

ENFORCEABLE UNDERTAKING

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION ACT

SECTION 93AA

The commitments in this undertaking are offered to the Australian Securities & Investments Commission ('ASIC') by:

Alan Robert Scott
46 Rigel Street, Coorparoo, Queensland, 4151

1. BACKGROUND

- 1.1 MML Management Limited ('MML') has held Dealers Licence 11739 ('Licence') since 1 January 1997 to the present ('relevant period').
- 1.2 Alan Robert Scott ('Mr Scott') is the Key Person on the Licence and has been the Key Person throughout the relevant period.
- 1.3 ASIC believes that Mr Scott has not performed efficiently, honestly and fairly the duties of a representative of a dealer (section 829(f) of the *Corporations Law*) arising out of Mr Scott's failure to exercise adequate supervision over the performance of the obligations of MML as a licensed securities dealer and its properly authorised representative, Craig Jones.
- 1.4 Mr Scott acknowledges ASIC's concerns as set out in this undertaking and has endeavoured to cooperate with ASIC.
- 1.5 In agreeing to accept this undertaking ASIC has had regard to the undertakings Mr Scott has given below.

2. UNDERTAKING

- 2.1 Pursuant to section 93AA of the *Australian Securities & Investments Commission Act*, Mr Scott undertakes that:
 - (a) he will cease to be an authorised representative of, a consultant to or take part in the operations of, MML from the date of this undertaking;
 - (b) he will notify MML in writing that he has ceased to be an authorised representative of, a consultant to or take part in the operations of MML and will provide ASIC with a copy of this notification;

- (c) for a period of 18 months from the date of this undertaking, he will not make application in his own right, or as a director or responsible officer of a company that applies to become a licensed dealer in securities, without the approval of ASIC;
- (d) for a period of 18 months from the date of this undertaking, he will not seek to become the authorised representative of or a consultant to a licensed dealer in securities, without the written approval of ASIC;
- (e) for a period of 18 months from the date of this undertaking, he will not hold himself out as authorised representative of, a consultant to a licensed dealer in securities or as taking part in the operations of a licensed dealer or investment adviser, without the written approval of ASIC.

3. ACKNOWLEDGMENTS

3.1 Mr Scott acknowledges that ASIC;

- (a) may issue a media release on execution of this undertaking referring to its terms and the concerns of ASIC which led to its execution;
- (b) may from time to time publicly refer to this undertaking; and
- (c) will make this undertaking available for public inspection.

3.2 Mr Scott further acknowledges that:

- (a) this undertaking in no way derogates from the rights and remedies available to ASIC or any other person or entity arising from any conduct described in this undertaking;
- (b) ASIC's acceptance of an enforceable undertaking does not affect ASIC's powers to investigate a contravention arising from future conduct, or pursue a criminal prosecution, or its power to lay charges or seek a pecuniary civil order; and
- (c) this undertaking has no operative force until accepted by ASIC.

SIGNED by ALAN ROBERT SCOTT in)
the presence of)

[Handwritten signature]

Signature of witness

[Handwritten signature: Alan Scott]

ALAN ROBERT SCOTT

N. A. DUNLOP.

Name of witness (print)

ACCEPTED by the AUSTRALIAN)
SECURITIES & INVESTMENTS)
COMMISSION pursuant to ASIC Act,)
section 93A by its duly authorised delegate.

[Handwritten signature]

Signature of witness

[Handwritten signature]

Signature

SHARMAN GRANT

Name of witness (print)

DATED 29 SEPTEMBER 2000.