



Commonwealth of Australia



ASIC

Australian Securities &
Investments Commission

Commonwealth of Australia Gazette

No. ASIC 49/02, Tuesday, 26 November 2002

Published by ASIC

ASIC Gazette

Contents

Notices under the Corporations Act 2001

02/1223	02/1224
02/1225	02/1226
02/1227	02/1228
02/1229	02/1230
02/1231	02/1232
02/1233	02/1234
02/1235	02/1236
02/1237	02/1238
02/1239	02/1240

Change of company status

ISSN 1445-6060 (Online version)
ISSN 1445-6079 (CD-ROM version)

Available from www.asic.gov.au
Email gazette.publisher@asic.gov.au

© Commonwealth of Australia, 2002

This work is copyright. Apart from any use permitted under the *Copyright Act 1968*, all rights are reserved. Requests for authorisation to reproduce, publish or communicate this work should be made to: Gazette Publisher, Australian Securities and Investment Commission, GPO Box 5179AA, Melbourne Vic 3001

02 / 1223

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
SUBSECTION 340(1) CORPORATIONS ACT 2001**

ORDER

Pursuant to subsection 340(1) of the Corporations Act 2001 ("the Act"), the Australian Securities and Investments Commission exempts Mitsubishi Motors Australia Limited ACN 007 870 395 ("the Company") and the directors of the Company from compliance with section 323D(2)(b) of the Act in respect of the financial year ending 31 December 2002, on condition that:

1. the Company complies with Chapter 2M of the Act in respect of the financial year from 1 January 2002 to 31 March 2003 ("Relevant Financial Year"); and
2. the directors of the Company include a brief statement in the directors' report for the Relevant Financial Year about the relief provided by this order.

Dated: 12 November 2002



Michael Donnelly
as Delegate for the Australian Securities and Investments Commission

02 / 12 24

**Australian Securities and Investments Commission
Corporations Act 2001— Paragraphs 283GA(1)(a), 601QA(1)(a),
741(1)(a), 911A(2)(l) and 1020F(1)(a) — Exemption**

1 Under paragraphs 283GA(1)(a) and 741(1)(a) of the Corporations Act 2001 ("Act"), the Australian Securities and Investments Commission ("ASIC") hereby exempts each person referred to in Schedule A from Parts 2L.1, 2L.2, 2L.3, 2L.4, 2L.5, 6D.2 and 6D.3 of the Act in the case referred to in Schedule B on the conditions set out in Schedule D and for so long as those conditions are met.

2 For the avoidance of doubt, under paragraphs 601QA(1)(a), 911A(2)(l) and 1020F(1)(a) of the Act ASIC hereby exempts each person referred to in Schedule E:

- (a) from Chapter 5C and Part 7.9 of the Act; and
- (b) from the requirement to hold an Australian financial services licence for the provision of financial services by the person,

in relation to interests in a managed investment scheme referred to in Schedule E in the case referred to in Schedule F on the conditions set out in Schedule D and for so long as those conditions are met.

3 For the avoidance of doubt, under paragraph 911A(2)(l) and 1020F(1)(a) of the Act, ASIC hereby exempts a person (other than a person in the class of persons mentioned in Schedule E) from:

- (a) Part 7.9 of the Act in relation to a recommendation that a retail client acquire, and an offer to arrange the issue of an interest in; and
- (b) the requirement to hold an Australian financial services licence for the provision of financial services by the person in relation to interests in,

a managed investment scheme referred to in Schedule E which appears to meet the conditions and requirements in Schedules D and F, except where the person is aware, or ought reasonably to be aware, that those conditions and requirements have not been met.

SCHEDULE A — PERSONS EXEMPTED

Microsoft Corporation, a company incorporated in Washington, the United States of America (the "issuer"), and any person who makes an offer of securities for issue or sale of the kind referred to in Schedule B for or on behalf of the issuer.

SCHEDULE B — CASES EXEMPTED

This exemption applies to:

- (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 financial market operated by Australian Stock Exchange Limited or an approved foreign market and trading in which is not suspended (quoted shares);
- (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;
- (c) 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
- (d) an offer for issue or sale of units of fully paid shares, or other offer, issue or sale, which is made pursuant to an employee share scheme that involves such offer, issue or sale being made through a trust and which is exempted by Class Order [00/223] dated 11 March 2000 and where the conditions of that Class Order are met;

which is made pursuant an employee share scheme which involves a contribution plan, and which meets the further requirements set out in Schedule C, but does not apply to:

02 / 1224

- (e) 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 transfer of shares (for example, through the exercise of an option), meet the following requirements:

- 1 The shares the subject of the offer or option are of a body securities of which have been quoted on:
 - (a) the financial market operated by Australian Stock Exchange Limited throughout the 12 month period immediately preceding the offer, without suspension during that period exceeding in total 2 trading days; or
 - (b) an approved foreign market throughout the 36 month period, immediately preceding the offer, without suspension during that period exceeding in total 5 trading days.
- 2 The offer must be extended only to persons (offerees) who at the time of the offer are full or part-time employees or directors of the issuer or of associated bodies corporate of the issuer.
- 3 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:
 - (i) the rules of the employee share scheme pursuant to which the offer is made; and
 - (ii) the terms and conditions of the contribution plan;
 - (b) if the offer document includes or is accompanied by a summary (rather than a copy) of the rules, terms and conditions referred to in paragraph (a), 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 period), the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, within a reasonable period of the offeree so requesting, provide the offeree without charge with a copy of those rules, terms and conditions;
 - (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 that, and an explanation of the way in which, the issuer (or in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, during the offer period, within a reasonable period of the offeree so requesting, make available to the offeree the following information:
 - (i) 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

02 / 1224

- (e) the offer document must also state:
 - (i) the Australian ADI where contributions are held;
 - (iii) the length of time they may be held; and
 - (iv) the rate of interest payable (if any) on the contributions held in the account.

4 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 issuer and of associated bodies corporate of the issuer, 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 scheme extended only to employees or directors of the issuer and of associated bodies corporate of the issuer;

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

- (c) an offer to a person situated at the time of receipt of the offer outside this jurisdiction; or
- (d) an offer that was an excluded offer or invitation within the meaning of the Corporations Law as 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;

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

SCHEDULE D — CONDITIONS

- 1 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.
- 2 The offeror must ensure that the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office), complies with any undertaking required to be made in the offer document by reason of this instrument.
- 3 Neither the issuer nor any associated body corporate of it offers the offeree any loan or other financial assistance for the purpose of, or in connection with, the acquisition of the shares to which the offer relates.

SCHEDULE E — FURTHER PERSONS EXEMPTED

Any person who:

- (a) operates, or is involved in operating, a managed investment scheme by reason of operating an employee share scheme with a contribution plan; or
- (b) offers, issues or sells or is involved in offering, issuing or selling interests in a managed investment scheme arising by reason of an employee share scheme with a contribution plan.

02 / 1224

SCHEDULE F — FURTHER CASES EXEMPTED

This exemption applies to an employee share scheme which involves the making of offers, issues or sales which meet the requirements in Schedule B.

Interpretation

For the purposes of this instrument:

- 1 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 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 offeree 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) any contributions made by an offeree as part of the contribution plan must be held by the issuer in trust for the offeree in an account of an Australian ADI which is established and kept by the issuer solely for the purpose of depositing contribution moneys and other money paid by employees for the shares on offer under the employee share scheme;
 - (c) the offeree may elect to discontinue their participation in the contribution plan at any time prior to the first day of the last calendar month of the relevant offering (being a period of no less than six months) and as soon as practicable after that election is made all money deposited with the Australian ADI in relation to that offeree, including any accumulated interest, must be repaid to that offeree.
- 2 A body corporate is an associated body corporate of an issuer if:
 - (a) the body corporate is a related body corporate of the issuer; or
 - (b) the body corporate has voting power in the issuer of not less than 20%; or
 - (c) the issuer 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).
- 3 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.
- 4 An offer under a scheme shall not be regarded as extended to a person other than an employee or director of the issuer or an associated body corporate of the issuer merely because such an employee or director may renounce an offer of shares made to them under the scheme in favour of their nominee.
- 5 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.
- 6 Securities shall be taken to be quoted on an approved foreign market if and only if quoted on:
 - (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 Exchange of Hong Kong, Swiss Exchange, Tokyo Stock Exchange or Toronto Stock Exchange, provided that:

02 / 1224

- (i) unless otherwise expressly stated, if any such market involves more than one board on which securities are quoted, securities shall only be taken to be quoted on that market if quoted on the main board of that market; and
 - (ii) where any such market was known by another name during a past period of time, securities shall not be taken not to have been quoted on the market during that period merely because the market was then known by that other name; or
- (b) NASDAQ National Market.
- 7 The current market price of a share shall be taken as 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.

Note: In this instrument, "this jurisdiction" means Australia, ss 5 and 9 (definition of "this jurisdiction").

Dated the 15th day of November 2002



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

02 / 1225

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

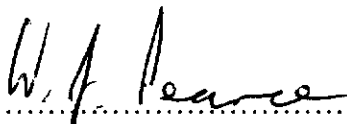
Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 15 November 2003.

SCHEDULE

Gateway Mining NL ACN 008 402 391

Dated: 15 November 2002

Signed:


.....
Warwick Pearce, as a Delegate of the
Australian Securities and Investments Commission

0 2 / 1 2 2 6

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

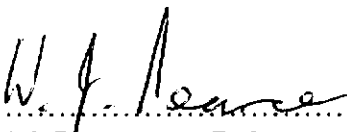
Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 15 November 2003.

SCHEDULE

Eservglobal Limited ACN 052 947 743

Dated: 15 November 2002

Signed:


.....
Warwick Pearce, as a Delegate of the
Australian Securities and Investments Commission

02 / 12 27

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

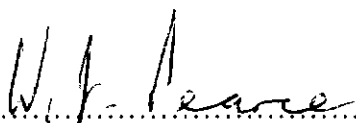
Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 15 November 2003.

SCHEDULE

Drillsearch Energy Limited ACN 006 474 844

Dated: 15 November 2002

Signed:


.....

Warwick Pearce, as a Delegate of the
Australian Securities and Investments Commission

02 / 1228

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

Pursuant to subsection 741(1) of the *Corporations Act 2001* (the Act) the Australian Securities and Investments Commission (ASIC) hereby exempts the person 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

WMC Resources Limited ACN 004 184 598 (Company) and any person acting for or on behalf of the Company.

SCHEDULE B — CASES EXEMPTED

This exemption applies to:

- (a) an offer for issue or sale of options over fully paid shares in the same class as shares which at the time of the offer are quoted on the financial market operated by Australian Stock Exchange Limited and trading in which is not suspended (quoted shares); and
- (b) 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 paragraph (a);

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

- (c) an offer for 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:

1. The shares the subject of the offer or option must be securities which are quoted on the financial market operated by Australian Stock Exchange Limited at the time the offer of options is made.
2. 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.

02 / 1228

4. 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 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 determinable at some future time by reference to a formula, the Australian dollar acquisition price were that formula applied as at a specified business day within three business days immediately prior to the date of the offer document;
 - (d) the offer document must include an undertaking from the Company to, 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:
 - (i) the current market price of shares in the same class as the shares offered or subject to the option; and
 - (ii) where paragraph (c)(ii) 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.
5. In the case of an offer of options for issue, the number of shares 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

0 2 / 1 2 2 8

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 scheme 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;

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

1. 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.
2. The offeror must ensure that the Company complies with any undertaking required to be made in the offer document by reason of this instrument.
3. The offeror must ensure that the options that are offered are not exercisable until the shares that are the subject of the offer or option have been quoted on the financial market operated by Australian Stock Exchange Limited for 12 months, provided that such options may be exercised within 6 months of:
 - (a) the winding up of the Company;
 - (b) a takeover bid being made for the Company's ordinary shares;
 - (c) a statement being lodged with Australian Stock Exchange Limited to the effect that a person has, together with their associates, relevant interests in not less than 20% of all issued fully paid ordinary shares in the Company
 - (d) proper notice being given to the Company of:

0 2 / 1 2 2 8

- (i) a resolution for the removal of the Company's directors from office; or
 - (ii) a nomination for the office of Company director, the effect of which would, if approved, lead to cessation from office of all or a majority of the Company directors in office;
- (e) a meeting of members of the Company approving a scheme of arrangement in accordance with the Act; or
- (f) the termination of the relevant employee share scheme.

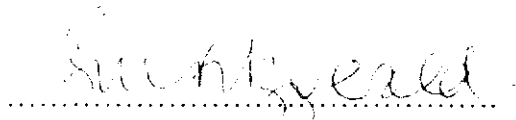
Interpretation

For the purposes of this instrument:

1. 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.
2. 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).
3. 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.
4. 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.
5. The current market price of a share shall be taken as 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.

02 / 1228

Dated the 15th day of November 2002



Signed by Sarala Miranda Fitzgerald
as delegate of the Australian Securities and Investments Commission



ASIC 02 / 1229

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 23 October 2003

SCHEDULE

Willhart Limited ACN 009 268 571

Dated: 15 November 2002

Signed:

Alphonsus De Roza
.....
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission

02 / 1230

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

Pursuant to subsection 655A(1) of the Corporations Act 2001 (the “Act”) the Australian Securities and Investments Commission (“ASIC”) declares that subsection 624(2) of the Act applies to the persons named in Schedule A in the case referred to in Schedule B as if that subsection were modified by:

1. deleting paragraph (b) and substituting the following paragraph:

“(b) in any case – a condition to which offers under the bid are subject is satisfied before the end of the offer period as a result of the issue of notice in writing by or on behalf of the Australian Treasurer stating that there are no objections under the Australian Government’s foreign investment policy”; and
2. deleting the words “14 days after the event referred to in paragraph (a) or (b)” and substituting the words “, in the case of the event referred to in paragraph (a), 14 days after that event, and in the case of the event referred to in paragraph (b), 30 days after that event”.

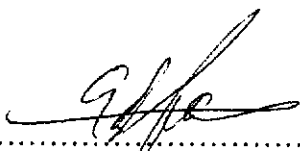
Schedule A

First Tech Australia Pty Ltd ACN 099 067 099 (“Bidder”) and its associates and all persons to whom offers were made under the takeover bid (“Takeover Bid”) by the Bidder for all the fully paid ordinary shares in Nautronix Limited ABN 28 009 019 603 described in the bidder’s statement dated 25 June 2002 and all persons able to accept offers made under the Takeover Bid.

Schedule B

The Takeover Bid by the Bidder.

Dated this *10th* day of *September* 2002.


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



ASIC 02 / 1231

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 17 October 2003

SCHEDULE

Queste Communications Ltd ACN 081 688 164

Dated: 19 November 2002

Signed:

AS De Roza

.....
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission



ASIC 02 / 1232

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 17 October 2003

SCHEDULE

Fast Scout Ltd ACN 088 488 724

Dated: 19 November 2002

Signed:

..... *AS De Roza*
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission

02 / 1233

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

Pursuant to subsection 741(1) of the Corporations Act 2001 (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts each person 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

See Beyond Technology Corporation (the "issuer"), and any person who makes an offer of securities for issue or sale of the kind referred to in Schedule B for or on behalf of the issuer.

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 financial market operated by Australian Stock Exchange Limited or an approved foreign market 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
- (c) 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);

which is made pursuant to the 1998 Stock Plan ("employee share scheme"), 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

- 1 The shares the subject of the offer or option must be of a body securities of which have been quoted on:
 - (a) the financial market operated by Australian Stock Exchange Limited throughout the 12 month period immediately preceding the offer without suspension during that period exceeding in total 2 trading days; or
 - (b) an approved foreign market throughout the 33 month period immediately preceding the offer without suspension during that period exceeding in total 5 trading days.
- 2 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 issuer or of associated bodies corporate of the issuer.
- 3 The employee share scheme must not involve:
 - (a) a contribution plan; or
 - (b) any offer, issue or sale being made through a trust.
- 4 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;

02 / 1233

- (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 period), the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, within a reasonable period of the 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 issuer (or in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, during the offer period, within a reasonable period of the offeree so requesting, make available to the offeree the following information:
 - (i) 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 issuer 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.
- 5 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 issuer and of associated bodies corporate of the issuer, 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 scheme extended only to employees or directors of the issuer and of associated bodies corporate of the issuer;

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

- (c) an offer to a person situated at the time of receipt of the offer outside 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;

02 / 1233

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

SCHEDULE D — CONDITIONS

- 1 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.
- 2 The offeror must ensure that the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office), complies with any undertaking required to be made in the offer document by reason of this instrument.

Interpretation

For the purposes of this instrument:

- 1 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.
- 2 A body corporate is an associated body corporate of an issuer if:
 - (a) the body corporate is a related body corporate of the issuer; or
 - (b) the body corporate has voting power in the issuer of not less than 20%; or
 - (c) the issuer 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).
- 3 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.
- 4 An employee share scheme shall not be regarded as extended to a person other than an employee or director of the issuer or an associated body corporate of the issuer merely because such an employee or director may renounce an offer of shares made to them under the scheme in favour of their nominee.
- 5 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.
- 6 Securities shall be taken to be quoted on an approved foreign market if and only if quoted on:
 - (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 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 on which securities are quoted, securities shall only be taken to be quoted on that market if quoted on the main board of that market; and

02 / 1233

(ii) where any such market was known by another name during a past period of time, securities shall not be taken not to have been quoted on the market during that period merely because the market was then known by that other name; or

(b) NASDAQ National Market.

7 The current market price of a share shall be taken as 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.

Dated this 15th day of November 2002



Signed by Justin Sam
as delegate of the Australian Securities and Investments Commission

02 / 1234

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

Pursuant to subsection 741(1) of the Corporations Act 2001 (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby exempts each person 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

Danisco A/S, a company incorporated in Denmark, (the "issuer"), and any person who makes an offer of securities for issue or sale of the kind referred to in Schedule B for or on behalf of the issuer.

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 options over fully paid shares in the issuer where:
 - (i) the option is offered for no more than nominal consideration; and
 - (ii) the underlying shares the subject of the options become shares in the same class as shares quoted on an approved foreign exchange (quoted shares) before the options become exercisable; and
- (b) 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 paragraph (a);

which is made pursuant to the Danisco Stock Option Plan ("employee share scheme"), and which meets the further requirements set out in Schedule C, but does not apply to:

- (c) 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:

- 1 The shares the subject of the offer or option must be of a body securities which have been quoted on an approved foreign exchange throughout the 12 month period immediately preceding the date the options become exercisable without suspension during that period exceeding in total 5 trading days.
- 2 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 issuer or of associated bodies corporate of the issuer.
- 3 The employee share scheme must not involve:
 - (a) a contribution plan; or
 - (b) any offer, issue or sale being made through a trust.
- 4 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;

02 / 1234

- (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 period), the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, within a reasonable period of the 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 issuer (or in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office) will, during the offer period, within a reasonable period of the offeree so requesting, make available to the offeree the following information:
 - (i) 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;
 - (e) if the issuer 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: and
 - (f) the offer document must include statements to the effect that:
 - (i) the offers are subject to further necessary regulatory approval from ASIC;
 - (ii) the offers will lapse if that approval is not obtained on or before the date which is 6 months after the date of this instrument; and
 - (iii) in the event that approval is not obtained, the issuer undertakes to notify offerees accordingly as soon as practicable after being advised that approval has not been obtained.
- 5 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 issuer and of associated bodies corporate of the issuer, to be accepted or exercised (as the case may be); and

02 / 1234

- (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 employees or directors of the issuer and of associated bodies corporate of the issuer;

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

- (c) an offer to a person situated at the time of receipt of the offer outside 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;

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

SCHEDULE D — CONDITIONS

- 1 The person making the offer (the offeror) must provide to ASIC:
 - (a) 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; and
 - (b) a copy of any notification sent to offerees pursuant to subparagraph (iii) of paragraph f of Schedule C of this instrument

not later than 7 days after the provision of the relevant material to the offeree.

- 2 The offeror must ensure that the issuer (or, in the case of an issuer which does not have a registered office in this jurisdiction, an associated body corporate of the issuer which does so have a registered office), complies with any undertaking required to be made in the offer document by reason of this instrument.

Interpretation

For the purposes of this instrument:

- 1 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.
- 2 A body corporate is an associated body corporate of an issuer if:
 - (a) the body corporate is a related body corporate of the issuer; or
 - (b) the body corporate has voting power in the issuer of not less than 20%; or
 - (c) the issuer 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).
- 3 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.
- 4 An employee share scheme shall not be regarded as extended to a person other than an employee or director of the issuer or an associated body corporate of the issuer merely because such an employee or director may renounce an offer of shares made to them under the scheme in favour of their nominee.

02 / 1234

- 5 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.
- 6 Securities shall be taken to be quoted on an approved foreign market if and only if quoted on:
- (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 Exchange of Hong Kong, Swiss Exchange, Tokyo Stock Exchange or Toronto Stock Exchange or any other stock exchange approved in writing by ASIC for the purposes of this instrument by no later than 6 months after the date of this instrument, provided that:
 - (i) unless otherwise expressly stated, if any such market involves more than one board on which securities are quoted, securities shall only be taken to be quoted on that market if quoted on the main board of that market; and
 - (ii) where any such market was known by another name during a past period of time, securities shall not be taken not to have been quoted on the market during that period merely because the market was then known by that other name; or
 - (b) NASDAQ National Market.
- 7 The current market price of a share shall be taken as 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.

Dated this 15th day of November 2002

Signed by: 
.....
Therese Boumelhem, as a delegate of ASIC.



ASIC 02/1235

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 31 October 2003

SCHEDULE

eSec Limited ACN 070 045 117

Dated: 19 November 2002

Signed:

AS DeRoza
.....
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission



02 / 1236

ASIC

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 20 November 2003

SCHEDULE

New Tel Limited ACN 009 068 955

Dated: 20 November 2002

Signed:

.....
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission



02 / 1237

ASIC

Australian Securities & Investments Commission

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 713(6) — Determination**

Pursuant to subsection 713(6) of the *Corporations Act 2001* ("the Act"), the Australian Securities and Investments Commission determines that the person specified in the Schedule may not rely on section 713 of the Act from the date of this instrument until 20 November 2003

SCHEDULE

Advanced Engine Components Limited ACN 009 081 770

Dated: 20 November 2002

Signed:

.....
Alphonsus De Roza, as a Delegate of the
Australian Securities and Investments Commission



ASIC

02 / 1238

Australian Securities & Investments Commission

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**IN THE MATTER OF ARG FINANCIAL GROUP LIMITED (ACN 078 511 038)
AND PART 7.3 OF THE CORPORATIONS ACT 2001**

LICENCE REVOCATION

TAKE NOTICE that the Australian Securities and Investments Commission hereby revokes the securities dealers licence number 199605 held by ARG Financial Group Limited pursuant to subsection 825(b) of the Corporations Act 2001 because ARG Financial Group Limited has become an externally administered body corporate.

Dated this 21st day of November 2002.

Signed: *Gai Di Bartolomeo*
GAI DI BARTOLOMEO
Delegate of the
Australian Securities and Investments Commission.



02 / 1239

Corporations (Licensing of Clearing and Settlement Facilities Exemption) Notice 2002

I, IAN GORDON CAMPBELL, Parliamentary Secretary to the Treasurer, make this Notice under section 820C of the *Corporations Act 2001*.

Dated *27* November 2002



Parliamentary Secretary to the Treasurer

Contents

0 2 / 1 2 3 9

Page

Contents

Part 1	Preliminary	
1	Name of Notice	3
2	Commencement	3
3	Definitions	3
Part 2	Exemption	
4	Facility	4
5	Exemption of facility	4
6	Exemption ceases to have effect	4
Part 3	Conditions to which exemption is subject	
7	Conditions	5
8	ASTC to be licensed CS facility	5
9	Compliance with ASTC operating rules	5
10	Compliance with financial stability standards	5
11	Sufficient human resources	5
12	Access to line of credit or emergency drawing facility	5
13	Assistance to ASIC and Reserve Bank	6
14	Compliance with ASIC advice	6
15	Compliance with Minister's requirements	6
16	Use of OCH assets	6
17	Notice to ASIC of breach or likely breach of conditions	7

Preliminary

Part 1

Section 3

0 2 / 1 2 3 9

Part 1 Preliminary**1 Name of Notice**

This Notice is the *Corporations (Licensing of Clearing and Settlement Facilities Exemption) Notice 2002*.

2 Commencement

This Notice commences on 1 December 2002.

3 Definitions

In this Notice:

Act means the *Corporations Act 2001*.

ASTC means ASX Settlement and Transfer Corporation Pty Limited.

facility means the clearing and settlement facility specified in section 4.

OCH means Options Clearing House Pty Ltd.

Reserve Bank means the Reserve Bank of Australia.

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

- associated provisions (subsection 1410 (1) of the Act)
- ASIC (section 9 of the Act)
- Australian CS facility licence (section 761A of the Act)
- clearing and settlement facility (section 768A of the Act)
- CS facility licensee (section 761A of the Act)
- financial product (section 761A of the Act)
- FSR commencement (subsection 1410 (1) of the Act)
- licensed CS facility (section 761A of the Act)
- licensed market (section 761A of the Act)
- National Guarantee Fund (section 889A of the Act)
- old Corporations Act (subsection 1410 (1) of the Act)
- operating rules (section 9 of the Act).

Part 2 Exemption

0 2 / 1 2 3 9

Section 4

Part 2 Exemption

4 Facility

This Notice applies to the clearing and settlement facility (the *facility*) to be operated by OCH in the capacity of central counterparty for transactions entered into on the licensed market operated by the Australian Stock Exchange Limited in respect of the following classes of financial products:

- (a) securities, within the meaning of section 92 of the old Corporations Act (as applying for the purposes of Part 7.2 of the old Corporations Act), but not including exchange traded options within the meaning of section 9 of the old Corporations Act;
- (b) agreements of a kind to which section 92A of the old Corporations Act applied immediately before the FSR commencement (or would have applied after the FSR commencement if that section, and any associated provisions, had continued to have effect).

5 Exemption of facility

The facility is exempt from the operation of Part 7.3 of the Act.

6 Exemption ceases to have effect

This exemption ceases to have effect at the end of the earlier of:

- (a) 11 March 2004; and
- (b) the day on which OCH is granted an Australian CS facility licence to operate the facility.

Conditions to which exemption is subject

Part 3

Section 12

02 / 1239

Part 3 **Conditions to which exemption is subject****7** **Conditions**

The exemption is subject to the conditions in this Part.

8 **ASTC to be licensed CS facility**

The Australian CS facility licence granted to ASTC on 8 March 2002 must be in force.

9 **Compliance with ASTC operating rules**

- (1) The operating rules of the licensed CS facility operated by ASTC (the *ASTC operating rules*) must include rules relating to the operation of the facility by OCH.
- (2) OCH must operate the facility in accordance with the ASTC operating rules to the extent that the rules apply to OCH:
 - (a) as operator of the facility in the capacity of central counterparty; or
 - (b) as a participant in the licensed CS facility operated by ASTC.

Note Paragraph 822B (b) of the Act provides that the operating rules of a licensed CS facility have effect as a contract under seal between the licensee and each participant in the facility.

10 **Compliance with financial stability standards**

OCH must comply with any standard in force under section 827D of the Act that applies to a central counterparty.

11 **Sufficient human resources**

- (1) OCH must have access to sufficient human resources to operate the facility properly.
- (2) The human resources must be at least the same kind and number as TNS Clearing Pty Limited had immediately before the commencement of this Notice.

12 **Access to line of credit or emergency drawing facility**

OCH must have access to a line of credit or emergency drawing arrangements sufficient to provide short term funding for the facility until any claim that OCH makes on the National Guarantee Fund is determined.

Part 3 Conditions to which exemption is subject

0 2 / 1 2 3 9

Section 13**13 Assistance to ASIC and Reserve Bank**

- (1) OCH must comply with section 821C of the Act as if it were a CS facility licensee.

Note Section 821C requires a CS facility licensee to give to ASIC, the Reserve Bank, or a person authorised by ASIC or the Reserve Bank any assistance that is reasonably requested by ASIC, the Reserve Bank or authorised person for the performance of the functions of ASIC or the Reserve Bank.

- (2) OCH must comply with section 821D of the Act as if it were a CS facility licensee.

Note Section 821D requires a CS facility licensee to give a person authorised by ASIC any reasonable access to the facility the person requests for any of the purposes of Chapter 7 of the Act. The purposes of Chapter 7 include the assessment of compliance with conditions to which an exemption is subject.

14 Compliance with ASIC advice

OCH must act in accordance with any advice that ASIC gives it in the following circumstances:

- (a) ASIC considers that it is necessary, or in the public interest, to protect people dealing in a financial product or class of financial products;
- (b) ASIC considers that OCH has not done all things reasonably practicable:
- (i) to ensure that the facility's services are provided in a fair and effective way; or
 - (ii) to reduce systemic risk in the provision of the facility's services.

15 Compliance with Minister's requirements

OCH must comply with the following:

- (a) a condition imposed by the Minister under subsection 891A (2) of the Act;
- (b) a written notice of the Minister requiring OCH to give ASIC:
- (i) a special report on specified matters; or
 - (ii) an audit report on the special report;
- as if OCH were a CS facility licensee in receipt of a notice under section 823B of the Act;
- (c) a written direction given by the Minister in relation to compliance with any condition in this Part.

16 Use of OCH assets

OCH must not use any assets it holds as operator of the facility in the capacity of central counterparty to meet any liability or claim arising from any of its other activities or functions.

02 / 1239

Conditions to which exemption is subject

Part 3

Section 17

17 Notice to ASIC of breach or likely breach of conditions

OCH must give written notice to ASIC of any breach or likely breach of any condition in this Part as soon as practicable after OCH becomes aware of the breach or likely breach.



02 / 1240

Australian CS Facility Licence (Options Clearing House Pty Limited) Variation Notice 2002 (No. 1)

I, IAN GORDON CAMPBELL, Parliamentary Secretary to the Treasurer, make this Notice under paragraph 825A (1) (b) of the *Corporations Act 2001*.

Dated *1st* of November 2002

A handwritten signature in black ink, appearing to read 'Ian Gordon Campbell'.

Parliamentary Secretary to the Treasurer

1 Name of Notice

This Notice is the *Australian CS Facility Licence (Options Clearing House Pty Limited) Variation Notice 2002 (No. 1)*.

2 Commencement

This Notice commences on 1 December 2002.

3 Variation of conditions on Australian CS Facility Licence (Options Clearing House Pty Limited) 2002

Schedule 1 varies the conditions imposed on the *Australian CS Facility Licence (Options Clearing House Pty Limited) 2002*.

Schedule 1 Variations

(section 3)

- [1] **Section 3, after definition of *Act***
insert
derivative has the same meaning as in section 761D of the Act.
- [2] **Section 3, definition of *old Corporations Act***
omit
- [3] **Sections 4 and 5**
substitute
- 4 Grant of licence for particular facility**
A licence is granted to Options Clearing House Pty Limited to operate the clearing and settlement facility that provides services in respect of the licensed markets operated by ASX Futures Exchange Pty Limited and the Australian Stock Exchange Limited.
- 5 Classes of financial products**
- (1) The classes of financial products in respect of which the facility can provide services are the classes of derivatives that can be dealt with on the licensed markets operated by ASX Futures Exchange Pty Limited and the Australian Stock Exchange Limited.
- (2) The classes of derivatives do not include derivatives that are transferable.
- [4] **Section 6**
omit

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.

AVCO ACCESS LTD. ACN 000 032 075 will change to a proprietary company limited by shares. The new name will be AVCO ACCESS PTY LTD ACN 000 032 075.

BENTLEYS MRI AUSTRALIA PTY LTD ACN 097 734 462 will change to a public company limited by shares. The new name will be BENTLEYS MRI AUSTRALIA LTD ACN 097 734 462.

BRIDGECORP HOLDINGS (AUSTRALIA) LIMITED ACN 095 402 270 will change to a proprietary company limited by shares. The new name will be BRIDGECORP HOLDINGS (AUSTRALIA) PTY LIMITED ACN 095 402 270.

CITADEL SECURIX LIMITED ACN 062 625 754 will change to a proprietary company limited by shares. The new name will be CITADEL SECURIX PTY LIMITED ACN 062 625 754.

EVENTSMARKET LIMITED ACN 090 367 865 will change to a proprietary company limited by shares. The new name will be EVENTSMARKET PTY LTD ACN 090 367 865.

IOOF LTD ACN 087 649 625 will change to a public company limited by shares.

JAMES N. KIRBY FOUNDATION PTY. LIMITED ACN 008 458 277 will change to a public company limited by guarantee. The new name will be JAMES N. KIRBY FOUNDATION LIMITED ACN 008 458 277.

PRICE FORBES AUSTRALIA LIMITED ACN 007 332 461 will change to a proprietary company limited by shares. The new name will be PRICE FORBES AUSTRALIA PTY LIMITED ACN 007 332 461.

RESOLUTE RESOURCES LIMITED ACN 009 121 662 will change to a proprietary company limited by shares. The new name will be RESOLUTE RESOURCES PTY LTD ACN 009 121 662.

THE PRINCIPALS CORNERSTONE FUND LIMITED ACN 093 907 601 will change to a proprietary company limited by shares. The new name will be THE PRINCIPALS CORNERSTONE FUND PTY LIMITED ACN 093 907 601.

AVCO FINANCIAL SERVICES LTD. ACN 008 443 810 will change to a proprietary company limited by shares. The new name will be GE PERSONAL FINANCE PTY LTD ACN 008 443 810.

BRIDGECORP FINANCE (AUSTRALIA) LIMITED ACN 096 090 130 will change to a proprietary company limited by shares. The new name will be BRIDGECORP FINANCE (AUSTRALIA) PTY LIMITED ACN 096 090 130.

BRIDGECORP PROPERTIES LIMITED ACN 095 349 554 will change to a proprietary company limited by shares. The new name will be BRIDGECORP PROPERTIES PTY LIMITED ACN 095 349 554.

DELTA OIL AND GAS NL ACN 060 035 903 will change to a proprietary company limited by shares. The new name will be DELTA OIL AND GAS PTY LTD ACN 060 035 903.

H.H.E. MANAGEMENT LTD ACN 081 780 207 will change to a proprietary company limited by shares. The new name will be H.H.E. MANAGEMENT PTY LTD ACN 081 780 207.

METYOR AUSTRALIA LIMITED ACN 092 998 779 will change to a proprietary company limited by shares. The new name will be METYOR AUSTRALIA PTY LTD ACN 092 998 779.

REGIS GROUP LTD ACN 084 720 561 will change to a proprietary company limited by shares. The new name will be REGIS GROUP PROPRIETARY LIMITED ACN 084 720 561.

THE PRINCIPALS COMMERCIALISATION FUND LIMITED ACN 092 685 099 will change to a proprietary company limited by shares. The new name will be THE PRINCIPALS COMMERCIALISATION FUND PTY LIMITED ACN 092 685 099.

WAM INVESTMENT FUNDS LIMITED ACN 096 394 875 will change to a proprietary company limited by shares. The new name will be WAM INVESTMENT FUNDS PTY LTD ACN 096 394 875.