



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 — Paragraphs 911A(2)(l) and 1020F(1)(a) — Exemption**

1. Under paragraph 911A(2)(l) of the *Corporations Act 2001* (the "Act"), the Australian Securities and Investments Commission ("ASIC") exempts, until 30 June 2005, the person referred to in Schedule A from the requirement to hold an Australian financial services licence for dealing in and providing financial product advice in relation to the financial product referred to in Schedule B in the case referred to in Schedule C on the conditions referred to in Schedule D and for so long as those conditions are met.
2. Under paragraph 1020F(1)(a) of the Act, ASIC exempts, until 30 June 2005, the person referred to in Schedule A from Part 7.9 of the Act in relation to the financial product referred to in Schedule B in the case referred to in Schedule C on the conditions referred to in Schedule D and for so long as those conditions are met.

Schedule A

Derni Pty Ltd ACN 002 263 872 ("Issuer").

Schedule B

A facility (the "Facility") that is issued by the Issuer and through which, or through the acquisition of which, a person makes non-cash payments for goods and services using a pre-paid non-reloadable gift voucher that contains an electronic barcode.

Schedule C

Where all of the following apply:

1. the issuer has taken all reasonable steps to ensure that on each occasion a transaction is made through the use of one or more Facilities, the total amount paid through all the Facilities used does not exceed \$1,000; and
2. the mechanism by which the Facility is accessed to make non-cash payments is non-reloadable.

Schedule D

The Issuer must:

1. establish and maintain an internal dispute resolution system that complies as far as practicable with the Australian Standard AS4269-1995: *Complaints Handling* that covers complaints made in connection with any dealing in, or any provision of financial product advice in relation to, the Facility, or with any use of the Facility; and

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2. ensure that any monies paid to the Issuer on account of an amount that may be paid by a client to another person (the "third party") through the Facility is paid as soon as practicable to, and held in, an account with an Australian ADI designated as a trust account until the Issuer is required to use the money to discharge the obligation to the third party for the provision of goods or services by the third party for which the non-cash payment was made through the Facility; and
3. at or before making an offer to a person to acquire the Facility (whether by issue or transfer):
 - (a) provide the person with a written document ("disclosure document") which sets out the terms and conditions of the Facility and if not already included in the terms and conditions, the following statements and such of the following information in a manner that is clear, concise and effective, as the person would reasonably require in order to assess the merits and risks of acquiring or using the Facility:
 - (i) a statement setting out the name, principal place of business and the address of the registered office of the Issuer; and
 - (ii) information about:
 - (A) the cost of using the Facility; and
 - (B) any other amounts that will or may be payable by the person in respect of the Facility, and the times at which those amounts will or may be payable; and
 - (iii) information about any other significant characteristics or features of the Facility and of the rights, terms, conditions and obligations attaching to the Facility; and
 - (iv) information about the dispute resolution system that covers complaints by clients and how that system may be accessed; and
 - (v) if the Issuer makes other information relating to the Facility available to clients or prospective clients, or to people more generally – a statement of how that information may be accessed; and
 - (b) where the terms or conditions of the Facility include a term or condition that:
 - (i) the Issuer may unilaterally vary the terms or conditions of the Facility; or
 - (ii) there is an expiry date by which the person can use any amount that can be used by the client for payment under the Facility,

ensure that those terms or conditions are set out in a prominent manner in the disclosure document; and

4. where a person is a client at the date of this instrument, the Issuer must:
 - (a) as soon as reasonably practicable after the date of this instrument, make available on its Internet website the disclosure document, in a manner reasonably likely to come to the attention of a person seeking information about the Facility on that site; and
 - (b) on the next practicable date when the Issuer provides any other written material to the client, provide the disclosure document to the client; and
5. give written notice to clients of any proposed material change to the terms and conditions of the Facility, and of any proposal by the Issuer to withdraw the Facility at least 30 days before the change or withdrawal takes effect, or where the client is not required to be identified when acquiring or using the Facility, take reasonable steps to notify clients of any proposed material change to the terms and conditions of the Facility or of any proposal by the Issuer to withdraw the Facility at least 30 days before the change or withdrawal takes effect; and
6. establish and maintain a means by which each client can readily, and without cost to the client, find out the amount that can be used by the client for payment under the Facility; and
7. provide any information in writing as and when requested by ASIC in relation to the Facility, within 20 business days of any such request.

Interpretation

For the purposes of this instrument:

1. *client* means a person who holds a Facility;
2. *dealing* has the meaning given by subsection 766C(1) of the Act;
3. *financial product advice* has the meaning given by subsection 766B(1) of the Act;
4. *makes non-cash payments* has the meaning given by section 763D of the Act;
5. *mechanism* includes a certificate, voucher, token, card, coin or other object, including electronic cash or material token, that can be used for making a payment, or causing a payment to be made; and
6. *offer* has a meaning affected by subsection 1010C(2) of the Act.

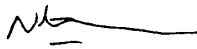
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Commencement

This instrument takes effect on gazettal.

Dated this 13th day of May 2005



Signed by Nita Alexander
as delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities & Investments Commission

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**Australian Securities & Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Sietse Wyne Pos, ABN 19 133 263 362 ("the Licensee") 15 Bilgola Avenue, Bilgola Beach NSW 2017.

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 220709 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 13th day of May 2005.

Signed

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



ASIC

Australian Securities & Investments Commission

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**Australian Securities & Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Pride Finance and Investment Pty. Limited, ABN 92 003 878 064 ("the Licensee") Level 2 619 Pacific Highway ST LEONARDS NSW 2065.

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 223408 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 13th day of May 2005.

Signed

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



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Australian Securities & Investments Commission

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**Australian Securities & Investments Commission
Corporations Act 2001 Section 915B**

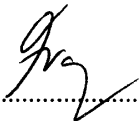
Notice of Cancellation of an Australian Financial Services Licence

TO: Alchemy Corporate Advisors Pty Ltd, ABN 65 101 390 149 ("the Licensee") Level 45 Rialto South Tower 525 Collins Street
MELBOURNE VIC 3000.

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 244357 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 13th day of May 2005.

Signed


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

Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 1020F(1)(a) — Exemption

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Pursuant to paragraph 1020F(1)(a) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission ("ASIC") exempts the persons in Schedule A from section 1019F of the Act in the case mentioned in Schedule B on the conditions in Schedule C for so long as they are met.

Schedule A

Tattersall's SPV Limited (ACN 110 477 471) ("**Tattersall's SPV**")
Computershare Investor Services Pty Limited (ACN 078 279 277)
Goldman Sachs JBWere Pty Ltd (ACN 006 797 897)
Macquarie Equity Capital Markets Limited (ACN 001 374 572)

Schedule B

Tattersall's SPV invites Eligible Shareholders to offer to sell or dispose of Tattersall's Shares to Tattersall's SPV (the "**Invitation**") where:

- (a) the Invitation is made in writing and is dated on or about 13 May 2005 and on or about 2 June 2005; and
- (b) it is a term or condition of the Invitation that:
 - (i) Tattersall's SPV will sell or dispose of any Tattersall's Shares which it acquires pursuant to the Invitation pursuant to applications for Tattersall's Shares made under the IPO Prospectus;
 - (ii) the consideration which an Eligible Shareholder will receive for each Tattersall's Share sold or disposed of pursuant to the Invitation will be the same as the highest sale or issue price of a Tattersall's Share under a contract formed pursuant to an application for Tattersall's Shares made under the IPO Prospectus;
 - (iii) Eligible Shareholders will be provided with a copy of the IPO Prospectus as soon as practicable after it is lodged with ASIC;
 - (iv) Eligible Shareholders will be able to accept the Invitation at any time after receipt of the IPO Prospectus until the date nominated by Tattersall's SPV being not less than 14 days after lodgment of the IPO Prospectus and prior to the closing date for acceptances under the IPO Prospectus; and
 - (v) settlement of a contract resulting from acceptance of the Invitation ("**Contract**") will not occur until Tattersall's SPV has entered into a binding contract pursuant to an application for Tattersall's Shares under the IPO Prospectus for the sale or disposal of Tattersall's Shares to which the Contract relates, and a

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Contract will be rescinded if Tattersall's SPV has not entered into a binding contract pursuant to an application for Shares under the IPO Prospectus for the sale or disposal of Tattersall's Shares to which the Contract relates within 3 months after the lodgment of the IPO Prospectus.

Schedule C

1. Tattersall's SPV does all things necessary to ensure that the Invitation includes the following information:
 - (a) the indicative sale or issue price range of Tattersall's Shares under contracts formed pursuant to applications for Tattersall's Shares made under the IPO Prospectus;
 - (b) that Eligible Shareholders will be provided with a copy of the IPO Prospectus as soon as practicable after it is lodged with ASIC;
 - (c) Eligible Shareholders will be able to accept the Invitation at any time after receipt of the IPO Prospectus until the date nominated by Tattersall's SPV being not less than 14 days after lodgment of the IPO Prospectus and prior to the closing date for acceptances under the IPO Prospectus;
 - (d) that Eligible Shareholders may be able to sell or dispose of their Tattersall's Shares following completion of the IPO at a price which is higher than the price which they would receive if they were to accept the Invitation;
 - (e) the maximum number of Tattersall's Shares which Tattersall's SPV will acquire pursuant to the Invitation and if this number depends on circumstances, how this maximum number will be determined;
 - (f) that, if the number of Tattersall's Shares in respect of which Eligible Shareholders accept the Invitation exceeds the maximum number referred to in paragraph (e), acceptances of the Invitation may be scaled back, and the basis on which acceptances of the Invitation would be scaled back;
 - (g) that no fee will be charged to Eligible Shareholders for the services provided by Tattersall's SPV to Eligible Shareholders who accept the Invitation;
 - (h) information about any other significant characteristics or features of the Invitation or of the rights, terms, conditions and obligations attaching to accepting the Invitation including, without limitation:
 - (i) the period during which the Invitation remains open; and
 - (ii) a description of the manner in which the sale of Tattersall's Shares by Tattersall's SPV will be conducted and how the

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consideration which Eligible Shareholders who accept the Invitation will receive will be determined;

- (i) if any of the persons mentioned in Schedule A makes other information relating to the Invitation available to Eligible Shareholders, or to persons more generally, a statement of how that information may be accessed; and

2. The Invitation is worded and presented in a clear, concise and effective manner.

Interpretation

In this instrument:

Current Employees means each person or persons employed by the Estate who will receive Tattersall's Shares as a result of the restructure of the Estate.

Eligible Shareholder means each person or persons who will receive Tattersall's Shares as a result of a restructure of the Estate of the Late George Adams ("**Estate**") involving the transfer of the assets of the Estate to Tattersall's and the issue of Tattersall's Shares to beneficiaries of the Estate, including the Current Employees.

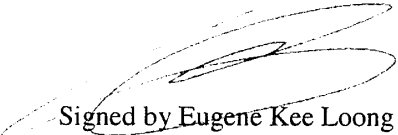
IPO means an initial public offering of Tattersall's Shares.

IPO Prospectus means a disclosure document lodged with ASIC on or about 2 June 2005 in connection with an IPO of Tattersall's Shares.

Tattersall's means Tattersall's Limited ACN 108 686 040.

Tattersall's Shares means ordinary shares in Tattersall's.

Dated this 12th day of May 2005



Signed by Eugene Kee Loong Foo
as delegate of the Australian Securities and Investments Commission

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

Pursuant to paragraph 741(1)(a) of the Corporations Act 2001 ("**Act**") the Australian Securities and Investments Commission ("**ASIC**") hereby exempts the person specified in Schedule A, in the case specified in Schedule B from subsections 711(6) and 723(1) of the Act on the conditions set out in Schedule C, for so long as those conditions as met.

And, pursuant to paragraph 741(1)(a) of the Act, ASIC hereby exempts the persons specified in Schedule D, in the case specified in Schedule E from subsection 734(5)(b)

And, pursuant to paragraph 741(1)(b) of the Act, ASIC hereby declares that Chapter 6D of the Act applies to the persons specified in Schedule D, in the case specified in Schedule B, as if subsection 734(6) were modified or varied by omitting paragraph (b).

Schedule A

GPT Management Holdings Limited ACN, 113 510 188 ("**GPTCo**"), and any person acting on its behalf.

GPT Management Limited (ABN 94 000 335 473), in its capacity as the responsible entity of GPT, its related bodies corporate and any person acting on its behalf.

Schedule B

A prospectus, lodged with ASIC on or about 29 April 2005 ("**Prospectus**") which, amongst other things, invites holders of interests in GPT ("**Unitholders**") to attend a meeting to be held on or about 2 June 2005 ("**Meeting**") to consider proposals that would (amongst other things) allow the issue of shares in GPTCo to Unitholders and result in Unitholders on the relevant record date, being issued shares in GPTCo and having those shares stapled to their GPT units.

Schedule C

The notice of meeting sent to Unitholders convening the Meeting is accompanied by a copy of the Prospectus.

Schedule D

GPTCo, its related bodies corporate and any person acting on its behalf.

GPT Management Limited (ABN 94 000 335 473), in its capacity as the responsible entity of GPT, its related bodies corporate and any person acting on its behalf.

Schedule E

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Any publication or notice regarding GPTCo, which occurs prior to the Prospectus being lodged with ASIC, to the extent necessary to allow GPT to comply with its continuous disclosure obligations under the ASX Listing Rules.

In this instrument:

GPT means General Property Trust ARSN 090 110 357.

Dated this 10th day of May 2005



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

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**Australian Securities and Investments Commission
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 Investments Commission ("ASIC") hereby exempts ANZ Managed Investments Limited ACN 004 392 269 ("ANZ") as responsible entity for each of the registered schemes mentioned in Schedule A in the case set out in Schedule B from compliance with section 601FL of the Act.

Schedule A

1. ANZ Australian Bond Trust ARSN 088 891 570
2. ANZ Australian Cash Fund ARSN 088 882 286
3. ANZ Australian Equities Index Fund ARSN 092 254 183
4. ANZ Australian Equities Small Companies Special Situations Fund ARSN 088 890 546
5. ANZ Australian Fixed Interest Fund ARSN 088 882 982
6. ANZ Australian Imputation Fund ARSN 095 838 690
7. ANZ Australian Index Bonds Fund ARSN 088 880 522
8. ANZ Australian Industrial Equities Fund ARSN 088 881 672
9. ANZ Australian Resource Equities Fund ARSN 088 881 672
10. ANZ Australian Resources Trust ARSN 088 881 789
11. ANZ Australian Share Index Fund ARSN 092 254 450
12. ANZ Balanced Index Fund ARSN 092 253 793
13. ANZ Cash Plus Fund ARSN 088 880 906
14. ANZ Commercial Property Fund ARSN 088 881 038
15. ANZ Equity Imputation Trust ARSN 093 218 761
16. ANZ Equity Trust No 1 ARSN 093 218 690
17. ANZ Fixed Interest Trust ARSN 093 218 690
18. ANZ Global Technology Fund ARSN 091 580 951
19. ANZ International Equities Fund ARSN 088 879 823
20. ANZ International Equities Index Fund ARSN 092 254 058
21. ANZ International Fixed Interest Fund ARSN 088 882 004
22. ANZ Listed Property Trust Fund ARSN 088 882 571
23. ANZ Mortgage Fund (Series 1 & 2) ARSN 090 385 167
24. ANZ OA Barclays Global Investors Australian Share Trust ARSN 104 470 368
25. ANZ OA AXA Global Equity Value Trust ARSN 104 467 656
26. ANZ OA BT Core Hedged Global Shares Trust ARSN 104 468 500
27. ANZ OA Colonial First Statement Imputation Trust ARSN 104 469 098
28. ANZ OA Credit Suisse International Share Trust ARSN 104 467 281
29. ANZ OA Credit Suisse Property Trust ARSN 104 468 724
30. ANZ OA Fidelity Perpetual International Share Trust ARSN 104 467 601
31. ANZ OA ING Active Growth Trust ARSN 104 468 475
32. ANZ OA ING Australian Share Trust ARSN 088 888 082
33. ANZ OA ING Balanced Trust ARSN 088 883 149
34. ANZ OA ING Blue Chip Imputation Trust ARSN 088 881 449
35. ANZ OA ING Cash Trust ARSN 104 469 267

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36. ANZ OA ING Conservative Trust ARSN 088 885 456
37. ANZ OA ING Diversified Fixed Interest Trust ARSN 096 670 003
38. ANZ OA ING Global Emerging Markets Share Trust ARSN 104 486 760
39. ANZ OA ING Global Sector Trust ARSN 088 881 609
40. ANZ OA ING High Growth Trust ARSN 104 468 975
41. ANZ OA ING Income Plus Trust ARSN 104 468 573
42. ANZ OA ING Income Trust ARSN 088 889 169
43. ANZ OA ING Managed Growth Trust ARSN 088 885 161
44. ANZ OA ING Mortgage Trust ARSN 104 469 427
45. ANZ OA ING Property Securities Trust ARSN 089 043 265
46. ANZ OA ING Select Leaders Trust ARSN 096 670 030
47. ANZ OA ING Sustainable Investments- Australian Share Trust ARSN 104 468 895
48. ANZ OA ING Tax Effective Income Trust ARSN 104 468 493
49. ANZ OA Investors Mutual Australian Share Trust ARSN 104 467 174
50. ANZ OA Optimix Australian Fixed Interest Trust ARSN 104 468 019
51. ANZ OA Optimix Australian Property Securities Trust ARSN 104 468 411
52. ANZ OA Optimix Australian Share Trust ARSN 104 470 223
53. ANZ OA Optimix Capital Stable Trust ARSN 104 468 297
54. ANZ OA Optimix Enhanced Cash Trust ARSN 104 468 439
55. ANZ OA Optimix Global Share Trust ARSN 104 470 322
56. ANZ OA Optimix Global Smaller Companies Share Trust ARSN 104 469 623
57. ANZ OA Optimix Growth Trust ARSN 104 468 224
58. ANZ OA Optimix High Growth Trust ARSN 104 469 963
59. ANZ OA Optimix Moderate Trust ARSN 104 468 322
60. ANZ OA Perpetual Australian Share Trust ARSN 104 468 635
61. ANZ OA Schroder Australian Equity Trust ARSN 104 470 420
62. ANZ OA State Street Australian Index Plus Trust ARSN 104 467 469
63. ANZ OA State Street Global Index Plus (Hedged) Trust ARSN 104 467 352
64. ANZ OA UBS Diversified Fixed Income Trust ARSN 104 468 242
65. ANZ Portfolio Manager Trust ARSN 095 769 038
66. ANZ Private Sector Debt Fund ARSN 088 880 960
67. ANZ Property Securities Trust ARSN 088 882 062
68. ANZ Select Leader Pool ARSN 095 838 583
69. ANZ Wholesale Australian Imputation Trust ARSN 095 838 949
70. ANZ Wholesale Australian Shares Trust ARSN 095 839 026
71. ANZ Wholesale Balanced Trust ARSN 095 839 277
72. ANZ Wholesale Conservative Trust ARSN 095 839 302
73. ING Wholesale Diversified Fixed Interest Trust ARSN 095 838 832
74. ANZ Wholesale Growth Trust ARSN 095 839 213
75. ANZ Wholesale Income Trust ARSN 095 839 062
76. ANZ Wholesale Mortgage Fund ARSN 093 218 805
77. ANZ Wholesale Property Securities Trust ARSN 095 838 789
78. ING Wholesale Select Leaders Trust ARSN 095 838 887
79. Gateway Aggressive Growth Fund ARSN 092 254 736
80. Gateway Australian Bond Sector Trust ARSN 092 252 161
81. Gateway Australian Property Securities Sector Trust ARSN 092 252 750
82. Gateway Australian Shares Sector Trust ARSN 092 253 024
83. Gateway Diversified Aggressive Growth Trust ARSN 092 253 266
84. Gateway Diversified Growth Trust ARSN 092 253 417

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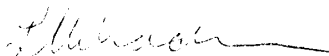
85. Gateway Diversified Income and Growth Trust ARSN 092 253 677
86. Gateway Diversified Income Trust ARSN 092 253 560
87. Gateway Growth Fund ARSN 092 254 610
88. Gateway Income and Growth Fund ARSN 092 254 905
89. Gateway Income Fund ARSN 092 255 162
90. Gateway International Bond Sector Trust - \$A Hedged ARSN 092 251 682
91. Gateway International Shares Sector Trust ARSN 092 252 947

Schedule B

Where:

1. ANZ retires and is replaced by ING Funds Management Limited ACN 003 002 800 ("ING").
2. All Investors have received clear or will receive clear, concise and effective disclosure on the joint venture between the ING group and ANZ Bank group and the ownership as a consequence of the change of the responsible entity.
3. There are no costs whether administrative or other charged to the scheme or members relating to the change of the responsible entity,
4. There is no change to
 - i. Investors rights, and
 - ii. The ultimate ownership of ANZ and ING,
 - iii. The management personnel for the schemes, and
 - iv. The product namesas a consequence of the change of the responsible entity.
5. As soon practicable on change of RE either ANZ or ING group, must lodge a notice with ASIC asking it to alter the record of the scheme's registration to name the chosen company as the scheme's responsible entity.

Dated this 6th day of May 2005



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

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**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 601QA(1) – Revocation**

Pursuant to subsection 601QA(1) of the *Corporations Act 2001* the Australian Securities and Investments Commission ("ASIC") revokes:

- (a) ASIC Instrument No [05/487]; and
- (b) ASIC Instrument No [05/500].

Dated this 13th day of May 2005



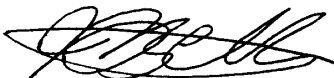
Signed by Philippa Bell
as a delegate of the Australian Securities and Investments Commission

0 5 / 0 5 2 5**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 601QA(1) – Variation**

Pursuant to subsection 601QA(1) of the *Corporations Act 2001* the Australian Securities and Investments Commission ("ASIC") varies ASIC Instrument No [05/452] by:

1. omitting the two paragraphs that appear above paragraph 1. and substituting:
"Under paragraph 601QA(1)(b) of the *Corporations Act 2001* ("the Act") the Australian Securities and Investments Commission declares that Chapter 5C of the Act applies to the persons mentioned in Schedule A in the case set out in Schedule B as if Chapter 5C were modified or varied as follows"; and
2. omitting paragraphs 1. to 5.; and
3. in paragraph 9., omitting section 601PD as notionally inserted into the Act by the instrument and substituting:
"601PD For the purposes of sections 601FC, 601FD and 601LC:
stapled security means two or more financial products including at least one interest in a registered managed investment scheme where:
 - (a) under the terms on which each of the products are to be traded, they must be transferred together; and
 - (b) there are no financial products in the same class as those financial products which may be transferred separately."

Dated this 13th day of May 2005



Signed by Philippa Bell
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)(a) — Exemption

Pursuant to paragraph 601QA(1)(a) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts Optimix Investment Management Limited ACN 006 790 629 ("Optimix") as responsible entity for each of the registered schemes mentioned in Schedule A in the case set out in Schedule B from compliance with section 601FL of the Act.

Schedule A

1. Optimix Australian Fixed Interest Trust ARSN 105 698 619
2. Optimix Australian Property Securities Trust ARSN 095 485 206
3. Optimix Australian Share Trust ARSN 095 485 386
4. Optimix Balanced Trust ARSN 095 484 932
5. Optimix Conservative Trust ARSN 095 484 861
6. Optimix Enhanced Cash Trust ARSN 095 485 117
7. Optimix Global Share Trust ARSN 095 485 304
8. Optimix Global Smaller Companies Share Trust ARSN 103 118 734
9. Optimix Growth Trust ARSN 095 485 000
10. Optimix High Growth Trust ARSN 095 485 037
11. Optimix Moderate Trust ARSN 105 699 376
12. Optimix Wholesale Australian Fixed Interest Trust ARSN 091 108 324
13. Optimix Wholesale Australian Property Securities Trust ARSN 094 389 803
14. Optimix Wholesale Australian Share Trust ARSN 094 389 821
15. Optimix Wholesale Balanced Trust ARSN 091 108 628
16. Optimix Wholesale Conservative Trust ARSN 091 108 986
17. Optimix Wholesale Cash Trust ARSN 094 390 146
18. Optimix Wholesale Enhanced Cash Trust ARSN 091 107 407
19. Optimix Wholesale Global Share Trust ARSN 091 103 098
20. Optimix Wholesale Global Smaller Companies Share Trust ARSN 101 410 388
21. Optimix Wholesale Growth Trust ARSN 091 102 868
22. Optimix Wholesale High Growth Trust ARSN 094 389 885
23. Optimix Wholesale Inflation Linked Bonds Trust ARSN 094 389 938
24. Optimix Wholesale International Fixed Interest Trust ARSN 091 108 119
25. Optimix Wholesale Moderate Trust ARSN 104 417 254

Schedule B

Where:

1. Optimix retires and is replaced by ING Funds Management Limited ACN 003 002 800 ("ING").
2. All Investors have received clear or will receive clear, concise and effective disclosure on the joint venture between the ING group and ANZ Bank group and the ownership as a consequence of the change of the responsible entity.

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3. There are no costs whether administrative or other charged to the scheme or members relating to the change of the responsible entity.
4. There is no change to
 - (i) Investors rights, and
 - (ii) The ultimate ownership of Optimix and ING,
 - (iii) The management personnel for the schemes, and
 - (iv) The product namesas a consequence of the change of the responsible entity.
5. As soon practicable on change of RE either Optimix or ING group, must lodge a notice with ASIC asking it to alter the record of the scheme's registration to name the chosen company as the scheme's responsible entity.

Dated this 12th day of May 2005



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

Australian Securities and Investments Commission
Paragraph 601QA(1)(b) - Corporations Act 2001 - Variation

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Pursuant to paragraph 601QA(1)(b) of the Act, ASIC varies ASIC Instrument No [05/446] by:

1. Omitting "section 601GA(1)(a) (as notionally inserted by Class Order [98/52]" and substituting "section 601GAA (as notionally inserted by Class Order [CO 05/26])";
2. Omitting "section 601GA(1)(a)(i) as notionally inserted into the Act by Class Order [CO 98/52]" from Schedule B and substituting "subsection 601GAA(2) as notionally inserted into the Act by Class Order [CO 05/26] and modified by this instrument";
3. Omitting paragraph 5 from Schedule B and substituting:

"5. the proportion of interests applied for by an associate of the responsible entity that is issued to that party is no greater than the proportion of interests applied for that is issued to any person who is not an associate of the responsible entity acquiring interests in the schemes; and";
4. Omitting Schedule C and substituting:

"Schedule C

1. Adding at the end of paragraph 601GAA(2)(b), as notionally inserted into the Act by Class Order [CO 05/26]:

"(unless the responsible entity or a person associated with the responsible entity will acquire and hold the interests in a fiduciary capacity)"; and
2. Inserting the following subsection immediately after subsection 601GAA(12), as notionally inserted into the Act by Class Order [CO 05/26]:

"(12A) For the purposes of subsection (2), a person is taken to hold interests in a fiduciary capacity if the person holds those interests as:

 - (a) a nominee for third parties;
 - (b) a trustee of a trust;
 - (c) a responsible entity of another registered managed investment scheme; or

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(d) a life insurer or its agent in respect of the life insurer's statutory funds maintained under the *Life Insurance Act 1995* (Cth)."

Dated this 12th day of May 2005



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

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Corporations Act 2001 – Subsection 741(1) - Declaration

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

1. Inserting the words "at any time during the last 2 years" after the words "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 words "the amount" where they first occur with the words "any material amount";
 - inserting before the word "benefit" where it first occurs, the word "material";
 - and
 - inserting the words "at any time during the last 5 years" after the words "has given or agreed to give", at the end of the first sentence.
3. Inserting the words ", (3A)" after the words "subsections (2)" in subsection 711(4).

Schedule A

Goldman Sachs JBWere Capital Markets Limited ACN 004 463 263

Schedule B

An offer of unsecured deposit notes of Goldman Sachs JBWere Capital Markets Limited called 'Goldman Sachs JBWere Deposit Notes', in respect of which a prospectus is lodged with ASIC on or about 18 May 2005.

Dated this 13th day of May 2005



Signed by Francis Wong
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), 911A(2)(l), 992B(1)(a) and 1020F(1)(a)
Exemption

1. Under paragraph 601QA(1)(a) of the *Corporations Act 2001* (“the Act”) the Australian Securities and Investments Commission (“ASIC”) exempts the persons referred to in Schedule A in the case referred to in Schedule B on the conditions set out in Schedule C from compliance with section 601ED.
2. Under paragraph 601QA(1)(a) of the Act ASIC revokes ASIC Instrument No [00/2105].
3. Under paragraphs 911A(2)(l), 992B(1)(a) and 1020F(1)(a) of the Act ASIC hereby exempts the persons referred to in Schedule A in the case referred to in Schedule B on the conditions set out in Schedule C from:
 - (a) section 992AA and 1017F of the Act; and
 - (b) the requirement to hold a financial services licence for the provision of financial services by that person in relation to dealing in or advising on interests in a managed investment scheme of the kind and offered on the basis referred to in Schedule B.
3. Under paragraph 992B(1)(a) of the Act ASIC hereby exempts a person (other than a person referred to in Schedule A) in the case of an offer to sell an interest in a managed investment scheme referred to in Schedule B and offered on a basis that appears to comply with Schedule C, from section 992AA of the Act.

SCHEDULE A

1. Ackland Management Services Pty Ltd ACN 110 854 601 as trustee for the Ackland Family Trust;
2. KT Properties Pty Ltd ACN 056 939 032;
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 (“Scheme”) that involves registered proprietors of Blue Waters Apartments Labrador located at 220 Marine Parade, Labrador 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:

- (a) made before 2 March 2000; or

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- (b) made after 1 March 2000 and before 1 January 2001 and a Promoter provided to each person to whom the offer was made at or before the making of the offer, a document that the Promoter reasonably believed complied with Schedule D that was signed and dated by the person operating the serviced apartment, hotel, motel or resort complex ("operator") or, if the operator was not knowingly concerned in the offer, by a Promoter; or
- (c) made after 31 December 2000 where:
- (i) the offer 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 by a Promoter other than an offer permitted by paragraph (e), (f) or (g); or
- (d) made after 31 December 2000 where:
- (i) the offer is in accordance with a description of intended offers lodged with ASIC prior to the offer being made, and ASIC has not notified the Promoter in writing that such offer should not be made or issued; and
 - (ii) the description lodged includes:
 - (A) the number of strata units planned in the real property to which the Scheme relates; and
 - (B) the anticipated completion date of each incomplete building; and
 - (C) the number of strata units that:
 - (I) are held by a Promoter or its associate that the Promoter intends to be sold other than to a Promoter or its associate; and
 - (II) are held by a Promoter or its associate that the Promoter does not intend to be sold to a person other than a Promoter or its associate; and
 - (III) have been sold to a person that is not a Promoter or an associate of a Promoter; and
 - (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; and

- (iii) no promoter is aware that any disclosure statement required to be given to a person under this instrument or any Product Disclosure Statement required to be given to a person under the Act in relation to the scheme, was not given or was given but did not comply with this instrument or the Act as the case may be; or
- (e) that is an excluded offer or an excluded invitation (as defined by subsection 66(3) of the Corporations Law as it stood prior to 13 March 2000) or an offer to which ASIC Class Order 98/1931 or a replacement for that Class Order applies; or
- (f) that would not need disclosure to investors under Part 6D.2 of the old Corporations Act (as defined in subsection 1410(1) of the Act) because of section 708 (other than subsection 708(1)) assuming that the Scheme is registered and that Interests are securities; or
- (g) that would not need disclosure to investors under Division 2 of Part 7.9 because of section 1012D.

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.

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;
 - (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:

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- (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:
 - (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 returns 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 financial services licensee or an authorised representative of a financial services 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 investment scheme and that, in particular:

(a) the Scheme is not a registered scheme;

(b) neither the promoter nor the operator is a financial services licensee; and

(c) the Disclosure Statement is not a Product Disclosure Statement containing the information required by the Corporations Act.

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Interpretation

In this instrument:

“offer” is to be interpreted in accordance with subsection 1010C(2) of the Act.

Dated this 17th day of May 2005



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



05 / 0530

Australian Market Licence (Intercapital Europe Limited) Variation 2005 (No. 1)

I, CHRIS PEARCE, Parliamentary Secretary to the Treasurer, make this Variation under subsection 797A (1) of the *Corporations Act 2001*.

Dated 17TH MAY 2005

A handwritten signature in black ink, appearing to read 'Chris Pearce', written in a cursive style.

Parliamentary Secretary to the Treasurer

1 Name of Variation

This Variation is the *Australian Market Licence (Intercapital Europe Limited) Variation 2005 (No. 1)*.

2 Commencement

This Variation commences on the day after it is registered.

3 Amendment of *Australian Market Licence (Intercapital Europe Limited) 2003*

Schedule 1 amends the *Australian Market Licence (Intercapital Europe Limited) 2003*.

Schedule 1 Amendments

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Schedule 1 Amendments

(section 3)

[1] Section 1*omit**(Intercapital Europe Limited)**insert**(ICAP Europe Limited)***[2] Further amendments**

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Section 3, definition of <i>user agreement</i>	Intercapital Europe Limited	ICAP Europe Limited
Section 4	Intercapital Europe Limited	ICAP Europe Limited
Section 6	Intercapital Europe Limited	ICAP Europe Limited
Section 7	Intercapital Europe Limited	ICAP Europe Limited
Section 8	Intercapital Europe Limited	ICAP Europe Limited
Section 8	Intercapital Europe Limited's	ICAP Europe Limited's
Subsection 9 (1)	Intercapital Europe Limited	ICAP Europe Limited
Section 10	Intercapital Europe Limited	ICAP Europe Limited
Section 11	Intercapital Europe Limited	ICAP Europe Limited
Subsection 12 (1)	Intercapital Europe Limited	ICAP Europe Limited
Section 13	Intercapital Europe Limited	ICAP Europe Limited
Section 14	Intercapital Europe Limited	ICAP Europe Limited



05/0540

ASIC

Australian Securities & Investments Commission

NOTICE UNDER SECTION 206F(3) OF THE CORPORATIONS ACT 2001

Notice is hereby given under section 206F(3) of the Corporations Act 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 12 May 2005.

Form 587Corporations Act 2001
Subsection 206F(3)**Notice of disqualification from managing corporations**IN THE MATTER of **PETER LINSLEY SALTER****Notice of disqualification from managing corporations
under subsection 206F(3) of the Corporations Act 2001.**

To: Peter Linsley Salter

ASIC has given you notice in the prescribed form requiring you to demonstrate why you should not be disqualified from managing corporations and has given you an opportunity to be heard on the question.

TAKE NOTICE THAT having regard to the Notice to Demonstrate Why Disqualification Should Not Occur dated 16th December 2004 issued by Graeme Plath and your opportunity to be heard ASIC is satisfied that your disqualification pursuant to section 206F of the Corporations Act 2001 is justified.

YOU ARE DISQUALIFIED from the time of service of this notice for a period of **THREE YEARS AND SIX MONTHS** from managing corporations without the leave of ASIC.

Your attention is specifically drawn to section 206A of the Corporations Act 2001.

Dated this 29th day of April 2005

signed 

John Raika

Delegate of the Australian Securities and Investments Commission



05/0541

ASIC

Australian Securities & Investments Commission

NOTICE UNDER SECTION 206F(3) OF THE CORPORATIONS ACT 2001

Notice is hereby given under section 206F(3) of the Corporations Act 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 12 May 2005.

Form 587Corporations Act 2001
Subsection 206F(3)**Notice of disqualification from managing corporations**

IN THE MATTER of LINDA LEE SALTER

**Notice of disqualification from managing corporations
under subsection 206F(3) of the Corporations Act 2001.**

To: Linda Lee Salter

ASIC has given you notice in the prescribed form requiring you to demonstrate why you should not be disqualified from managing corporations and has given you an opportunity to be heard on the question.

TAKE NOTICE THAT having regard to the Notice to Demonstrate Why Disqualification Should Not Occur dated 16th December 2004 issued by Graeme Plath and your opportunity to be heard ASIC is satisfied that your disqualification pursuant to section 206F of the Corporations Act 2001 is justified.

YOU ARE DISQUALIFIED from the time of service of this notice for a period of **EIGHTEEN MONTHS** from managing corporations without the leave of ASIC.

Your attention is specifically drawn to section 206A of the Corporations Act 2001.

Dated this 3rd day of May 2005

signed 

John Raika

Delegate of the Australian Securities and Investments Commission



ASIC 05/0544

Australian Securities & Investments Commission

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

Under paragraph 601QA(1)(b) the Australian Securities and Investments Commission declares that Chapter 5C of the *Corporations Act 2001* ("Act") applies to Kinsmen Securities Limited (ACN 100 139 820) in its capacity as responsible entity of the Kinsmen Development Fund (ARSN 114 120 722) until 30 June 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

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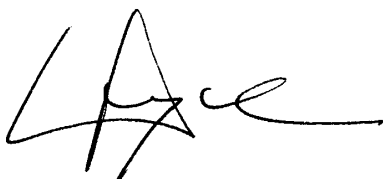
- (ii) where a Product Disclosure Statement is not required to be given, in each information memorandum for interests in the scheme that is given to a person while the constitution does not make such provision.
- (7) The constitution does not have to make adequate provision for any application fee that must be paid to acquire an interest in the scheme provided that:
- (a) The constitution states the maximum amount of application 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 the actual amount of application fees that must be paid to acquire an interest in the scheme;
 - (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 the actual amount of application fees that must be paid to acquire an interest in the scheme.
- (8) In this section:

application fee means the fee (if any) that must be paid to the responsible entity to acquire an interest in the scheme, which is determined by the responsible entity and does not exceed 5% 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."

Dated this 17th day of May 2005



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



ASIC 05/0545

Australian Securities & Investments Commission

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

Under paragraph 601QA(1)(b) the Australian Securities and Investments Commission declares that Chapter 5C of the *Corporations Act 2001* ("Act") applies to Kinsmen Securities Limited (ACN 100 139 820) in its capacity as responsible entity of the Kinsmen Mezzanine Fund (ARSN 114 120 599) until 30 June 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

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- (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.
- (7) The constitution does not have to make adequate provision for any application fee that must be paid to acquire an interest in the scheme provided that:
- (a) The constitution states the maximum amount of application 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 the actual amount of application fees that must be paid to acquire an interest in the scheme;
 - (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 the actual amount of application fees that must be paid to acquire an interest in the scheme.

- (8) In this section:

application fee means the fee (if any) that must be paid to the responsible entity to acquire an interest in the scheme, which is determined by the responsible entity and does not exceed 4% 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."

Dated this 17th day of May 2005



Signed by Leigh Royce
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)(a) and 911A(2)(l) — Exemptions

First Exemption: disclosure relief for offers of shares and options

1. Under paragraph 741(1)(a) of the Corporations Act 2001 (the “Act”) the Australian Securities and Investments Commission (“ASIC”) exempts National Hire Group Limited ACN 076 688 938 (the “Company”) from Parts 6D.2 and 6D.3 (except section 736) where the Company:
 - (a) makes an eligible offer;
 - (b) offers to arrange for the issue of financial products under an eligible offer;
 - (c) issues a financial product under an eligible offer,

that does not involve a contribution plan, on the conditions set out in the Schedule and for so long as the conditions are met.

Second Exemption: licensing and hawking relief

2. Under paragraph 911A(2)(l) ASIC exempts the Company 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 offer referred to in the First Exemption (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 a person in connection with the offer is general advice only, and that employees should consider obtaining their own financial product advice from an independent person who is licensed by ASIC to give such advice.
3. Under paragraph 911A(2)(l) ASIC exempts:
 - (a) the Company; and
 - (b) any associate of the Company,from the requirement to hold an Australian financial services licence for the provision of the following financial services:
 - (c) dealing in a financial product in connection with the Salary Sacrifice Offers where any acquisition by the purchase or disposal of the product (by the Company or an associate) occurs through a person who holds an Australian financial services licence authorising the holder to deal in financial products; and
 - (d) dealing in an interest in a managed investment scheme in circumstances where a person operates a managed investment scheme

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only by reason of operating a contribution plan relating to the Salary Sacrifice Offers; and

- (e) the provision of a custodial or depositary service in connection with an eligible offer covered by the First Exemption where the provider of the service performs their duties in good faith and has sufficient resources to perform those duties; and
 - (f) dealing in a financial product in the course of providing a custodial or depositary service covered by paragraph (e); and
 - (g) dealing in a financial product in connection with an eligible offer covered by the First Exemption where any acquisition by purchase or disposal of the product (by the Company or an associate) occurs either:
 - (i) through a person who holds an Australian financial services licence authorising the holder to deal in financial products; or
 - (ii) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place.
4. Under paragraph 741(1)(a) ASIC exempts the Company from section 736 in relation to offers referred to in the First Exemption made in the course of, or because of, unsolicited meetings or telephone calls reasonably held or made in connection with the offer.

Schedule

The following conditions apply:

1. the Company 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 employee; and
2. the Company must comply with any undertaking required to be made in the offer document by reason of this instrument; and
3. in the case where the employee share scheme may involve the issue of shares (including as a result of the exercise of an option or as a component of stapled

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securities) — the Company must take reasonable steps to ensure that 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 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 pursuant to the employee share scheme or any other employee share scheme extended only to eligible employees 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 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 Company as at the time of the offer; and

- 4. in the case where an offer of shares is made through a trust:
 - (a) the trustee must hold the shares on trust for each person (a “beneficiary”) who acquires units of shares under an eligible offer; and
 - (b) the trustee must cause proper written financial records to be maintained in respect of the activities of the trust and cause those records to be audited annually and made available for inspection by the beneficiaries at an office of the trustee or a place of business of the Company during normal business hours or such other time as is agreed with beneficiaries; and

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- (c) the trustee must ensure that each share to which a unit held by a beneficiary relates is identified in the written financial records as being held on account of that beneficiary; and
- (d) the trustee must not levy any fees or charges for operating and administering the trust, either payable directly by the beneficiaries or out of the assets of the trust; and
- (e) except as expressly provided by the trust deed, a beneficiary must have the capacity to authorise the trustee to sell at or above the current market price the shares to which he or she is entitled to under the deed; and
- (f) the trustee must provide a copy of the trust deed to ASIC at the same time as a copy of the offer document is provided to ASIC in accordance with this instrument; and
- (g) the Company must ensure that the trust deed contains covenants binding the trustee and their agents, if any, to the effect that a beneficiary possesses substantially the same rights in respect of the shares to which the units of shares they hold relate as if they were the legal owner of the shares, including the right to:
 - (i) direct the trustee how the voting rights attaching to the shares shall be exercised, either generally or in any particular case; and
 - (ii) receive the income deriving from the shares, including dividends declared by the Company in respect of those shares.

Interpretation

In this instrument:

1. except where otherwise stated, references to provisions are to provisions of the Act;
2. an employee share scheme 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. "approved foreign market" means:
 - (a) American Stock Exchange, Deutsche Borse, Euronext Amsterdam, Euronext Paris, Italian Exchange, Kuala Lumpur Stock Exchange (Main and Second Boards), London Stock Exchange, New York Stock Exchange, New Zealand Stock Exchange, Singapore Exchange, Stock

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Exchange of Hong Kong, Swiss Exchange, Tokyo Stock Exchange or Toronto Stock Exchange, provided that:

- (i) unless otherwise expressly stated, if any such market involves more than one board, only the main board is an approved foreign market; and
 - (ii) such a market is not to be taken not to be an approved foreign market at a particular time only because it was known by another name at that time; or
- (b) NASDAQ National Market;
4. “associated body corporate” of the Company means:
- (a) a body corporate that is a related body corporate of the Company; or
 - (b) a body corporate that has voting power in the Company of not less than 20%; or
 - (c) a body corporate in which the Company has voting power of not less than 20%;
5. “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 price relates;
6. “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, any contributions made by an employee as part of the contribution plan must be held by the Company in trust for the employee in an account of an Australian ADI which is established and kept by the Company only for the purpose of depositing contribution moneys and other money paid by employees for the shares on offer under the employee share scheme; and
 - (c) the employee may elect to discontinue their participation in the contribution plan at any time and as soon as practicable after that

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election is made all money deposited with the Australian ADI in relation to that employee, including any accumulated interest, must be repaid to that employee;

7. “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;
8. “eligible employee” means, in relation to the Company, a person who is at the time of an offer under an employee share scheme, a full or part-time employee or director of the Company or of an associated body corporate of the Company;
9. “eligible offer” means an offer for issue or sale of:
 - (a) fully-paid shares in the Company in the same class as shares which have been quoted:
 - (i) on the financial market operated by Australian Stock Exchange Limited or an approved foreign market throughout the 12 month period immediately before the offer; and
 - (ii) without suspension for more than a total of:
 - (A) where the offer is made on or before the 31 October 2005, 4 trading days during the 12 month period immediately before the offer; or
 - (B) where the offer is made after the 31 October 2005, 2 trading days during the 12 month period immediately before the offer; or
 - (b) options for the issue or transfer of shares referred to in paragraph (a) where each of the options is offered for no more than nominal consideration; or
 - (c) fully-paid stapled securities in the same class as stapled securities which have been quoted on the financial market operated by Australian Stock Exchange Limited throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days during that period; or
 - (d) units of fully-paid shares referred to in paragraph (a), made under an employee share scheme extended only to eligible employees of the Company;

Note: the effect of paragraph (d) of the definition of “eligible offer” is that the First Exemption will only apply to offers made through a trust where the underlying financial

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products held by the trustee are fully-paid shares and not, for example, options or stapled securities.

10. “financial product advice” has the meaning given by section 766B;
11. “general advice” has the meaning given by section 766B;
12. “nominal consideration” means consideration of not more than 1 cent per option;
13. “offer” has a meaning affected by sections 700, 702 and 1010C;
14. “offer document” means a document setting out an offer under an employee share scheme that:
 - (a) includes or is accompanied by a copy, or a summary, of the rules of the scheme under which the offer is made; and
 - (b) if a summary (rather than a copy) of the rules of the scheme is given — includes an undertaking that during the period (the “offer period”) during which an eligible employee may acquire the financial products offered or exercise options acquired under the scheme, the Company will, within a reasonable period of the employee so requesting, provide the employee without charge with a copy of the rules of the scheme; and
 - (c) specifies in respect of the shares, shares subject to the options, units of shares or stapled securities:
 - (i) the acquisition price in Australian dollars;
 - (ii) where the acquisition price is specified in a foreign currency, the Australian dollar equivalent of that price at the date of the offer; or
 - (iii) where the acquisition price is to be worked out in the future under a formula, the Australian dollar or Australian dollar equivalent of that price were that formula applied at the date of the offer; and
 - (d) includes an undertaking, and an explanation of the way in which, the Company will, during the offer period, within a reasonable period of the employee requesting, make available to the employee:
 - (i) the current market price (or, where that price is denominated in a foreign currency, the Australian dollar equivalent of that price) of:
 - (A) where the document relates to an offer of shares, options or units — shares in the same class as those offered, subject to the options or to which the units relate; or

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- (B) where the document relates to an offer of stapled securities — stapled securities of the same class as those offered; and
 - (ii) where subparagraph (c)(ii) or (iii) applies, the information referred to in that paragraph as updated to that date; and
 - (e) discloses the conditions, obligations and risks associated with any loan or financial assistance offered by the Company or any associated body corporate of it for the purpose of acquiring financial products under the scheme; and
15. "Salary Sacrifice Offers" means the offers of securities made by the Company to its employees dated 28 December 2004;
16. "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; and
17. "unit" in relation to a share means a legal or equitable right or interest in the share.

Dated this 19th day of May 2005



Signed by Tien Quach
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 – Paragraph 601QA(1)(b) – Declaration**

Under paragraph 601QA(1)(b) the Australian Securities and Investments Commission declares that Chapter 5C of the *Corporations Act 2001* ("Act") applies to APN Funds Management Limited (ACN 080 674 479) in its capacity as responsible entity of the APN/UKA European Retail Trust (ARSN 114 153 641) until 30 June 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:

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- (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.
- (7) The constitution does not have to make adequate provision for any application fee that must be paid to acquire an interest in the scheme or any redemption fee payable upon withdrawal from the scheme provided that:
- (a) the constitution states the maximum amount of any application fee that will be charged to acquire an interest in the scheme or any redemption fee payable upon withdrawal from 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 the actual amount of any application fee that must be paid to acquire an interest in the scheme or any redemption fee payable upon withdrawal from the scheme;
 - (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 the actual amount of any application fee that must be paid to acquire an interest in the scheme or any redemption fee payable upon withdrawal from the scheme.
- (8) In this section:
- application fee*** means the fee (if any) that must be paid to the responsible entity to acquire an interest in the scheme, which is determined by the responsible entity and does not exceed 5% 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
- redemption fee*** means the fee (if any) that must be paid to the responsible entity upon withdrawal of an interest in the scheme, which is determined by the responsible entity and does not exceed 2% of the value of the interest in the scheme being withdrawn.

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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."

Dated this 19th day of May 2005



Signed by Leigh Royce
as a 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.

A.C.N. 011 057 480 LIMITED ACN 011 057 480 will change to a proprietary company limited by shares. The new name will be A.C.N. 011 057 480 PTY LTD ACN 011 057 480.

BRUMBY CREEK LIMITED ACN 111 152 866 will change to a no liability public company. The new name will be BRUMBY CREEK NL ACN 111 152 866

BRYSON'S CARS LIMITED ACN 107 178 165 will change to a proprietary company limited by shares. The new name will be BRYSON'S CARS PTY LTD ACN 107 178 165.

CASTLE HILL CORPORATION LIMITED ACN 073 673 284 will change to a proprietary company limited by shares. The new name will be CASTLE HILL CORPORATION PTY LTD ACN 073 673 284.

FLOWERS PROPERTY FUNDS MANAGEMENT LIMITED ACN 102 001 294 will change to a proprietary company limited by shares. The new name will be A.C.N. 102 001 294 PTY LTD ACN 102 001 294.

MKS CAPITAL LIMITED ACN 083 133 260 will change to a proprietary company limited by shares. The new name will be MKS CAPITAL PTY LIMITED ACN 083 133 260.

THE AUSTRALIAN SOCIETY OF CERTIFIED PRACTISING ACCOUNTANTS LTD ACN 095 684 423 will change to a proprietary company limited by shares. The new name will be **THE AUSTRALIAN SOCIETY OF CERTIFIED PRACTISING ACCOUNTANTS PTY LTD** ACN 095 684 423.

AICONSTRUCTION PTY LTD ACN 065 464 226 will change to a public company limited by shares. The new name will be AICONSTRUCTION LTD ACN 065 464 226.

CASBREW FINANCE LIMITED ACN 002 616 364 will change to a proprietary company limited by shares. The new name will be A.C.N. 002 616 364 PTY LTD A C N 002 616 364

THE SWATCH GROUP (AUSTRALIA) LTD. ACN 004 287 110 will change to a proprietary company limited by shares. The new name will be THE SWATCH GROUP (AUSTRALIA) PTY. LTD. ACN 004 287 110.

FIRST CAPITAL CORPORATE PTY LTD ACN 112 297 953 will change to a public company limited by shares. The new name will be FIRST CAPITAL CORPORATE LTD ACN 112 297 953.

GILT DRAGON ENTERPRISES PTY LTD ACN 113 603 393 will change to a public company limited by shares. The new name will be GILT DRAGON ENTERPRISES LTD ACN 113 603 393.

OHP INVESTORS LIMITED ACN 108 978 169 will change to a proprietary company limited by shares. The new name will be OHP INVESTORS PTY LTD ACN 108 978 169.

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.

BRONZEWING GOLD NL ACN 064 810 680 will change to a public company limited by shares. The new name will be
BRONZEWING GOLD LTD ACN 064 810 680.

FONE ZONE LIMITED ACN 061 796 414 will change to a proprietary company limited by shares. The new name will be
FONE ZONE PTY LTD ACN 061 796 414.

SEEING MACHINES PTY LTD ACN 093 877 331 will change to a public company limited by shares. The new name will be
SEEING MACHINES LIMITED
ACN 093 877 331.

VICTORIAN TOURISM OPERATORS ASSOCIATION ACN 094 510 791 will change to a proprietary company limited by shares. The new name will be
VICTORIAN TOURISM OPERATORS ASSOCIATION PTY LTD
ACN 094 510 791.

BUNKER BAY HOLDINGS LIMITED ACN 091 453 208 will change to a proprietary company limited by shares. The new name will be
BUNKER BAY HOLDINGS PTY LTD ACN 091 453 208.

LIGNOR PTY LTD ACN 093 793 803 will change to a public company limited by shares. The new name will be
LIGNOR LIMITED ACN 093 793 803.

STEEL CEMENT LIMITED ACN 007 194 818 will change to a proprietary company limited by shares. The new name will be
STEEL CEMENT PTY LTD ACN 007 194 818.