom the offer or invitation is made at or before the making of the offer or invitation, a document that the Promoter reasonably believes complies with Schedule D that is signed and dated by the person that is operating the serviced apartment, hotel, motel or resort complex ("operator") or, if the operator is not knowingly concerned in the offer or invitation, by a Promoter;
- (c) made or issued after 31 December 2000 where:
  - (i) the offer or invitation relates only to the making available of strata units that on 31 December 2000 were owned by, or in relation to which there was a binding contract of sale with, a person other than a Promoter or any other person that a Promoter has reason to suspect was involved in development of the strata units or the operation of the Scheme; and
  - (ii) no more than 20 persons (other than persons that were members on or before 31 December 2000) become members of the Scheme in any 12 months starting after 31 December 2000 because of an offer or invitation by a Promoter other than an offer permitted by paragraph (d) or (e);
- (ca) made or issued after 31 December 2000 where:
  - (i) the offer or invitation is in accordance with a description of intended offers lodged with ASIC prior to the offer or invitation being made or issued, and ASIC has not notified the Promoter in writing that such offer or invitation should not be made or issued;
  - (ii) the description lodged includes:
    - (A) the number of strata units planned in the real property to which the Scheme relates;
    - (B) the anticipated completion date of each incomplete building;

(C) the number of strata units that:

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- (I) are held by a Promoter or its associate that the Promoter intends be sold other than to a Promoter or its associate;
- (II) are held by a Promoter or its associate that the Promoter does not intend be sold to a person other than to a Promoter or its associate; and
- (III) have been sold to a person that is not a Promoter or an associate of a Promoter;
- (D) whether there have been any changes to the structure of the Scheme or other material changes to the information that has been given to ASIC in relation to the Scheme; and
- (E) the anticipated completion of all currently intended sales;
- (iii) a Promoter provides to each person to whom the offer or invitation is made at or before the making of the offer or invitation, a document that the Promoter reasonably believes complies with Schedule D that is signed and dated by the operator or, if the operator is not knowingly concerned in the offer or invitation, by a Promoter; and
- (iv) the document referred to in sub-paragraph (iii) also clearly and prominently discloses:
  - (A) the extent (if any) to which members of the Scheme have the same rights as those which are described in Schedule E of ASIC Class Order 00/570 (being rights to replace the operators of certain schemes);
  - (B) the extent (if any) to which members of the Scheme do not have such rights; and
  - (C) the substance of the rights referred to in sub-paragraphs (A) and (B)."; and
- (d) that is an excluded offer or an excluded invitation or an offer or invitation to which ASIC Class Order 98/1931 or a replacement for that Class Order applies; or
- (e) that would not need disclosure to investors under Part 6D.2 of the Law because of section 708 (other than subsection 708(1)) assuming that the Scheme is registered and that Interests are securities.

#### SCHEDULE C

- 1. Each Promoter must not engage in misleading or deceptive conduct or conduct that is likely to mislead or deceive in relation to the Interests.
- 2. Each Promoter must not intentionally or recklessly fail to comply with its obligations to any member of the Scheme in relation to an Interest to the material detriment of the member.
- 3. Each Promoter must notify ASIC in writing immediately if:
  - (a) it is, or becomes aware that there is reason to suspect that a Promoter has:
    - (i) engaged in misleading or deceptive conduct or conduct that is likely to mislead or deceive in relation to the Interests; or
    - (ii) not complied with its obligations to any member of the Scheme to the material detriment of the member,
    - whether that conduct or non-compliance occurred before or occurs after the date of this instrument; and
  - (b) ASIC has not previously been notified of the conduct or non-compliance.

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Each Promoter must ensure that, where the Promoter makes an offer of Interests for issue to which paragraph (c) of Schedule B applies, the Promoter provides to each person to whom the offer is made at or before the making of the offer a document that the Promoter reasonably believes complies with Schedule D ("Disclosure Statement") that is signed and dated by the operator or, if the operator is not knowingly concerned in the offer, by the Promoter.

#### SCHEDULE D

- 1. The Disclosure Statement must:
  - (a) describe the main features of the Interests:
  - (b) set out the main terms and conditions of the offer or invitation;
  - (c) provide answers to the questions set out in paragraph 2 of this Schedule (the questions need not be set out, and the answers can be provided in any order or format), sufficiently to enable a typical person that may be offered Interests ("investor") to make an informed decision whether to become a member of the Scheme, having regard to every matter which is material to such a decision that:
    - (i) is known to any person who authorised or caused the issue of the Disclosure Statement; or
    - (ii) it would be reasonable for such a person to obtain by making inquiries; and
  - (d) be a copy of a disclosure statement that has been given to ASIC, if ASIC has requested a Promoter in writing that any disclosure statement relating to the Scheme be given to it.
- 2. The questions are:
  - (a) What is being offered?
    - (i) How are the investor's property rights affected by holding an Interest?
    - (ii) What key rights will investors have in relation to the use of their strata unit by the operator?
    - (iii) What sort of serviced apartment, hotel, motel or resort complex is being operated under the Scheme and how will it be operated?
    - (iv) What are the key terms of any lease, licence or rights that investors are to confer on the operator in relation to the operation of the Scheme?
    - (v) Does the operator own or have rights in relation to any property that may adversely affect:
      - (A) how the Scheme would operate if the operator were changed; or
      - (B) the amount investors are likely to receive for use of their strata unit if the property ceases to be available (for whatever reason).

and, if so, what are those rights? How could the adverse effect happen?

- (b) What are the risks and returns of the investment?
  - (i) How, in general terms, will the operation of the serviced apartment, hotel, motel or resort complex generate returns for investors?
  - (ii) When and how are these returns to be calculated and made available to investors?
  - (iii) Are investors in the Scheme guaranteed or promised that they will receive a particular rate of return from the Scheme? If so:

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- (A) what are the conditions for receiving the benefits of this guarantee or promise;
- (B) what (if any) are the circumstances in which the person providing the guarantee or promise may be unable to honour it;
- (C) what is the financial position of the person giving the guarantee or promise; and
- (D) on what basis do investors receive returns once the guarantee or promise expires?
- (iv) If no particular rate of return is guaranteed or promised:
  - (A) is the operator aiming to achieve a particular return;
  - (B) can investors expect any particular return; and
  - (C) are returns from the Scheme uncertain?
- (v) If returns from the Scheme may vary from what is aimed for or expected, or are otherwise uncertain, what are the main factors which will affect the level of return? If occupancy rates will affect the rate of return what are the main factors that will affect occupancy rates?
- (vi) Do investors have potential liability to pay moneys in relation to the Scheme or their ownership of a strata unit in any circumstances? If so, what are these liabilities and what main factors will affect the amount of these liabilities? For example, how will any repairs, refurbishment or replacement of any part of the serviced apartment, hotel, motel or resort complex and its furniture and fittings be paid for?
- (vii) Is there a suggested minimum period of time that an investor's investment should remain in the Scheme? If so, why is that period of time suggested? What, if any, are the kinds of qualifications on that suggestion?
- (c) What are the fees, charges, expenses and taxes associated with the Scheme?
  - (i) What fees, charges, expenses or taxes, if any, may be payable by an investor if they join the Scheme?
  - (ii) What fees, charges, expenses or taxes, if any, may be payable by an investor if they withdraw from the Scheme?
  - (iii) What other fees, charges, expenses or taxes may be deducted from the assets or income of the Scheme or otherwise borne by investors?
  - (iv) What general kinds of tax are likely to be payable on an investor's returns on investment in the Scheme?
- (d) Who is the operator?
  - (i) If the operator signs the Disclosure Statement, who is it and what are its credentials in operating hotels, motels, resorts or serviced apartment complexes (including details of its principal activities and relevant experience)?
  - (ii) If the operator does not sign the Disclosure Statement, how, and on what basis, will the operator be selected to undertake the operation of the Scheme?
  - (iii) If the operator signs the Disclosure Statement and the operator is to engage a person to operate the hotel, motel, resort or serviced apartment complex on its behalf, what credentials will that person have to operate the hotel, motel, resort or serviced apartment complex?

- (iv) What are the custodial arrangements for holding the money of the Scheme including money held for distribution to members and to meet expenses of the Scheme?
- (e) When can investments be withdrawn and transferred?
  - (i) When and how can an investor withdraw from the Scheme?
  - (ii) Can an Interest be transferred and, if so, in what circumstances? What legal requirements apply?
- (f) What information can be obtained?
  - (i) How can the entity signing the Disclosure Statement be contacted?
  - (ii) Is there any particular information available to a prospective or existing investor on request made to that entity? If so, how can that information be obtained?
  - (iii) When and how is the operator to report to an investor in the Scheme on the operations of the Scheme (including the Scheme's performance)?
- 3. The Disclosure Statement must also include a prominent statement to the effect that a person should consider whether to consult:
  - (a) an investment adviser who is either a securities licensee or an authorised representative of a securities licensee;
  - (b) a taxation adviser; and
  - (c) a lawyer,

before making a decision to become a member of the Scheme and if the Disclosure Statement is given to a person that does not own and has not agreed to buy a strata unit to which the Scheme relates, also before signing any contract to buy a strata unit on the basis that the person will become a member.

- 4. The Disclosure Statement must also include a prominent statement to the effect that investors do not have the benefit of the protection that applies to investors in a regulated managed investments scheme and that, in particular:
  - (a) the Scheme is not a registered scheme;
  - (b) the promoter and operator do not have a securities dealers licence; and
  - (c) the Disclosure Statement is not a prospectus containing the information required by the Corporations Law.

Dated 13 September 2001

Signed by Kyle Jonathan Wright

as delegate of the Australian Securities and Investments Commission.

Corporations Act 2001

Subsection 164(3)

Notice is hereby given that the 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.

#### TRAFALGAR PROPERTIES LTD

ACN 003 174 847 will change to a proprietary company limited by shares. The new name will be TRAFALGAR PROPERTIES PTY LIMITED ACN 003 174 847.

**AUSTECH LIMITED** ACN 074 448 829 will change to a proprietary company limited by shares. The new name will be

AUSTECH PTY LTD ACN 074 448 829.

**CURRENCYLINK LIMITED** ACN 051 324 791 will change to a proprietary company limited by shares. The new name will be

HANOVER CORPORATION PTY LIMITED ACN 051 324 791.

#### HOTBUTT WELDERS PTY LTD

ACN 009 201 076 will change to a public company limited by shares. The new name will be

HOTBUTT TECHNOLOGIES LIMITED ACN 009 201 076.

#### INVENT FUNDS MANAGEMENT LIMITED

ACN 079 785 096 will change to a proprietary company limited by shares. The new name will be INVENT FUNDS MANAGEMENT PTY LIMITED ACN 079 785 096.

#### **AUSTRALIAN BIOLOGICALS REGISTRY**

**PTY LTD** ACN 090 919 476 will change to a public company limited by shares. The new name will be CRYOSITE LIMITED

ACN 090 919 476.

**BGIP LIMITED** ACN 070 029 695 will change to a proprietary company limited by shares. The new name will be BGIP PTY LTD

ACN 070 029 695.

#### **ESTUARY VILLAGE LIMITED**

ACN 092 823 204 will change to a proprietary company limited by shares. The new name will be ESTUARY VILLAGE PTY LTD

ACN 092 823 204.

**INDOEX PTY LTD** ACN 078 401 377 will change to a public company limited by shares. The new name will be

PETROSOIL LIMITED ACN 078 401 377.

#### NATIONAL MORTGAGE BROKERS LTD

ACN 093 874 376 will change to a proprietary company limited by shares. The new name will be NATIONAL MORTGAGE BROKERS PTY LTD ACN 093 874 376.

## NATIONAL DEVELOPMENT SOLUTIONS LIMITED ACN 096 658 623 will change to a

proprietary company limited by shares. The new name will be NATIONAL DEVELOPMENT SOLUTIONS PTY LTD ACN 096 658 623.

**PROQUEST PTY LIMITED** ACN 081 638 271 will change to a public company limited by shares. The new name will be

PROQUEST LIMITED ACN 081 638 271.

**REMCON GROUP LIMITED** ACN 068 179 902 will change to a proprietary company limited by shares. The new name will be

REMCON GROUP PTY LTD ACN 068 179 902.