

Commonwealth of Australia

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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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NOTICE UNDER SECTION 920E OF THE CORPORATIONS ACT 2001

Notice is hereby given under section 920E of the Corporations Act 2001 that the Australian Securities and Investments Commission has made an order, a copy of which is set out below, which order took effect on the date of service of it on the person to whom it relates, being 23 February 2005.

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

IN THE MATTER OF BEAN SAN GOH

AND

SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001

To: BEAN SAN GOH 9 Smoothstone Court Joondalup Western Australia 6027

ORDER PURSUANT TO SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001

TAKE NOTICE that the Australian Securities and Investments Commission hereby prohibits Bean San Goh from providing financial services in relation to securities for a period of five (5) years from the date of service of this Order.

Dated this 22nd day of December 2004.

Signed:...

Valdemar Malinaric Delegate of the Australian Securities and Investments Commission

Your attention is drawn to sections 920C and 1311 of the Corporations Act 2001 which provide that a person commits an offence if they engage in conduct that breaches a banning order that has been made against them (Penalty \$2,750 or imprisonment for 6 month or both).

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ASIC Australian Securities & Investments Commission

05/0200

Australian Securities & Investments Commission Corporations Act 2001 Section 915B

Notice of Cancellation of an Australian Financial Services Licence

TO: Challenger Superannuation Pty Ltd, ABN 52 006 475 501("the Licensee") Level 41, 88 Phillip Street SYDNEY NSW 2000

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 234681 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this	3 rd day of March 2005.
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Signed	

Joyce Krashow, a delegate of the Australian Securities and Investments Commission

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

Pursuant to 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 person referred to in the Schedule until 31 March 2005 as if section 601GA was modified or varied by:

- 1. in subsection (1), omitting "The" and substituting "Subject to subsections (5) and (6), the";
- in subsection (4), omitting "If" and substituting "Subject to subsections (5) and (6), 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
 - 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.

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05/0201

(7) *information memorandum* means a document provided to wholesale clients, as defined in section 761G of the Act, in connection with the offer to issue, offer to arrange for the issue or the issue of interests in a 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.

Schedule

Hastings Funds Management Limited ACN 058 693 388 as responsible entity for Hastings Investment Fund 1 ARSN 113 037 317.

Dated this 4th day of March 2005.

Signed by Tony Yiu as a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission Corporations Act 2001 – Subsection 173(6) – Exemption

Under subsection 173(6) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission hereby exempts the company specified in Schedule A ("Company") from subsections 173(1) and 173(3) of the Act in relation to information described in Schedule B except in the cases described in Schedule C.

SCHEDULE A

Macquarie Fortress Investments Limited ACN 113 113 214 acting as trustee of the Macquarie Fortress Australia Notes Trust.

SCHEDULE B

This exemption applies to information in the Company's register of debenture holders ("Register") about debentures that are not convertible into shares or options over unissued shares.

SCHEDULE C

- 1 This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a registered debenture holder to the extent that the inspection or request relates to that part of the Register which contains particulars of that person's holdings.
- 2. This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a person if the person has provided the Company with a written undertaking, duly signed by that person, to the effect that:
 - (a) the person will not use the copy of, or information obtained from, the Register for any purpose other than:
 - (i) calling a meeting of registered debenture holders;
 - (ii) making an offer to a registered debenture holder to acquire debentures held by that person;
 - (iii) notifying a registered debenture holder of a matter relating to the carrying out by the Company or the trustee of the trust deed relating to the debentures of its functions and duties under that deed or the Act;
 - (iv) undertaking bona fide statistical or analytical research; or
 - (v) any other purpose approved in writing by the Australian Securities and Investments Commission; and
 - (b) the person will not disclose the copy of, or information obtained from, the Register to any other person except a person identified in the undertaking by name and address and except solely for the purposes specified in paragraph (a).

Date this 2nd day of March 2005

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Signed by Ian MacDonald as a delegate of the Australian Securities and Investments Commission

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Australian Securities & Investments Commission

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

Under subsection 741(1) of the *Corporations Act 2001* ("Act") the Australian Securities and Investments Commission ("ASIC") declares that Chapter 6D of the Act applies to the person specified in Schedule A in all cases as if:

- 1. Subparagraph (b)(iii) of the definition of "continuously quoted securities" in section 9 of the Act were modified by inserting at the end of the subparagraph, the words "(other than an order made during the 2005 calendar year to allow the entity to change its financial year end date)", and
- 2. Subsection 708A(5)(d) were modified or varied by after "341" inserting the words "(other than an order made during the 2005 calendar year to allow the entity to change its financial year end date)".

Schedule A

Gloucester Coal Limited ACN 008 881 712

Dated 3 March 2005

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Signed by Ramon Garcia as a delegate of the Australian Securities and Investments Commission

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ASIC

Australian Securities & Investments Commission

05/0208

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

Pursuant to paragraph 655A(1)(a) of the Corporations Act 2001 ("the Act") the Australian Securities and Investments Commission ("ASIC") revokes instrument [05/0138] dated 17 February 2005 and exempts the person referred to in Schedule A from compliance with section 623 of the Act in the case referred to in Schedule B on the condition referred to in Schedule C.

Schedule A

Empire Energy Corporation International, a company incorporated in the United States of America ("the Bidder").

Schedule B

Offering to give benefits, agreeing to give benefits and giving benefits to persons (and the associates of persons) whose shares may be acquired under the takeover bid by the Bidder for all the shares in Great South Land Minerals Ltd. ACN 068 650 386 ("the Target") in respect of which a bidder's statement is lodged with ASIC in March 2005 ("the Takeover"), where the benefits comprise the Bidder taking necessary steps to bring some or all of the shares issued as consideration under the Takeover ("Shares") outside the definition of 'restricted securities' in the US Securities Act of 1933 as at the date of this instrument ("Restricted Securities").

Schedule C

The Bidder takes all necessary steps to register with the United States Securities Exchange Commission any Shares which are Restricted Securities, as soon as practicable following their issue.

Dated this 4th day of March 2005

Signed by Ariel Brott as a delegate of the Australian Securities and Investments Commission

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ASIC

Australian Securities & Investments Commission

05/0210

Australian Securities & Investments Commission Corporations Act 2001 - Subsection 655A(1) – Declaration

Pursuant to subsection 655A(1) of the Corporations Act 2001 (Cth) (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby declares that Chapter 6 of the Act applies to the person specified in Schedule A in the case referred to in Schedule B as if subsection 619(3) of the Act were modified or varied to read as follows:

"(3) **Special Foreign Holders.** If the consideration for the bid includes an offer of securities, the securities do not need to be offered to holders of the target's securities whose address, as shown in the register in which details of their holding is recorded, is a place outside Australia, the external Territories and New Zealand ("Special Foreign Holders"). Special Foreign Holders who elect to receive securities as consideration for the bid will be deemed to have elected to receive cash consideration."

Schedule A

Fonterra Foods Pty Ltd ACN 111 597 356 ("Fonterra Foods")

Schedule B

An off-market takeover bid by Fonterra Foods for all of the shares in National Foods Limited (ACN 004 486 631), in respect of which Fonterra Foods offers securities in the form of redeemable preference shares (to be issued by Fonterra Co-operative Group Limited, a company incorporated in New Zealand) as an alternative form of consideration, on the terms set out in the letters (including attachments) sent by Mallesons Stephen Jacques to ASIC dated 27 January 2005 and 10 February 2005 and the Third Supplementary Bidder's Statement lodged by Fonterra Foods Pty Ltd with ASIC on 2 March 2005.

Dated this 3rd day of March 2005

Signed by Ariel Brott as a delegate of the Australian Securities and Investments Commission



ASIC Australian Securities & Investments Commission

Australian Securities and Investments Commission Corporations Act 2001 – Paragraph 741(1)(b) – Declaration

Pursuant to paragraph 741(1)(b) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission hereby declares that the Act applies in relation to the person specified in Schedule A in the case referred to in Schedule B as if subsection 708(18) of the Act were modified or varied to read as follows:

"Takeovers

- (18) An offer of securities does not need disclosure to investors under this Part if it is:
 - (a) made as consideration for an offer to acquire securities under a takeover bid under Chapter 6; and
 - (b) accompanied by a bidder's statement or by a supplementary bidder's statement complying with section 636(1)(g) of the Act."

Schedule A

Fonterra Foods Pty Ltd ACN 111 597 356 ("Fonterra Foods")

Schedule B

In respect of Fonterra Foods offering securities as a form of consideration under its off-market bid for National Foods Limited ACN 004 486 631.

Dated this third day of March 2005

Signed by Ariel Brott as a delegate of the Australian Securities and Investments Commission

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ASIC Australian Securities & Investments Commission

05/0212

Australian Securities & Investments Commission Corporations Act 2001 Section 915B

Notice of Cancellation of an Australian Financial Services Licence

TO: Richard Dyer Young. ABN: 59 954 985 830 ("the Licensee") Suite 2, 62-64 Ord Street, West Perth, WA, 6005

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 234976 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 3rd day of March 2005.

Signed

Joyce Krashow, a delegate of the Australian Securities and Investments Commission

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ASIC Australian Securities & Investments Commission

05/0213

Australian Securities & Investments Commission Corporations Act 2001 Section 915B

Notice of Cancellation of an Australian Financial Services Licence

TO: DSIB Pty Ltd. ABN: 16 050 719 170 ("the Licensee") 113 Byrness Street, Mareeba, QLD, 4880

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 240999 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 3rd day of March 2005.

Signed

Joyce Krashow, a delegate of the Australian Securities and Investments Commission

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Australian Securities and Investments Commission Corporations Act - Section 655A(1) - Declaration

Pursuant to subsection 655A(1) of the Corporations Act ("the Act") the Australian Securities and Investments Commission ("ASIC") declares that Chapter 6 of the Act applies in relation to the person named in Schedule A in the case referred to in Schedule B as if item 12 of the table in subsection 633(1) of the Act was modified by omitting the words "no later than 15 days" and substituting the words "no later than 19 days".

Schedule A

The Hills Motorway Limited (ACN 062 329 828) Hills Motorway Trust (ARSN 091 882 101) (collectively the "Target")

Schedule B

The target's statement relating to the off-market takeover bid by Transurban Investments Pty Limited (ACN 112 649 466) as nominee for Transurban Holdings Limited (ACN 098 143 429) and Transurban Infrastructure Management Limited (ACN 098 147 678) (as responsible entity of the Transurban Holding Trust (ARSN 098 807 419)) (collectively "Transurban") for all of the stapled securities in the Target in respect of which a bidder's statement was lodged on 4 February and a replacement bidder's statement was lodged on 14 February with ASIC, where the Target sends by no later than 11am Sydney time on 7 March 2005 a notice to the Australian Stock Exchange of the extension of time granted under this instrument and recommends that Target security holders take no action in relation to Transurban's takeover offers until they have received the Target's statement.

Dated this 4th day of March 2005

Signed by

Kate Metz, as a delegate of the Australian Securities and Investments Commission

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

Pursuant to paragraph 601QA(1)(b) the Australian Securities and Investments Commission declares that Chapter 5C of the *Corporations Act 2001* applies to Challenger Managed Investments Limited ACN 002 835 592, in its capacity as responsible entity of Challenger Microcap Fund ARSN 113 199 698, until 31 March 2005, as if section 601GA was modified or varied by:

- in subsection (1), omitting "The" and substituting "Subject to subsections (5), (6), (7) and (8), the";
- in subsection (4), omitting "If" and substituting "Subject to subsections (5), (6), (7) and (8), 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
 - (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.

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(7) The constitution does not have to make adequate provision for any entry fee that must be paid to acquire an interest in the scheme provided that:

- (a) the constitution states the maximum amount of entry fee 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:
 - (i) the maximum amount of entry fee that must be paid to acquire an interest in the scheme; and
 - (ii) the factors that will affect the actual amount of entry fee that must be paid to acquire an interest in the scheme; and
- (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:
 - (i) the maximum amount of entry fees that must be paid to acquire an interest in the scheme; and
 - (ii) the factors that will affect the actual amount of entry fee that must be paid to acquire an interest in the scheme.

(8) The constitution does not have to make adequate provision for any exit fee that must be paid to withdraw an interest from the scheme provided that:

- (a) the constitution states the maximum amount of exit fees that will be charged to withdraw an interest 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:
 - (i) the maximum amount of exit fees that must be paid to withdraw an interest from the scheme; and
 - (ii) the factors that will affect the actual amount of exit fees that must be paid to withdraw an interest from the scheme; and
- (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:
 - (i) the maximum amount of exit fees that must be paid to withdraw an interest from the scheme; and
 - (ii) the factors that will affect the actual amount of exit fees that must be paid to withdraw an interest from the scheme.

(9) In this section:

entry 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

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responsible entity and does not exceed 5% of the consideration to acquire an interest in the scheme;

exit fee means the fee (if any) that must be paid to the responsible entity if an interest is withdrawn from the scheme, which is determined by the responsible entity and does not exceed 5% of the withdrawal proceeds;

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 H day of March 2005

Signed by Jonathan Caddick as a delegate of the Australian Securities and Investments Commission



Australian Securities and Investments Commission Corporations Act 2001- Paragraph 601QA(1)(b) Corporations Law — Subsections 1084(6) and 1454(2)— Variation

Under paragraph 601QA(1)(b) of the *Corporations Act 2001* (the "Act") and subsections 1084(6) and 1454(2) of the Corporations Law (the "Law") (as continued in force by section 1408 of the Act), the Australian Securities and Investments Commission hereby varies the instrument dated 7 December 1999 signed by Sandro Mancini extending the period referred to in subsection 1454(2) of the Law and modifying Division 11 of Part 11.2 of the Law in relation to the undertaking then known as the Paulownia West Coast Project, as varied by Instrument [04/0849] dated 30 June 2004 signed by Andrew Moore and Instrument [04/1066] dated 31 August 2004 signed by Maree O'Brien, and as further varied by Instrument [04/1377] dated 29 October 2004 signed by Maree O'Brien, by deleting "7 March 2005" in Schedule A paragraph (a) and substituting "9 May 2005".

Dated this 7th day of March 2005

The life told

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

Australian Securities and Investments Commission Corporations Act 2001 — Subsection 111AT(1) — Exemption

Under subsection 111AT(1) of the Corporations Act 2001 ("the Act"), the Australian Securities and Investments Commission ("ASIC") hereby exempts the person specified in Schedule A from sections 302 and 675 of the Act on the conditions specified in Schedule B.

Schedule A

Australian United Retailers Limited ACN 077 879 782 ("AURL").

Schedule B

- 1. Membership of AURL is restricted to persons who conduct a retail grocery or retail liquor business.
- 2. The maximum aggregate amount payable by any single subscriber for shares in AURL is \$1.
- 3. Members are entitled to unrestricted access to information about the activities and financial affairs of AURL (except for commercially sensitive information) on request and annually to all members.
- 4. AURL operates principally for the purpose of:
 - (i) providing access to members to negotiated supply agreements with suppliers of grocery or liquor goods and to act as agent for members in relation to those supply agreements; and
 - (ii) providing marketing, merchandising and promotional advice and services to members.

Dated the 8th day of March 2005

Signed:

Gadi Bloch, as a delegate of the Australian

Gadi Bloch, as a delegate of the Australia Securities and Investments Commission

Australian Securities and Investments Commission Corporations Act 2001 – Subsection 173(6) – Exemption

Under subsection 173(6) of the Corporations Act 2001 ("Act") the Australian Securities and Investments Commission hereby exempts the company specified in Schedule A ("Company") from subsections 173(1) and 173(3) of the Act in relation to information described in Schedule B except in the cases described in Schedule C.

SCHEDULE A

Grenfell Securities Limited ACN 075 358 075

SCHEDULE B

This exemption applies to information in the Company's register of debenture holders ("Register") about debentures that are not convertible into shares or options over unissued shares.

SCHEDULE C

- 1 This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a registered debenture holder to the extent that the inspection or request relates to that part of the Register which contains particulars of that person's holdings.
- 2. This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a registered person if the person has provided the Company with a written undertaking, duly signed by that person, to the effect that:
 - (a) the person will not use the copy of, or information obtained from, the Register for any purpose other than:
 - (i) calling a meeting of registered debenture holders;
 - (ii) making an offer to a registered debenture holder to acquire debentures held by that person;
 - (iii) notifying a registered debenture holder of a matter relating to the carrying out by the Company or the trustee of the trust deed relating to the debentures of its functions and duties under that deed or the Act;
 - (iv) undertaking bona fide statistical or analytical research; or
 - (v) any other purpose approved in writing by the Australian Securities and Investments Commission; and

(b) the person will not disclose the copy of, or information obtained from, the Register to any other person except a person identified in the undertaking by name and address and except solely for the purposes specified in paragraph (a).

Date this 3rd day of March 2005

Signed by Belisa Jong as a delegate of the Australian Securities and Investments Commission

Australian Securities and Investments Commission Corporations Act 2001 — Paragraphs 601QA(1)(a), 741(1)(a), 911A(2)(l), 992B(1)(a) and 1020F(1)(a) — Exemption

First exemption: disclosure relief for offers of shares, units of shares, options and stapled securities

- 1. Under paragraphs 741(1)(a) and 1020F(1)(a) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission ("ASIC") exempts:
 - (a) a person from Parts 6D.2, 6D.3 (except section 736) and 7.9 of the Act where the person:
 - (i) makes an eligible offer;
 - (ii) offers to arrange for the issue of financial products under an eligible offer;
 - (iii) 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; and

(b) a person (other than a person covered by paragraph (a)) from Part 7.9 of the Act where the person makes a recommendation to acquire financial products under an eligible offer that does not involve a contribution plan, except where the person is aware, or ought reasonably to be aware, that any of the conditions set out in the Schedule have not been met.

Second exemption: licensing and hawking relief

- 2. Under paragraph 911A(2)(1) of the Act, ASIC exempts a person who is exempt from Part 6D.2 or Part 7.9 of the Act because of the First Exemption (other than because the person made a recommendation to acquire financial products) 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 that 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 the 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) of the Act, ASIC exempts:
 - (a) the issuer who is exempt from Part 6D.2 or Part 7.9 of the Act because of the First Exemption;

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(b) any associate of the issuer;

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- (c) the manager from time to time of the FCPE (presently AXA Investment Managers Paris, the wholly owned subsidiary of AXA Gestion Interessement) (the "Manager") and the custodian from time to time of the FCPE (presently BNP Paribas Securities Services) (the "Custodian");
- (d) any associate of the Manager or the Custodian; and
- (e) any person acting for or on behalf of the issuer, a Saint-Gobain Australian Subsidiary, the Manager or the Custodian,

from the requirement to hold an Australian financial services licence for the provision of the following financial services:

- (f) the provision of a custodial or depositary service in connection with an eligible offer where the provider of the service performs their duties in good faith and has sufficient resources to perform those duties; and
- (g) dealing in a financial product in the course of providing a custodial or depository service covered by paragraph 3(f) of this instrument; and
- (h) dealing in a financial product in connection with an eligible offer covered by the exemption where any acquisition by purchase or disposal of the product by the issuer or an associate or a person referred to in paragraphs 3(c), (d) and (e) of this instrument occurs either:
 - (i) through a person who holds an Australian financial services licence authorising the holder to deal in those financial products; or
 - (ii) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in those financial products in the relevant place.
- 4. Under paragraphs 741(1)(a) and 992B(1)(a) of the Act, ASIC exempts a person who is exempt from Part 6D.2 or Part 7.9 of the Act because of the First Exemption from sections 736, 992A and 992AA of this Act in relation to offers made in the course of, or because of, unsolicited meetings or telephone calls reasonably held or made in connection with the offer.

Third exemption: MIS relief

5. Under paragraph 601QA(1)(a) of the Act, ASIC exempts a person who operates a managed investment scheme relating to an eligible offer from Chapter 5C of the Act in relation to the operation of that managed investment scheme.

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The following conditions apply:

- 1. the eligible offer must be substantially on the terms set out in the letter from Freehills to ASIC dated 21 February 2005 in relation to an 'Application for relief pursuant to policy statements 49, 167,169';
- 2. the person making the offer 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
- 3. the issuer must comply (or in the case that the issuer does not have a registered office in the jurisdiction, cause Saint-Gobain Abrasives Pty Ltd (ACN 068 931 420) ("Saint-Gobain Abrasives") which does have a registered office to comply) with any undertaking required to be made in the offer document by reason of this instrument;
- 4. the issuer 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 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 in force before the commencement of Schedule 1 to the *Corporate Law Economic Reform Program Act 1999*; or

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- (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 issuer as at the time of the offer; and

- 5. the offer document must state prominently that the eligible offer is an offer for participation in a foreign scheme that is subject to the regulation of the French Autorité des Marchés Financiers (the "Relevant Agency") and to the law of France and must describe the legal and practical effect (if any) this may have on the rights and ability of an offeree to make any claim or enforce any right arising out of or in connection with the eligible offer;
- 6. the Rules must contain provisions to the effect that the books of account maintained in respect of the activities of the FCPE must be audited annually;
- 7. the Manager and/or the Custodian may only levy any fees or charges for operating and administering the FCPE which are payable by the employees to a maximum amount provided for in the Rules and such fees must be fully disclosed in the offer document;
- 8. Saint-Gobain Abrasives must make the statements of assets, balance sheets and statements of income (together with the related notes) and the auditors' reports delivered to them under the Rules available for inspection by offerees at a registered office or principal place of business in Australia during normal business hours or such other time as is agreed with an offeree;
- 9. upon Saint-Gobain Abrasives receiving notices relating to the buyback/redemption of units as provided for in the Rules or otherwise under the eligible offer, Saint-Gobain Abrasives must forward these to the Manager without delay;
- 10. on behalf of the issuer and the Manager, Saint-Gobain Abrasives must accept notices, correspondence and service of process at a registered office or principal place of business in Australia;
- 11. Saint-Gobain Abrasives must notify ASIC within 7 days if the buy-back arrangements/redemption facilities of the FCPE are suspended or terminated or if listing of the shares of the issuer on any foreign securities exchange is suspended;
- 12. Saint-Gobain Abrasives must make available for public inspection at a registered office or principal place of business in Australia and provide to offerees copies of the constituent documents of the eligible offer and meet all reasonable requests for information;

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- 13. the issuer, through Saint-Gobain Abrasives, must maintain in Australia and make available to ASIC, upon request, records relating to the issue or sale of and the buy-back/redemption of units in the FCPE to or from Australian residents;
- 14. the FCPE must at all times be approved or authorised or registered by the Relevant Agency and the Group Saving Plan for employees of non-French companies of the Saint-Gobain group must at all times be authorised under the law of France;
- 15. there must at all times be a custodian of the FCPE assets and, where applicable, the custodian must have been approved by the Relevant Agency and that approval must not have been revoked;.
- 16. within 14 days of the date of this instrument, ASIC must be provided with:
 - (a) certified copies of the Rules and any other documents comprising the eligible offer;
 - (b) a certified copy of any written approval or authorisation issued by the Relevant Agency in relation to the eligible offer; and
 - (c) if any document is not in English, a certified translation of that document into English;
- 17. Saint-Gobain Abrasives must keep at a registered office or principal place of business in this jurisdiction, a register of Saint-Gobain Australian Subsidiary employees who participate in the eligible offer and enter in the register:
 - (a) the names and addresses of each participant;
 - (b) the extent of the holding of each participant;
 - (c) the date at which the name of each participant was entered in the register; and
 - (d) the date at which any participant's interest ceased.
- 18. except as may be required by French law, the Rules must not be modified or varied in any material respect that would adversely affect the rights and interests of participants in the eligible offer unless ASIC notifies Sain-Gobain Abrasives in writing that it does not object to the modification or variation;
- 19. the Manager and the Custodian must comply with the provisions of the Rules; and
- 20. the eligible offer must at all times comply with the Law of France.

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Interpretation

1.

In this instrument:

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 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 an issuer means:
 - (a) a body corporate that is a related body corporate of the issuer; or
 - (b) a body corporate that has voting power in the issuer of not less than 20%; or
 - (c) a body corporate in which the issuer 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 the 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

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of application that is used in respect of the offer, or on a form that 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 issuer in trust for the employee in an account of an Australian ADI which is established and kept by the issuer 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 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 an issuer, 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 issuer or an associated body corporate of the issuer;
- 9. "eligible offer" means an offer to subscribe for fully-paid shares in the issuer where:
 - (a) the shares are in the same class as shares which have been quoted on the financial market operated by Australian Stock Exchange Limited or an approved foreign market throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days during that period;
 - (b) the offer is made under an employee share scheme extended only to eligible employees;
 - (c) the shares are to be held by an FCPE; and
 - (d) units in the FCPE are issued to the subscriber;
- 10. "FCPE" means the Fonds Commun de Placement D'Entreprise governed by the Rules;
- 11. "financial product advice" has the meaning given by section 766B of the Act;
- 12. "general advice" has the meaning given by section 766B of the Act;
- 13. "issuer" means Compagnie de Saint-Gobain, a company registered in France;
- 14. "nominal consideration" means consideration of not more than 1 cent per option;

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- 15. "offer" has a meaning affected by sections 700, 702 and 1010C of the Act;
- 16. "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 under which the offer is made; and
 - (b) if a summary (rather than a copy) of the Rules 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 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 employee so requesting, provide the employee without charge with a copy of the Rules; and
 - (c) specifies in respect of the shares:
 - (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 issuer (or in the case that the issuer 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 employee requesting, make available to the employee 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 those offered; and
 - (f) discloses the conditions, obligations and risks associated with any loan or financial assistance offered by the issuer or a Saint-Gobain Australian Subsidiary for the purpose of acquiring financial products under the scheme;
- 17. "Rules" means the rules of the Saint-Gobain Avenir Monde FCPE as amended from time to time;
- "Saint-Gobain Australian Subsidiary" means Saint Gobain Abrasives Pty Ltd (ACN 068 931 420), Saint-Gobain Industrial Ceramics Pty Ltd (ACN 004 838 233), Saint-Gobain Ceramic Materials Pty Ltd (ACN 011 045 391) and Saint-Gobain RF Pty Ltd (ACN 004 484 940), and any of their Australian subsidiary companies; and

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19. "unit" in relation to a share means a legal or equitable right or interest in the share.

Commencement

This instrument takes effect on gazettal.

Dated this 9th day of March 2005

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

Australian Securities and Investments Commission Corporations Act 2001 — Paragraph 992B(1)(a) — Exemption

Under paragraph 992B(1)(a) of the *Corporations Act 2001* (the "Act"), the Australian Securities and Investments Commission ("ASIC") exempts PayPal, Inc. (ARBN 111 900 906) ("PayPal"), until 19 October 2005, from paragraphs 981B(1)(a) and 981B(1)(b) of the Act in the case where:

- (a) Banking (Exemption) Order No 102 issued by APRA remains in force;
- (b) Australian customer money is paid into an account or accounts with an Australian ADI or Wells Fargo Bank. N.A or, where ASIC gives its written consent beforehand, another body or bodies:
- (c) the accounts that hold Australian customer money in Australian currency are with an Australian ADI or, where ASIC gives its written consent beforehand, another body or bodies; and
- (d) the only money paid into any account referred to in paragraphs (b) and (c) is customer money, interest on the amount from time to time standing to the credit of the account and other money which ASIC has beforehand stated to PayPal in writing may be paid into the account.

Interpretation

In this instrument:

Australian customer money means customer money of a person who is resident in Australia.

Customer money means money paid by or received by customers of PayPal for the purpose of the customers making or receiving non-cash payments using the services and facilities currently offered by PayPal or substantially similar services and facilities offered by PayPal in future.

Dated the 10th day of March 2005.

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

Australian Securities and Investments Commission Corporations Act 2001 – Paragraphs 601QA(1)(a) and 601QA(1)(b)– Exemption and Declaration

Under paragraph 601QA(1)(a) of the *Corporations Act 2001* (the Act), the Australian Securities and Investments Commission (ASIC) exempts the person referred to in Schedule A from paragraph 601FC(1)(d) to the extent that it would otherwise prevent the person from :

- (a) treating retail clients differently from wholesale clients by allowing retail clients a longer period to consider an offer made in accordance with subparagraph 601GA(1)(a)(iiia) as notionally inserted into the Act by this instrument; and
- (b) dealing with foreign members in the way described in subparagraphs 601GA(1)(a)(iiia) or (va) as notionally inserted into the Act by this instrument.

Under paragraph 601QA(1)(b) of the Act, ASIC declares that Chapter 5C of the Act applies to the person referred to in Schedule A in the case set out in Schedule B as if Chapter 5C were modified or varied as follows:

- 1. after subparagraph 601GA(1)(a)(i) as notionally inserted into Chapter 5C by ASIC Class Order [CO 98/52] insert:
 - "(ia) interests in the scheme may be issued, at a price determined by the responsible entity, while the scheme is included in the official list of the financial market operated by Australian Stock Exchange Limited or listed on an approved foreign exchange as defined in sub-regulation 1.2A.02(2) of the *Corporations Regulations 2001* and stapled securities of which the interests form a component part, or if the interests to be issued are in a class of interests, stapled securities of which interests of that class form a component part, are not suspended from quotation, where the issue of the interests is not to the responsible entity or any person associated with it, and, in the case where:
 - (A) the issue (together with any other issue of interests up to one year previously, at a consideration determined by the responsible entity other than an issue approved or ratified by the members in accordance with subparagraphs (C) to (H) and issues in accordance with other provisions of the constitution) is of interests that would, immediately after the issue, comprise more than 15% of either:
 - all of the interests in the scheme; or
 - the interests on issue in the scheme in the same class as the interests comprised in the issue;

or

(B) the amount by which the issue price of the stapled securities of which the interests form a component part is

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less than the current market price for those stapled securities exceeds 10%,

the following requirements are also satisfied:

- (C) the members approve the issue;
- (D) if the interests to be issued are in a particular class, members in that class approve the issue;
- (E) unless the responsible entity reasonably considers that the issue will not adversely affect the interests of members in another class, members in that other class approve the issue;
- (F) any notice convening a meeting to vote on the issue contains particulars of the use to be made of the money raised by the issue;
- (G) an approval for the purposes of subparagraphs (C), (D) or (E) is given by special resolution of the members where members with at least 25% of the total value of all the interests of members entitled to vote on the question vote on the question at the meeting; and
- (H) if in making the calculations referred to in subparagraph (G) any vote of a person to whom the interests are to be issued or any vote of any associate of that person were not counted, the resolutions would be passed.";
- 2. after subparagraph 601GA(1)(a)(iii) as notionally inserted into Chapter 5C by ASIC Class Order [CO 98/52] insert:
 - "(iiia) interests in the scheme that are component parts of stapled securities, other than options to subscribe for such interests, may be issued at a price determined by the responsible entity, pursuant to offers made at substantially the same time to only and all the then members of the scheme if:
 - (A) all of the interests offered are in the same class;
 - (B) the price of all the interests offered is the same;
 - (C) the amount by which the price of the stapled securities of which the interests form a component part is less than any amount that would otherwise apply under the constitution does not exceed a maximum percentage specified in the constitution; and
 - (D) the amount of interests offered to each member is proportionate to the value of that member's interest,

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where, if the responsible entity reasonably considers that it would be in the best interests of members to exclude certain members that are connected to a place outside this jurisdiction (**foreign members**) and not unfair to those members, the responsible entity need not offer or issue the interests to the foreign members if each interest is sold in the context of a sale of a stapled security, taking reasonable steps to maximise the sale price net of expenses of the sale and the foreign members are promptly paid the net sale price.";

- 3. after subparagraph 601GA(1)(a)(v) as notionally inserted into Chapter 5C by ASIC Class Order [CO 98/52] insert:
 - "(va) an interest in the scheme that is a component part of a stapled security, other than an option to subscribe for such an interest, may be issued at a price determined by the responsible entity under an arrangement where:
 - (A) the whole or part of any money payable to a member under the constitution, by way of distribution of capital or income, is applied in payment for the subscription for interests in the scheme;
 - (B) each member of the scheme may from time to time elect to participate in that arrangement as to the whole, or some proportion, of the distributions which are, or would otherwise be, payable to that member;
 - (C) all the interests issued under the arrangement are of the same class;
 - (D) the price of each interest issued pursuant to that arrangement at substantially the same time is the same;
 - (E) the amount by which the price of the stapled securities of which the interests form a component part is less than the amount that would otherwise apply under the constitution does not exceed a maximum percentage specified in the constitution,

where, if the responsible entity reasonably considers that it would be in the best interests of members to exclude certain members that are connected to a place outside this jurisdiction (**foreign members**) and not unfair to those members, the responsible entity need not offer or issue the interests to the foreign members if each interest is sold in the context of the sale of a stapled security, taking reasonable steps to maximise the sale price net of expenses of the sale and the foreign members are promptly paid the net sale price.";

- 4. after subparagraph 601GA(1)(a)(vi) as notionally inserted into Chapter 5C by ASIC Class Order [CO 98/52] insert:
 - "(via) where stapled securities are quoted on the financial market operated by Australian Stock Exchange Limited and not suspended from quotation, interests in the scheme that form a component part of a

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stapled security may be sold by the responsible entity or its agent, at a price determined by the responsible entity, where:

- (A) part of the issue price of the interest has not been paid when called and, in accordance with the terms of the constitution, the interest has consequently been forfeited to the responsible entity on trust for the members; and
- (B) the sale of the interest occurs in the context of a sale of the stapled security conducted in accordance with section 254Q of the Act other than subsections 254Q(1), 254Q(10), 254Q(13) and 245Q(14) as if the stapled security was a share, the scheme was the company and the responsible entity was the directors of the company.";
- 5. after subparagraph 601GA(1)(a)(viii) as notionally inserted in to the Act by Class Order [CO 98/52] insert:
 - "(ix) the responsible entity may determine the price for the issue of interests that are component parts of stapled securities where the determination does not change the sum of the prices at which the interests and the other components of the stapled securities are to be issued (the *stapled security price*) and where the stapled security price is not determined by the responsible entity.";
- 6. omit paragraph 601FC(1)(c) and substitute:
 - "(c) act in the best interests of the members (having regard to both their interests as holders of interests in the scheme and their interests as holders of shares in a company, where the share and the interest are components of a stapled security) and, if there is a conflict between the interests of the members and the interests of the responsible entity, give priority to the interests of the members; and";
- 7. omit paragraph 601FD(1)(c) and substitute:
 - "(c) act in the best interests of the members (having regard to both their interests as holders of interests in the scheme and their interests as holders of shares in a company, where the share and the interest are components of a stapled security) and, if there is a conflict between the interests of the members and the interests of the responsible entity, give priority to the interests of the members; and";
- 8. after notional subsection 208(2) of the Act as included in section 601LC insert:

"(2A) If:

(a) all of the interests in the scheme are component parts of stapled securities together with all of the shares in a company; and

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(b) the benefit is given to the company referred to in paragraph (a), or a wholly-owned subsidiary of the company

member approval for the giving of the benefit is taken to have been given and the benefit need not be given within the 15 months."; and

- 9. after section 601PC insert:
 - "601 PD In this Chapter, *stapled security* means an interest in a registered scheme and a share in a company, which must on the terms on which they may be traded only be transferred together."

Schedule A

Macquarie Capital Alliance Management Limited ACN 105 777 704 (MCAML) as responsible entity of Macquarie Capital Alliance Trust ARSN 112 638 212 (MCAT).

Schedule B

Where MCAML issues interests in MCAT which must on the terms on which they may be traded only be transferred together with shares in Macquarie Capital Alliance Limited ACN 112 594 662.

Interpretation

In this instrument:

retail client has the meaning given by section 761G of the Act; and

wholesale client has the meaning given by section 761G of the Act

Dated this 3 rd day of March 2005

Signed by Claire Bothwell /as delegate of the Australian Securities and Investments Commission

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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.

AUSTCAM MINING LIMITED ACN 106 970 790 will change to a proprietary company limited by shares. The new name will be AUSTCAM MINING PTY LTD ACN 106 970 790.

CHIMAERA CAPITAL PTY LTD ACN 074 577 647 will change to a public company limited by shares. The new name will be CHIMAERA CAPITAL LTD ACN 074 577 647.

H C SLEIGH LIMITED ACN 102 784 538 will change to a proprietary company limited by shares. The new name will be H C SLEIGH PTY LTD ACN 102 784 538.

MERCANTILE MUTUAL INSURANCE (WORKERS COMPENSATION) LIMITED ACN 000 007 072 will change to a proprietary company limited by shares. The new name will be MMWC PTY LIMITED ACN 000 007 072.

UAV AUSTRALIA LIMITED ACN 096 412 494 will change to a proprietary company limited by shares. The new name will be UAV AUSTRALIA PTY LIMITED ACN 096 412 494.

ZIG INGE HOLDINGS PTY LTD ACN 004 935 013 will change to a public company limited by shares. The new name will be ZIG INGE HOLDINGS LTD ACN 004 935 013 BALMAIN NB COMMERCIAL MORTGAGES PTY LIMITED ACN 074 619 980 will change to a public company limited by shares. The new name will be BALMAIN NB COMMERCIAL MORTGAGES LIMITED ACN 074 619 980.

EZIPIN GROUP PTY LTD ACN 094 878 421 will change to a public company limited by shares. The new name will be EZIPIN GROUP LIMITED ACN 094 878 421.

MERCANTILE MUTUAL INSURANCE (AUSTRALIA) LTD ACN 000 456 799 will change to a proprietary company limited by shares. The new name will be MMIA PTY LIMITED ACN 000 456 799.

PRIMEBROKER SECURITIES PTY. LTD. ACN 081 178 645 will change to a public company limited by shares. The new name will be PRIMEBROKER SECURITIES LTD ACN 081 178 645.

VICTORIA POINT DOCKLANDS LIMITED ACN 099 551 130 will change to a proprietary company limited by shares. The new name will be VICTORIA POINT DOCKLANDS PTY LTD ACN 099 551 130.