



ASIC

Australian Securities & Investments Commission

[CO 02/257]

Employee share schemes — offers of shares through a trust — amendment

Issued 2/3/2002

Class Order [CO 02/257] varies Class Order [CO 00/223].

This class order comes into effect on 11 March 2002 upon commencement of Schedule 1 to the Financial Services Reform Act 2001: see paragraph 4(2A)(c) of the Acts Interpretation Act 1901.

Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 741(1) — Variation

Under subsection 741(1) of the *Corporations Act 2001* and with effect from the commencement of Schedule 1 to the *Financial Services Reform Act 2001*, the Australian Securities and Investments Commission hereby varies Class Order [00/223] by:

- 1 omitting from the heading the word “Law” and substituting the words “Act 2001”;
- 2 omitting from the first paragraph:
 - (a) the words “Corporations Law (the “Law”)” and substituting the words “*Corporations Act 2001* (the “Act”); and
 - (b) the word “Law” (third occurring) and substituting the word “Act”;
- 3 omitting from subparagraph (a)(i) of Schedule B the words “ASX or an approved foreign exchange” and substituting the words “financial market operated by Australian Stock Exchange Limited or an approved foreign market”;
- 4 omitting from subparagraph 1(a) of Schedule C the word “ASX”

- and substituting the words “financial market of Australian Stock Exchange Limited”;
- 5 omitting from subparagraph 1(b) of Schedule C the word “exchange” and substituting the word “market”;
 - 6 omitting from subparagraph 3(b) of Schedule C the word “Australia” and substituting the words “this jurisdiction”;
 - 7 omitting from subparagraph 3(d) of Schedule C the word “Australia” and substituting the words “this jurisdiction”;
 - 8 omitting from subparagraph 4(c) of Schedule C the word “Australia” and substituting the words “this jurisdiction”;
 - 9 inserting in subparagraph 4(d) of Schedule C the word “Corporations” before the word “Law”;
 - 10 omitting from subparagraph 4(e) of Schedule C the word “Law” and substituting the word “Act”;
 - 11 omitting from paragraph 3 of Schedule D the word “Australia” and substituting the words “this jurisdiction”;
 - 12 omitting from paragraph 1 under the heading “Interpretation” the word “Law” and substituting the word “Act”; and
 - 13 omitting paragraphs 6 and 7 under the heading “Interpretation” and substituting the following text:
 - “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

- (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: Act, ss 5 and 9 (definition of “this jurisdiction”).”

Dated this 3rd day of March 2002

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