



Commonwealth of Australia



**ASIC**

Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette

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# ASIC Gazette

## Contents

### Notices under the Corporations Act 2001

04/0391	04/0392	04/0393
04/0394	04/0395	04/0396
04/0397	04/0407	04/0408
04/0409	04/0410	04/0411
04/0412	04/0413	04/0414
04/0415	04/0416	04/0417
04/0418	04/0419	

### Change of company status

### Company reinstatements

#### 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](http://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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04 / 0391

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

1. Under paragraph 601QA(1)(a) of the *Corporations Act 2001* (the "Act"), the Australian Securities and Investments Commission ("ASIC") hereby exempts the persons referred to in Schedule A from section 601ED of the Act in the case referred to in Schedule B on the conditions set out in Schedule C.
2. Under paragraphs 911A(2)(l), 992B(1)(a) and 1020F(1)(a) of the Act ASIC hereby exempts the persons referred to in Schedule A in the case referred to in Schedule B on the conditions set out in Schedule C from:
  - (a) sections 992AA and 1017F of the Act; and
  - (b) the requirement to hold an Australian financial services licence for the provision of financial services by that person in relation to dealing in interests in a managed investment scheme of the kind and offered on the basis referred to in Schedule B.
3. Under paragraphs 992B(1)(a) of the Act ASIC hereby exempts a person (other than a person referred to in Schedule A) in the case of an offer to sell an interest in a managed investment scheme referred to in Schedule B and offered on a basis that appears to comply with Schedule C, from section 992AA of the Act.

**SCHEDULE A — WHO IS EXEMPT**

Any person who operates the scheme specified in Schedule B (scheme) and the following persons (promoters):

- (a) Shadforth Pty Limited (ACN 000 391 659) and Tiako Pty Limited (ACN 099 954 131); and
- (b) any other person offering an interest in the scheme for issue,

other than a person who is aware that any Product Disclosure Statement required to be given to a person under the Act in relation to the scheme, was not given or was given but did not comply with this instrument or the Act as the case may be.

**SCHEDULE B — SCHEMES EXEMPTED**

Operating a managed investment scheme which involves an owner (investor) of real property (strata unit), in the investor's discretion, making their strata unit available for use by a person (operator) as part of a serviced apartment, hotel, motel or resort complex located at Beach Haven Resort, 21 Twenty-Second Avenue, Sawtell, 2452, New South Wales developed in accordance with an approval of a local government organisation that was given to ASIC on 19 February 2004 and in relation to which on 1 March 2000 there

- 2 -

04 / 0391

was no person who had bought or agreed to buy a strata unit and who, before agreeing to buy, had been offered an interest in the scheme, where:

- (a) the sale of the strata unit is not and was not conditional on participation in the serviced strata scheme;
- (b) each investor and the operator may withdraw from participation in the scheme on no more than 90 days notice and an investor that withdraws will not be bound after that notice expires to allow use of their strata unit except for occupation of the strata unit:
  - (i) by a person other than the operator or an associate of the operator; and
  - (ii) under an agreement that the operator made with that person before the notice of withdrawal was given;
- (c) each investor may, if the investor withdraws from participation in the scheme, appoint another person to manage their strata unit;
- (d) the operator is licensed in relation to the conduct of the letting services under the law of a State or Territory or is an Australian financial services licensee;
- (e) no payment is liable to be made by an investor to participate in the scheme other than:
  - (i) payment of money to buy the strata unit; and
  - (ii) one or more payments of the investor's reasonable proportion of the operator's fees and expenses with respect to the management of the scheme where each such payment:
    - (A) relates to a period of no more than 3 months; and
    - (B) is reasonably commensurate with the work done or to be done, or the expenses incurred or likely to be incurred (as the case may be), by the operator during that period;
- (f) there is no obligation on any person to ensure that other owners of strata units agree to participate in the scheme; and
- (g) the serviced apartment, hotel, motel or resort complex is operated in accordance with a written agreement entered into or to be entered into between the operator and each investor which agreement includes provisions as specified in Schedule D.

#### SCHEDULE C — CONDITIONS ON OPERATORS AND PROMOTERS

1. The operator must ensure that any part of the scheme property held in cash or on

- 3 -

04 / 0391

deposit with an Australian ADI or another financial institution must be held on trust for the members in a trust account and subject to audit as to whether the moneys have been dealt with in accordance with the terms of the trust by a registered company auditor at least annually;

2. Each promoter that is involved in making an offer of interests in the scheme for issue must not engage in any misleading or deceptive conduct or conduct that is likely to mislead or deceive in connection with those offers;
3. The operator must comply with the provisions specified in Schedule D which are included in the agreement referred to in paragraph (g) of Schedule B.

#### **SCHEDULE D — PROCEDURES FOR TRANSFERRING MANAGEMENT RIGHTS**

##### *1. Transfer of management rights*

- (a) If a majority of scheme members advise the operator in writing that they wish to terminate the operator's engagement, the operator must within 9 months transfer the management rights to a person that is chosen by the operator that has not been involved in the operation (including promotion) of the scheme and is not controlled by a person that has been involved in the operation (including promotion) of the scheme.
- (b) If an operator fails to complete that transfer within the 9 month period, the operator must cause the transfer of the management rights to a replacement operator named in a written notice given by a majority of scheme members, at a price specified in the notice.
- (c) A transfer referred to in paragraphs (a) or (b) must be done as soon as practicable, but if there is a body corporate for the real property to which the scheme relates, there must be a reasonable time for members of the body corporate to consider whether to make a decision referred to in paragraph 2(b) unless the body corporate has consented to the transfer.

##### *2. Consent of body corporate to new care-taking arrangements*

- (a) If an operator receives a notice under paragraph 1(b) of this Schedule, the operator must advise all body corporate members of the name of the person to whom the transfer is to be made.
- (b) Unless the body corporate has consented to the transfer, an operator does not have to transfer the management rights to the person named in the notice described in paragraph 1(b) of this Schedule if a majority of body corporate members state in writing to the operator that the person should not be engaged by the body corporate to perform care-taking functions.
- (c) If a majority of body corporate members make a decision referred to in paragraph 2(b) of this Schedule, a majority of scheme members may then at any time name a replacement operator by a written notice, to whom the operator must transfer the

- 4 -

04 / 0391

management rights at a price specified in the notice and the notice will be taken to be given in accordance with paragraph 1(b) of this Schedule.

- (d) This paragraph 2 does not apply if the body corporate or a majority of body corporate members agree in writing to the transfer to the person named in a notice under paragraph 1(b) or 2(c) of this Schedule before that notice is given to the operator.

### 3. *Price payable on transfer*

The price scheme members specify in a notice under paragraph 1(b) of this Schedule must be one of the following:

- (a) the average of two valuations of the management rights by independent qualified valuers nominated by the Australian Property Institute (or another relevant independent professional body approved by ASIC); or
- (b) the highest bona fide bid for the management rights (excluding a bid by the operator or its associates) at an auction of which at least 60 days' notice had been given; or
- (c) the highest bona fide amount tendered (excluding any tender by the operator or its associates) for the management rights following reasonable efforts to market the property for at least 60 days.

### 4. *Voting*

- (a) In determining if there is a majority of scheme members or body corporate members, the operator and its associates and any person nominated as a replacement operator and associates of that person must not be counted.
- (b) For scheme members, a majority is based on their entitlement to vote at body corporate meetings if there is a body corporate for the property to which the scheme relates, and otherwise each member shall have one vote.
- (c) For body corporate members, a majority is based on their entitlement to vote at body corporate meetings.
- (d) A scheme member or a body corporate member makes a decision by signing a document that sets out the decision.

### 5. *Costs*

- (a) Any member may arrange a valuation or auction of, or may market, the management rights before or after the expiration of the 9 month period referred to in paragraph 1(a) of the Schedule for the purposes of determining a price to be specified in a notice under paragraph 1(b) of this Schedule.
- (b) If a member incurs any reasonable valuation, auction or marketing costs under paragraph 5(a) of this Schedule that member is entitled to be reimbursed out of the price payable by any person nominated by the members as transferee of the

- 5 -

04 / 0391

management rights when the price is paid to the operator.

#### 6. *Assistance*

The operator must give reasonable assistance to enable the transferee to operate the resort, hotel, motel or serviced apartment complex including making available information concerning any prospective bookings.

#### 7. *Definitions*

In this Schedule:

“scheme members” means investors in the scheme excluding the operator and its associates;

“management rights” means all real or personal property (including contractual rights) held by the operator or any of its associates that facilitates the operation of the scheme; and

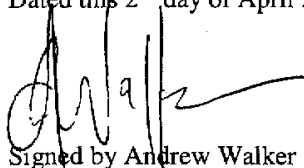
“transfer” in relation to management rights means to assign or transfer the management rights or to cause another person to become the holder of those rights or rights substantially the same as those rights.

#### **Interpretation**

In this instrument:

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

Dated this 2<sup>nd</sup> day of April 2004



Signed by Andrew Walker  
as a delegate of the Australian Securities and Investments Commission



**ASIC 04/0392**

Australian Securities & Investments Commission

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

**IN THE MATTER OF NEIL GALANG  
AND THE CORPORATIONS ACT 2001**

To: **NEIL GALANG**  
2/49 Davies Road  
MARAYONG NSW 2148

**BANNING ORDER PURSUANT TO SECTION 920B OF THE CORPORATIONS  
ACT 2001 AS IN EFFECT ON 11 MARCH 2002 and 830 OF THE CORPORATIONS  
ACT 2001 AS IN FORCE PRIOR TO 11 MARCH 2002**

TAKE NOTICE that the Australian Securities and Investments Commission **HEREBY PROHIBITS NEIL GALANG** for a period of **TWO (2) years** from the date of service of this Banning Order from doing an act as a representative of a dealer or an investment adviser pursuant to sections 830 of the Corporations Act 2001 as in force prior to 11 March 2002 and from providing any financial services pursuant to section 920B of the Corporations Act 2001, as in effect on 11 March 2002.

Dated this 9th day of March 2004.

Signed:.....

*Gai Di Bartolomeo*  
**GAI DI BARTOLOMEO**

Delegate of the

Australian Securities and Investments Commission.

04 / 0393

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

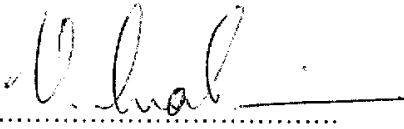
IN THE MATTER OF DAVID WILLIAM GRIFFITHS  
AND SECTIONS 829, 830 AND 831 OF THE CORPORATIONS ACT 2001 (AS  
IN FORCE PRIOR TO 11 MARCH 2002)

To: DAVID WILLIAM GRIFFITHS  
140 Colin Street  
West Perth WA 6005

ORDER PURSUANT TO SECTIONS 829, 830 AND 831 OF THE  
CORPORATIONS ACT 2001 (AS IN FORCE PRIOR TO 11 MARCH 2002)

TAKE NOTICE that the pursuant to section 829 and 830 of the Corporations Act 2001 (as in force prior to 11 March 2002) the Australian Securities and Investments Commission hereby prohibits David William Griffiths from doing an act as a representative of a dealer or an investment adviser for a period of 2 years but that pursuant to sub-section 831(1) of the Act (as in force prior to 11 March 2002), David William Griffiths be permitted to do such acts on behalf of a dealer or investment adviser ("the licensee") as the licensee permits on condition that he not undertake or discharge any managerial, supervisory or supervisory compliance duties, functions or responsibilities on behalf of the licensee or in connection with any business carried out by the licensee pursuant to the licence..

Dated this 29<sup>th</sup> day of March 2004.

Signed:.....  
Valdemar Malinaric  
Delegate of the Australian Securities and  
Investments Commission

Your attention is drawn to section 835 of the Corporations Act 2001 which provides that a person shall not contravene a banning order relating to the person.

Penalty: \$2,500 or imprisonment for 6 months or both





**AUSTRALIAN SECURITIES AND  
INVESTMENTS COMMISSION**

**ASIC 04/0394**

Australian Securities & Investments Commission

**IN THE MATTER OF JONATHAN RABINOVITZ  
AND  
PART 7.6 OF THE CORPORATIONS ACT 2001**

**To:** Jonathan Rabinovitz  
16 Inverallan Avenue  
West Pymble, New South Wales

**VARIATION OF BANNING ORDER PURSUANT TO SECTION 920D  
OF THE CORPORATIONS ACT 2001**

**TAKE NOTICE** that the Australian Securities and Investments Commission **HEREBY VARIES** a Banning Order made on 2 July 2003 by **PROHIBITING JONATHAN RABINOVITZ** for a period of **9 MONTHS** from the date of service of this Variation of Banning Order from doing an act as a representative of a dealer, **HOWEVER**, he is **ALLOWED** to continue to deal and provide investment advice, that the Order would otherwise prohibit him from doing, on the **CONDITIONS** that:

1. he does so, only as an authorised representative of Hunter Hall Investment Management Limited [063 081 612] ("**Hunter Hall**");
2. he is directly supervised by the Chief Executive Officer of Hunter Hall;
3. he reasonably undertake Continuing Professional Development sessions relevant to his activities conducted or arranged by Hunter Hall; and
4. Hunter Hall Compliance Representatives review Mr Rabinovitz's compliance, at least each 3 months.

Dated this 2nd day of April 2004.

Signed:.....  
*Renato Sburlati*

**RENATO SBURLATI**  
Delegate of the  
Australian Securities and Investments Commission.

\*Your attention is drawn to section 920C of the Corporations Act 2001 which provides that a person must not breach a banning order that has been made against the person.

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**Australian Securities and Investments Commission**  
**Corporations Act 2001 - Paragraphs 951B(1)(a) and 951B(1)(c) - Declaration and Exemption**

1. Under paragraph 951B(1)(c) of the *Corporations Act 2001* (the "Act"), the Australian Securities and Investments Commission ("ASIC") declares that Part 7.7 of the Act applies to Morningstar Research Pty Ltd A.C.N. 062 096 342 ("Morningstar") until 30 June 2004 as if subsection 941C(5) were modified or varied by:

inserting after "before" (second occurring) "or substantially at the same time as"

2. Under paragraph 951B(1)(a) of the Act, ASIC exempts Morningstar from sections 941A and 941B of the Act:
  - (a) until 10 March 2005 in the case described in Schedule A on the conditions set out in Schedule B and for as long as they are met; and
  - (b) until 30 June 2004 in the case described in Schedule C.

**Schedule A**

Where Morningstar provides general advice (the *Morningstar advice*) to a retail client (the *client*), and:

1. the client receives the advice through another person (the *intermediary*), pursuant to an arrangement between Morningstar and the intermediary; and
2. the intermediary is required under the Act to give the client a Financial Services Guide for a financial service related to the Morningstar advice; and
3. Morningstar takes reasonable steps to ensure that the intermediary includes in the Financial Services Guide the following statements and information:
  - (a) a statement setting out Morningstar's name and contact details; and
  - (b) a statement setting out how the intermediary uses or relies on Morningstar's advice; and
  - (c) information about the remuneration that Morningstar is entitled to receive in respect of the Morningstar advice, that is known to the intermediary; and
  - (d) information about any associations or relationships between the intermediary and Morningstar that might reasonably be expected to be capable of influencing Morningstar in the provision of the Morningstar advice; and

- 2 -

04 / 0395

- (e) information about how the retail client can obtain further information about Morningstar's services on an Internet website or on request, including information about:
- (i) associations or relationships between Morningstar and financial services providers in respect of which Morningstar provides rating opinions or research; and
  - (ii) the methodology that Morningstar uses in preparing ratings opinions or research in respect of financial services providers.

#### Schedule B

Morningstar must:

1. in relation to the information referred to in Schedule A paragraph (e)(i) and (ii):
  - (a) display the information with reasonable prominence on its Internet website; and
  - (b) on the request of a client, make available to that client a document that sets out the information, free of charge and as soon as practicable, and in any event within 5 business days.
2. provide to ASIC from time to time as required by ASIC reports in relation to whether intermediaries have included the information set out in Schedule A paragraph 3 in Financial Services Guides that intermediaries have provided to retail clients.

#### Schedule C

Where Morningstar provides general advice to a retail client (the *client*), and:

1. the general advice is given on an Internet website; and
2. the general advice is not given in a public forum; and
3. substantially at the same time as the general advice is given, Morningstar gives the client the information referred to in subsection 941C(5) of the Act.

#### Interpretation

In this instrument:

*dealing* has the meaning given by subsection 766C(1) of the Act;

*Financial Services Guide* has the meaning given by s761A of the Act;

- 3 -

04 / 0395

*general advice* has the meaning given by subsection 766B(4) of the Act;

*public forum* has the meaning given by subregulation 7.7.02(2).

Dated this <sup>9<sup>th</sup></sup> day of March 2004



Signed by Andrew Moore  
as delegate of the Australian Securities and Investments Commission

04 / 0396

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

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

**Schedule A**

Coles Myer Limited ACN 004 089 936  
Computershare Investor Services Pty Limited ACN 078 279 277  
UBS Securities Australia Limited ACN 008 586 481

**Schedule B**

CML invites Eligible Shareholders to offer to sell or dispose of CML Shares where:

- (a) the invitation to offer to sell or dispose of the CML Shares is in writing and dated on or about 11 March 2004; and
- (b) the closing price of CML Shares on the ASX as at 8 March 2004 quoted in the invitation to offer to sell or dispose of CML Shares is correct; and
- (c) the sale or disposal of the CML Shares is made through an arrangement made by the Broker acting on behalf of the Eligible Shareholder; and
- (d) the sale or disposal of the CML Shares is conducted on the ASX except where the Broker reasonably believes that it is in the best interests of the Eligible Shareholder to sell or dispose of the CML Shares otherwise than on a licensed market.

**Schedule C**

1. CML does all things necessary to ensure that the Invitation prominently discloses and sets out:
  - (a) the closing price of CML Shares on the ASX as at 8 March 2004;
  - (b) the number of CML Shares held by the Eligible Shareholder at close of trading on the ASX on 8 March 2004 which may be sold pursuant to the Invitation;
  - (c) that the price CML Shares is subject to change from time to time;
  - (d) how up to date information on the price of CML Shares can be obtained;
  - (e) information about expenses relating to the services provided by the Broker to Eligible Shareholders who accept the Invitation;

04 / 0396

- (f) information about any other significant characteristics or features of the Invitation or of the rights, terms, conditions and obligations attaching to accepting the Invitation including, without limitation:
- I. the period during which the Invitation remains open; and
  - II. a description of the manner in which the sale of CML Shares will be conducted, how CML Shares will be sold and how the sale price will be determined;
- (g) if any of the persons mentioned in Schedule A makes other information relating to the Invitation available to Eligible Shareholders, or to persons more generally – a statement of how that information may be accessed; and
- (h) if the Invitation is made up of two or more separate documents – all of the documents are given to the Eligible Shareholder at the same time.

**Interpretation**

"**ASX**" means the licensed market operated by Australian Stock Exchange Ltd (ACN 008 624 691)

"**Broker**" means UBS Securities Australia Limited ACN 008 586 481

"**CML Share Register**" means the register of members maintained by CML in accordance with paragraph 168(1)(a) of the Act.

"**CML Shares**" means ordinary shares in CML traded on the ASX.

"**Eligible Shareholder**" means each person or persons who, according to the CML Share Register, has a holding of 800 or less CML Shares as at 5.00pm on 8 March 2004 and whose address, as shown on the CML Share Register, is in Australia or New Zealand.

"**Invitation**" means any written document or accompanying documents containing an invitation referred to in Schedule B.

Dated this 10<sup>th</sup> day of March 2004



Signed by Steven Cominos  
as delegate of the Australian Securities and Investments Commission

04 / 0397

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION  
CORPORATIONS LAW - SECTION 741(1) - EXEMPTION**

PURSUANT to section 741 of the Corporations Law ("the Law") the Australian Securities and Investments Commission ("the Commission") HEREBY EXEMPTS the persons referred to in Schedule A from compliance with Part 6D of the Law in respect of the offers referred to in Schedule B.

**SCHEDULE A**

Symetry Limited ACN 061 456 568

**SCHEDULE B**

Offers of shares of Symetry Limited made pursuant to the Symetry Equity Participation Plan 3 ("the Plan") to those persons referred to in Schedule C.

**SCHEDULE C**

Where a participant under the Plan is:

- (1) a body corporate,
  - (a) the offer is made to an executive officer of the body or a spouse, parent, child, brother or sister of the executive officer or an entity (within the meaning of section 64A) controlled by the executive officer (within the meaning of section 50AA); or
  - (b) the offer is made to an entity (within the meaning of section 64A) controlled by the body corporate (within the meaning of section 50AA); or
- (2) an individual, the offer is made to a spouse, parent, child, brother, sister of that individual or an entity (within the meaning of section 64A) controlled (within the meaning of section 50AA) by the individual.

DATED at Adelaide this 10th day of March 2004.



.....  
Signed by Trevor John Shaw as a delegate of  
the Australian Securities and Investments Commission.

04 / 0407

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsection 655A(1) and Subsection 669(1) –  
Exemption and Declaration**

Pursuant to subsection 655A(1) of the Corporations Act 2001 ("the Act"), the Australian Securities and Investments Commission ("ASIC") exempts the persons specified in Schedule A from subsection 606(1) of the Act in the case referred to in Schedule B on the conditions set out in Schedule C.

And pursuant to subsection 669(1) of the Act ASIC declares that Chapter 6A of the Act applies in relation to the persons specified in Schedule A in the case specified in Schedule D as if :

1. subparagraph 661A(1)(b)(i) was varied by inserting the words "then extant" after the words "bid class"; and
2. subparagraph 661A(1)(b)(ii) was varied by inserting the words "then extant" after the words "under the bid".

**Schedule A**

Harmony Gold (Australia) Pty Limited ACN 091 439 333 ("**Harmony**") and its related bodies corporate.

**Schedule B**

Acquisitions of fully paid ordinary shares in Abelle Limited ACN 087 480 902 ("**Abelle**") by Harmony:

- (a) resulting from the exercise of listed or unlisted options to acquire fully paid ordinary shares in Abelle ("**Options**"), which Options were acquired pursuant to a takeover bid or takeover bids for all:
  - (i) listed options, in respect of which a bidder's statement will be lodged with ASIC on or about 31 March 2004; or
  - (ii) unlisted options in respect of which a bidder's statement will be lodged with ASIC on or about 31 March 2004,
 (each such bid being an "**Option Offer**" and together the "**Option Offers**"); and
- (b) where Harmony makes a takeover bid for all the issued fully paid ordinary shares of Abelle in respect of which a bidder's statement will be lodged with ASIC on or about 31 March 2004 ("**Share Offer**").

**Schedule C**

1. The conditions of each Option Offer are identical to the conditions of the Share Offer, and each Option Offer contains a statement to the effect that a condition



04 / 0407

of that Option Offer will not be waived unless the corresponding condition in the Share Offer is waived at the same time.

2. Offers under each Option Offer and Share Offer are first sent on the same day.
3. The bidder's statements in respect of the Share Offer and each Option Offer disclose that Harmony has received this relief from ASIC and provide a brief description of the terms of the relief.
4. The bidder's statements in respect of the Share Offer and each Option Offer disclose Harmony's intentions in relation to the exercise of Options it acquires under the Option Offers.

#### Schedule D

The takeover bids by Harmony in relation to all the issued fully paid ordinary shares in Abelle, the listed options over ordinary shares in Abelle and the unlisted options over ordinary shares in Abelle, in respect of which bidder's statements are lodged with ASIC on or about 31 March 2004.

Dated this 30<sup>th</sup> day of March 2004



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



**ASIC**

Australian Securities & Investments Commission

**04 / 0408**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

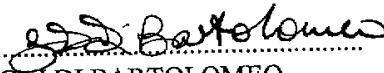
**IN THE MATTER OF ANDREW PAUL KINGSTON  
AND THE CORPORATIONS ACT 2001**

**To: ANDREW PAUL KINGSTON  
19 Surfview Road  
MONA VALE NSW 2103**

**BANNING ORDER PURSUANT TO SECTION 920B OF THE CORPORATIONS  
ACT 2001 AS IN EFFECT ON 11 MARCH 2002 and 830 OF THE CORPORATIONS  
ACT 2001 AS IN FORCE PRIOR TO 11 MARCH 2002**

**TAKE NOTICE** that the Australian Securities and Investments Commission **HEREBY PROHIBITS ANDREW PAUL KINGSTON** for a period of **TWO (2) years** from the date of service of this Banning Order from doing an act as a representative of a dealer or an investment adviser pursuant to sections 830 of the Corporations Act 2001 as in force prior to 11 March 2002 and from providing any financial services pursuant to section 920B of the Corporations Act 2001, as in effect on 11 March 2002.

Dated this 2nd day of April 2004.

Signed:   
GAI DI BARTOLOMEO

Delegate of the  
Australian Securities and Investments Commission.

04 / 0409

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsection 601CK(7) — Revocation and Declaration**

Under subsection 601CK(7) of the *Corporations Act 2001* (the *Act*) the Australian Securities and Investments Commission (*ASIC*) revokes ASIC instrument number [02/1125] dated 22 October 2002.

And under subsection 601CK(7) of the Act ASIC declares that subsections 601CK(1) to (6) of the Act inclusive do not apply in relation to a calendar year (*Relevant Calendar Year*) commencing on or after 1 January 2004 in respect of each of Eurex Deutschland (ARBN 101 013 361) (the *Company*) and Eurex Frankfurt AG (ARBN 100 999 764) (the *Company*) in the case where:

1. each Company is registered under Division 2 of Part 5B.2 of the Act; and
2. neither Company engages in any activities in this jurisdiction other than those contemplated by the Australian market licence dated 10 March 2004 known as the *Australian Market Licence (Eurex Frankfurt AG) 2004*; and
3. neither Company has been a disclosing entity, a borrower in relation to a debenture or a guarantor of such a borrower at any time during the Relevant Calendar Year; and
4. Eurex Frankfurt AG is licensed to act as the administrating and operating institution of Eurex Deutschland under German law; and
5. Eurex Frankfurt AG was covered in consolidated financial statements of Deutsche Börse AG which:
  - (a) cover the whole of its last financial year; and
  - (b) were lodged with ASIC by Eurex Frankfurt AG.

**Commencement**

This instrument commences on gazettal.

Dated the 6<sup>th</sup> day of April 2004



Signed by Stephen Yen, PSM  
as a delegate of the Australian Securities and Investments Commission



04 / 04 10

**Corporations Act  
Section 657E  
Interim Order**

**In the matter of Village Roadshow Limited**

Pursuant to section 657E of the *Corporations Act 2001* (Cth) the Takeovers Panel HEREBY ORDERS each of the persons named below not to transfer or dispose of, in any respect, the ordinary shares (**Ordinary Shares**) in Village Roadshow Limited, specified in relation to that person:

- 1000 Ordinary Shares held by Boswell Filmgesellschaft mbH;
- 15,443,174 Ordinary Shares held by ANZ Nominees Limited as nominee for SegalInterSettle AG on behalf of Schroders and Co Zuerich;
- 4,823,854 Ordinary Shares held by ANZ Nominees Limited as nominee for SegalInterSettle AG on behalf of Swissfirst Bank Zuerich;
- 3,656,850 Ordinary Shares held by Citicorp Nominees Pty Limited as nominee for GNI Limited on behalf of 001 Invest World Currency Fund Ltd; and
- 150,067 Ordinary Shares held by Citicorp Nominees Pty Limited as nominee for GNI Limited on behalf of Mr Stefan Hamm.

This interim order remains in effect until the first to occur of:

- (a) a further order by the Takeovers Panel;
- (b) 12 April 2004; or
- (c) the conclusion of the proceeding.

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

Michael Tilley

President of the Sitting Panel

Dated 12 February 2004



# Takeovers Panel

# Declaration Village Roadshow

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## Village Roadshow Panel Declaration of Unacceptable Circumstances

Corporations Act 2001  
Sections 657A  
Declaration

04 / 04 11

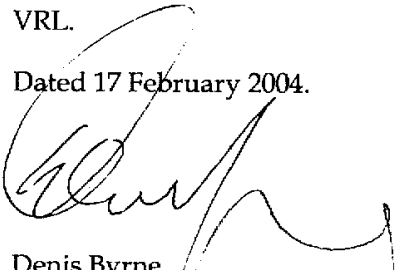
### In the matter of Village Roadshow Limited

#### WHEREAS:

- A. Swissfirst Bank AG, the holder of a beneficial interest in approximately 2.05% of the ordinary shares in Village Roadshow Limited (VRL), has failed to comply with section 672B of the Corporations Act (Act) by not disclosing the details required by that provision in response to notices relating to ordinary shares given on behalf of VRL under section 672A of the Act on 11 June 2003 and 13 February 2004.
- B. Schroders and Co Zuerich, the holder of a beneficial interest in approximately 6.57% of the ordinary shares in VRL, has failed to comply with section 672B of the Act by not disclosing the details required by that provision in response to notices relating to ordinary shares given on behalf of VRL under section 672A of the Act on 11 June 2003, 10 November 2003 and 13 February 2004.
- C. 001Invest World Currency Fund Ltd, the holder of a beneficial interest in approximately 1.56% of the ordinary shares in VRL, has failed to comply with section 672B of the Act by not disclosing the details required by that provision in response to a notice relating to ordinary shares given on behalf of VRL under section 672A of the Act on 4 February 2004.

Under section 657A of the Act, the Takeovers Panel declares that the circumstances set out in recitals A to C are unacceptable circumstances in relation to the affairs of VRL.

Dated 17 February 2004.



Denis Byrne  
By authority of the Sitting Panel



# Takeovers Panel

# Orders Village Roadshow

## Village Roadshow - Panel Final Orders

Corporations Act  
Section 657D  
Final Orders

04 / 04 12

### In the matter of Village Roadshow Limited

Pursuant to section 657D of the Corporations Act 2001 (**Act**) and pursuant to a declaration of unacceptable circumstances made by the Panel on 17 February 2004, the Takeovers Panel HEREBY ORDERS:

- (1) that the legal title to and beneficial ownership of the ordinary shares in Village Roadshow Limited (**VRL**) listed in the Schedule (the **Sale Shares**) be vested in the Australian Securities and Investments Commission (**ASIC**) by the transfer of the Sale Shares by the holders to ASIC, to sell the Sale Shares by bookbuild and account to ANZ Nominees Limited and Citicorp Nominees Pty Limited as appropriate (who shall account to the person on whose behalf they hold the Sale Shares) for the proceeds of sale, net of the costs, fees and expenses of the sale (including the costs, fees and expenses incurred by ASIC in complying with order (2));
- (2) that ASIC retain a competent and independent broker (**Broker**) to conduct the sale, who has provided a statutory declaration that, having made proper inquiries, the Broker believes neither it nor any of its related entities has acted for any of the following (the **Parties**) or any associate of a Party in the past 12 months in any respect:
  - VRL;
  - Schroders and Co Zuerich;
  - Swissfirst Bank AG;
  - GNI Limited;
  - SIS Segaintersettle AG;
  - 001invest World Currency Fund Limited;
  - Meridian Corporate Services Limited.
- (3) ASIC will instruct the Broker:
  - (a) that none of the Parties nor any respective associate may buy any of the Sale Shares;

*AP*

## Takeovers Panel

04 / 04 12

## Orders - Village Roadshow

- (b) to seek to maximise the sale price of the Sale Shares while not selling more than 1% of the total ordinary shares in VRL to any person, alone or together with its associates (the 1% cap);
- (c) that it obtain from any prospective purchaser of Sale Shares a statutory declaration or statement in accordance with rule 7.1(c) of the Panel's Rules for Proceedings:
  - (i) that it is not associated with any of the Parties; and
  - (ii) setting out, to the best of its knowledge, the identity of any associate who is bidding for any of the Sale Shares;
- (4) without limiting ASIC's ability to seek further orders, that ASIC seek further orders from the Panel if:
  - (a) the Broker is unable to dispose of the whole parcel within the 1% cap within 6 weeks from the date of this order, at a price not below \$1.72 per share, and without unduly depressing the market price of VRL ordinary shares;
  - (b) the Broker receives bids which are so high as to suggest that the bidder is indifferent as to the price it pays;
  - (c) it appears to the Broker, in the course of the bookbuild, that selling under the 1% cap would materially reduce the return to the beneficial owners of the Sale Shares on the sale;
- (5) that each of ANZ Nominees Limited and Citicorp Nominees Pty Limited not sell, transfer, mortgage or otherwise deal with the Sale Shares (except to give effect to the vesting or sale), or exercise the votes attached to the Sale Shares, until the vesting is completed by registration of a transfer or transmission of the Sale Shares (Transfer);
- (6) that VRL not register any transfer or transmission of the Sale Shares (except to give effect to the vesting) or pay any dividend on the Sale Shares, until Transfer;
- (7) that during the period specified in order (4)(a) (or any further period ordered by the Panel in which ASIC is to dispose of the Sale Shares), without an order of the Court or the prior approval of the Panel, VRL not reopen a poll taken at any meeting previously held or hold any general meeting at which votes attached to ordinary shares are entitled to be cast on any item of business;
- (8) that in this document, "associate" has the meaning given to that term by sections 12, 15 and 16 of the Act with the modification that in sub-paragraph 12(2)(a)(ii) the expression "a body corporate" is replaced by the expression "an entity";

Takeovers Panel

04 / 04 12

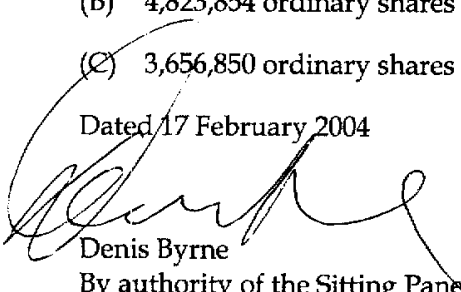
Orders - Village Roadshow

- (9) that each party have the liberty to apply for further orders in relation to the matters covered by orders (2), (3), (4) and (7).

**Schedule - the Sale Shares**

- (A) 15,443,174 ordinary shares in VRL held by ANZ Nominees Limited;
- (B) 4,823,854 ordinary shares in VRL held by ANZ Nominees Limited; and
- (C) 3,656,850 ordinary shares in VRL held by Citicorp Nominees Pty Limited.

Dated 17 February 2004

  
Denis Byrne

By authority of the Sitting Panel





# Takeovers Panel

# Variation of Orders Village Roadshow

## Village Roadshow Limited – Variation of Final Orders

Corporations Act  
Section 657D  
Variation of Final Orders

04 / 04 13

### In the matter of Village Roadshow Limited

Pursuant to section 657D(3) of the *Corporations Act* 2001 and pursuant to a declaration (the **Declaration**) of unacceptable circumstances made by the President of the sitting Panel on 17 February 2004, the Takeovers Panel HEREBY ORDERS that the orders (the **Orders**) made by the President of the Sitting Panel on 17 February 2004 in the matter of Village Roadshow Limited be varied in accordance with the following:

Replace paragraph (2) of the Orders with the following:

- (2) *that ASIC retain a competent and independent broker (**Broker**) to conduct the sale, who (in order to assist ASIC to determine whether it is independent) has provided a statutory declaration that states that, having made proper inquiries, either :*
- (a) *the Broker, having made appropriate enquires, is not aware that it or any of its related entities that carries on business in Australia has acted in the course of a financial services business for any of the following (the **Parties**) or any associate of a Party in the past 12 months in any respect:*
- VRL;
  - Schroders and Co Zuerich;
  - Swissfirst Bank AG;
  - GNI Limited;
  - SIS Segaintersettle AG;
  - 001invest World Currency Fund Limited;
  - Meridian Corporate Services Limited; or
- (b) *if one or more of them has so acted, sets out full particulars in respect of each of them of the circumstances in which it acted (including, the terms of its engagement to act, the conduct involved in so acting the amounts received by it for so acting and the circumstances in which it ceased to act).*

Dated <sup>5th</sup> April 2004

Michael Tilley  
President of the Sitting Panel



04 / 04 14

## Australian Market Licence (Stock Exchange of Newcastle Limited) Variation Notice 2004 (No. 1)

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I, ROSS CAMERON, Parliamentary Secretary to the Treasurer, issue this Notice under section 796A of the *Corporations Act 2001*.

Dated 31 March 2004

A handwritten signature in black ink, appearing to read 'Ross Cameron', written over a horizontal line.

Parliamentary Secretary to the Treasurer

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- 1 Name of Notice**  
This Notice is the *Australian Market Licence (Stock Exchange of Newcastle Limited) Variation Notice 2004 (No. 1)*.
- 2 Commencement**  
This Notice commences when it is issued.
- 3 Variation of Australian Market Licence (Stock Exchange of Newcastle Limited) 2002**  
Schedule 1 varies the *Australian Market Licence (Stock Exchange of Newcastle Limited) 2002*.

Schedule 1 Variations

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**Schedule 1 Variations**  
(section 3)

04 / 04 14

**[1] Section 3, after definition of Act***insert*

*Division 3 arrangements* has the meaning given by section 880B of the Act.

*fidelity fund* has the meaning given by section 880B of the Act.

*Note* Section 880B has been modified in relation to a licensed market by regulation 7.5.01A of the *Corporations Regulations 2001*.

**[2] After section 6***insert***7 Compensation arrangements**

- (1) Stock Exchange of Newcastle Limited must maintain a fidelity fund and an irrevocable letter of credit from an Australian ADI payable to the Stock Exchange of Newcastle Limited as a source of funds for its Division 3 arrangements.
- (2) The minimum amount of cover for its Division 3 arrangements is \$800 000, of which at least \$100 000 must be held in the fidelity fund.

04 / 04 15

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

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

**Schedule A**

TABCORP Holdings Limited ACN 063 780 709 ("TABCORP") and each wholly  
owned subsidiary of TABCORP  
ASX Perpetual Registrars Limited ACN 083 214 537  
UBS Securities Australia Limited ACN 008 586 481

**Schedule B**

An invitation to an Eligible Shareholder to offer to sell or dispose of TABCORP Shares where:

- (a) the invitation to offer to sell or dispose of the TABCORP Shares is in writing and included in the Bidder's Statement; and
- (b) the closing price of TABCORP Shares on the ASX as at the last trading day before the date of the Bidder's Statement, as quoted in the Bidder's Statement, is correct; and
- (c) the sale or disposal of the TABCORP Shares is made through an arrangement made by the Broker acting on behalf of the Eligible Shareholder; and
- (d) the sale or disposal of the TABCORP Shares is conducted on the ASX except where the Broker reasonably believes that it is in the best interests of the Eligible Shareholder to sell or dispose of the TABCORP Shares otherwise than on a licensed market.

**Schedule C**

1. TABCORP does all things necessary to ensure that the Bidder's Statement prominently discloses and sets out:
  - (a) the closing price of TABCORP Shares on the ASX as at the last trading day before the date of the Bidder's Statement;
  - (b) a statement that the maximum number of TABCORP Shares that may be sold by any Eligible Shareholder pursuant to the Invitation is 200 of the TABCORP Shares to which the Eligible Shareholder becomes entitled as a result of acceptance of an offer made under the Bid;
  - (c) that the price of TABCORP Shares is subject to change from time to time;

04 / 04 15

- (d) the risks associated with the sale or disposal of a large volume of TABCORP shares on the ASX or through another mechanism otherwise than on a licensed market in terms of the sale price to be received by Eligible Shareholders who accept the Invitation;
- (e) how up to date information on the price of TABCORP Shares can be obtained;
- (f) information about expenses payable by Eligible Shareholders relating to the services provided by the Broker to Eligible Shareholders who accept the Invitation;
- (g) information about any other significant characteristics or features of the Invitation or of the rights, terms, conditions and obligations attaching to an acceptance of the Invitation including, without limitation:
  - I. the period during which the Invitation remains open; and
  - II. a description of the manner in which the sale of TABCORP Shares will be conducted, how TABCORP Shares will be sold and how the sale price to be received by Eligible Shareholders who accept the Invitation will be determined;
- (h) if any of the persons mentioned in Schedule A makes other information relating to the Invitation available to Eligible Shareholders, or to persons more generally – a statement of how that information may be accessed; and
- (i) if the Invitation is made up of two or more separate documents – all of the documents are given to the Eligible Shareholder at the same time, other than a form to allow an Eligible Shareholder to accept the Invitation at a time after the time that they accept an offer made under the Bid.

04 / 04 15

**Interpretation**

**"ASX"** means the licensed market operated by Australian Stock Exchange Ltd (ACN 008 624 691).

**"Bid"** means an off-market bid by TABCORP (or a wholly owned subsidiary of TABCORP) for all of the issued ordinary shares in Tab Limited ACN 081 765 308.

**"Bidder's Statement"** means a bidder's statement to be issued by TABCORP (or a wholly owned subsidiary of TABCORP) and lodged with ASIC on or about the date of this instrument in relation to the Bid.

**"Broker"** means UBS Securities Australia Limited ACN 008 586 481.

**"Eligible Shareholder"** means each offeree under the Bid:

- (i) whose address as shown (or as formerly shown prior to the acquisition of their ordinary shares in Tab under an offer made under the Bid) in the Tab Share Register is a place within Australia or its external territories; and
- (ii) who is not (or was not prior to the acquisition of their ordinary shares in Tab under an offer made pursuant to the Bid) holding their ordinary shares in Tab on behalf of any person resident or located in the United States of America.


**"Invitation"** means any written document or accompanying documents containing an invitation referred to in Schedule B.

**"Tab"** means Tab Limited ACN 081 765 308

**"Tab Share Register"** means the register of members maintained by Tab in accordance with paragraph 168(1)(a) of the Act.

**"TABCORP Shares"** means ordinary shares in TABCORP traded on the ASX.

Dated this 2<sup>nd</sup> day of April 2004



Signed by Steven Cominos  
as delegate of the Australian Securities and Investments Commission

04 / 04 16

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsection 655A(1) – Declaration**

Pursuant to subsection 655A(1) of the Corporations Act 2001 (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby amends instrument [04/0386] dated 31 March 2004 made in relation to the person specified in Schedule A and in relation to the takeover bid specified in Schedule B by:

1. inserting the word "and" after the words "(1), (2) or (2A)";" in paragraph 3 of the instrument;
2. omitting the words "; and" at the end of paragraph 4 of the instrument and substituting the words "."; and
3. omitting paragraph 5 of the instrument.

**Schedule A**

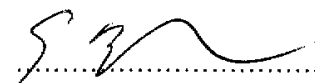
Medco Energi (Australia) Pty Ltd ACN 105 457 690 ("Bidder")

**Schedule B**

The off-market bid by the Bidder for all of the ordinary shares in Novus Petroleum Limited ACN 067 777 440 ("Target") in respect of which a bidder's statement was lodged with ASIC on 24 December 2003 ("Bid") and in respect of which the Bidder purportedly extended the offer period under the Bid to 7.00pm (Melbourne time) on 20 April 2004 where the notice in relation to the purported variation did not inform people (to the extent required by the Act) about any right to withdraw acceptances under section 650E of the Act.

Dated this 7<sup>th</sup> day of April 2004.

Signed:

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

04 / 04 17

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

Pursuant to paragraph 1020F(1)(a) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission hereby exempts ClearView Life Nominees Pty Ltd ABN 37 003 682 175 in the case referred to in Schedule A from subsection 1017D(1) of the Act to the extent that the statement required by that subsection for a reporting period referred to in Schedule A must include the details referred to in paragraph 7.9.20(1)(g) and subregulation 7.9.20(2) of the *Corporations Regulations 2001*.

**Schedule A**

Where the periodic statement given for a reporting period ending on or before 31 August 2004 includes or is accompanied by a statement to the effect that information about the rate of allotment of net earnings during the reporting period in relation to the change in the value of members' units can be obtained by contacting the issuer of the financial product to which the periodic statement relates.

Dated this 5<sup>th</sup> day of April 2004

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



04 / 04 18

**Australian Securities and Investments Commission**  
**Corporations Act 2001 — Subsections 741(1) and 1020F(1) — Declaration**

1. Under subsection 741(1) of the *Corporations Act 2001* (“the Act”) the Australian Securities and Investments Commission (“ASIC”) declares that Chapter 6D applies to each person in the class of persons specified in Schedule A in the cases specified in Schedule B as if section 707 were modified or varied by omitting subsections 707(3) and (4) and substituting the following subsections:
  - “(3) An offer of a body’s securities for sale within 12 months after their issue needs disclosure to investors under this Part if the body issued the securities:
    - (a) without disclosure to investors under this Part; and
    - (b) with the purpose of the person to whom they were issued:
      - (i) selling or transferring them; or
      - (ii) granting, issuing or transferring interests in, or options or warrants over, them;and section 708 does not say otherwise.
  - (4) Unless the contrary is proved, a body is taken to issue securities with the purpose referred to in paragraph 3(b) if any of the securities are subsequently sold, or offered for sale, within 12 months after their issue.”
2. And under subsection 1020F(1) ASIC declares that Part 7.9 applies to each person in the class of persons specified in Schedule A in the cases specified in Schedule B as if section 1012C were modified or varied by omitting subsections 1012C(6) and (7) and substituting the following subsections:
  - “(6) This subsection covers the circumstances in which:
    - (a) the offer is made within 12 months after the issue of the product;
    - (b) the product was issued without a Product Disclosure Statement for the product being prepared; and
    - (c) the issuer issued the product with the purpose of the person to whom it was issued selling or transferring the product, or granting, issuing or transferring interests in, or options or warrants over, the product.
  - (7) Unless the contrary is proved, products are taken to be issued with the purpose referred to in paragraph 6(c) if any of the products are subsequently sold, or offered for sale, within 12 months after their issue.”

04 / 04 18

## SCHEDULE A — PERSONS TO WHOM THIS DECLARATION APPLIES

Any person who makes an offer of a body's securities or products for sale of the kind referred to in Schedule B.

## SCHEDULE B — CASES IN WHICH THIS DECLARATION APPLIES

This Instrument applies only to an offer of securities or products for sale where those securities or products are issued by Australand Holdings Limited ACN 008443696 and Australand Property Limited ACN 105462137 ("Issuer") on or after 12 December 2003 and are described in Schedule C.

## SCHEDULE C

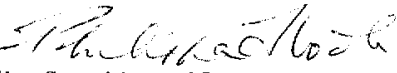
The securities or units were issued without disclosure to investors under Part 6D.2 or Part 7.9 because the Issuer relied upon an individual instrument of relief granted by ASIC to the Issuer which provided relief from Part 6D.2 and Part 7.9 with respect to the Australand Property Group Employee Ownership Plan

**Interpretation**

In this instrument:

1. "products" means managed investment products;
2. references to a person offering securities or products includes a reference to the person inviting applications for the securities or products; and
3. except where otherwise stated, references to provisions are references to provisions of the Act.

Dated the 8<sup>th</sup> day of April 2004

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

04 / 04 19

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

**First Exemption**

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 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 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**

2. Under paragraph 911A(2)(l) ASIC exempts a person who is exempt from Part 6D.2 or Part 7.9 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 those exemptions (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.

04 / 04 19

3. Under paragraph 911A(2)(l) ASIC exempts:
  - (a) an issuer who is exempt from Part 6D.2 or Part 7.9 because of the First Exemption; and
  - (b) any associate of the issuer,  
from the requirement to hold an Australian financial services licence for the provision of the following financial services:
  - (c) the provision of a custodial or depositary service in connection with an eligible offer covered by the First Exemption where the provider of the service performs their duties in good faith and has sufficient resources to perform those duties; and
  - (d) dealing in a financial product in the course of providing a custodial or depositary service covered by paragraph (c); and
  - (e) dealing in a financial product in connection with an eligible offer covered by the First Exemption where any acquisition by purchase or disposal of the product (by the issuer or an associate) occurs either:
    - (i) through a person who holds an Australian financial services licence authorising the holder to deal in financial products; or
    - (ii) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place.
4. Under paragraphs 741(1)(a) and 992B(1)(a) ASIC exempts a person who is exempt from Part 6D.2 or Part 7.9 because of the First Exemption from sections 736, 992A and 992AA 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.

#### Schedule

The following conditions apply:

1. 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
2. the issuer must comply (or, in the case of an issuer which does not have a registered office in this jurisdiction, cause an associated body corporate which does so have a registered office to comply) with any undertaking required to be made in the offer document by reason of this instrument; and

04 / 04 19

3. in the case where the employee share scheme may involve the issue of shares (including as a component of stapled securities) — the issuer must take reasonable steps to ensure that the number of shares the subject of the offer when aggregated with:
- (a) the number of shares in the same class which would be issued were each outstanding offer with respect to shares and units of 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 share issued by way of or as a result of:
- (c) an offer to a person situated at the time of receipt of the offer outside this jurisdiction; or
  - (d) an offer that was an excluded offer or invitation within the meaning of the Corporations Law as in force before the commencement of Schedule 1 to the *Corporate Law Economic Reform Program Act 1999*; or
  - (e) an offer that did not need disclosure to investors because of section 708; or
  - (f) an offer that did not require the giving of a Product Disclosure Statement because of section 1012D; or
  - (g) an offer made under a disclosure document or Product Disclosure Statement,
- must not exceed 5% of the total number of issued shares in that class of the issuer as at the time of the offer; and
4. in the case where an offer of shares is made through a trust:
- (a) the trustee must hold the shares on trust for each person (a “beneficiary”) who acquires units of shares under an eligible offer; and
  - (b) the trustee must cause proper written financial records to be maintained in respect of the activities of the trust and cause those records to be audited annually and made available for inspection by the beneficiaries at an office of the trustee or a place of business of the issuer during normal business hours or such other time as is agreed with beneficiaries; and
  - (c) the trustee must ensure that each share to which a unit held by a beneficiary relates is identified in the written financial records as being held on account of that beneficiary; and
  - (d) the trustee must not levy any fees or charges for operating and administering the trust, either payable directly by the beneficiaries or out of the assets of the trust; and
  - (e) except as expressly provided by the trust deed, a beneficiary must have the capacity to authorise the trustee to sell at or above the current market price the shares to which he or she is entitled to under the deed; and
  - (f) the trustee must provide a copy of the trust deed to ASIC at the same time as a copy of the offer document is provided to ASIC in accordance with this instrument; and
  - (g) the issuer must ensure that the trust deed contains covenants binding the trustee and their agents, if any, to the effect that a beneficiary possesses

04 / 04 19

substantially the same rights in respect of the shares to which the units of shares they hold relate as if they were the legal owner of the shares, including the right to:

- (i) direct the trustee how the voting rights attaching to the shares shall be exercised, either generally or in any particular case; and
- (ii) receive the income deriving from the shares, including dividends declared by the issuer in respect of those shares.

*Note:* where a document must be provided in writing it may be provided by electronic means. See s5C of the Act and s25 of the *Acts Interpretation Act 1901*.

### Interpretation

In this instrument:

1. except where otherwise stated, references to provisions are to provisions of the Act;
2. an employee share scheme shall not be regarded as extended to a person other than an eligible employee only because such an employee may renounce an offer of financial products made to them under the scheme in favour of their nominee;
3. "approved foreign market" means:
  - (a) American Stock Exchange, Deutsche Borse, Euronext Amsterdam, Euronext Paris, Italian Exchange, Kuala Lumpur Stock Exchange (Main and Second Boards), London Stock Exchange, New York Stock Exchange, New Zealand Stock Exchange, Singapore Exchange, Stock 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 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

04 / 04 19

- in the contribution plan must be authorised by the employee on the same form of application which is used in respect of the offer, or on a form which is included in or accompanies the offer document;
- (b) before transferring contributions to acquire shares, any contributions made by an employee as part of the contribution plan must be held by the 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 of an associated body corporate of the issuer;
9. “eligible offer” means an offer for issue or sale of:
- (a) fully-paid shares in an issuer 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; or
  - (b) fully-paid stapled securities in the same class as stapled securities which have been quoted on the financial market operated by Australian Stock Exchange Limited throughout the 3 month period immediately before the offer without suspension for more than a total of 2 trading days during that period; or
  - (c) units of fully-paid shares referred to in paragraph (a), made under an employee share scheme extended only to eligible employees of the issuer;
10. “financial product advice” has the meaning given by section 766B;
11. “general advice” has the meaning given by section 766B;
12. “issuer” means Australand Holdings Limited ACN 008443696 being a body that issues shares or Australand Property Limited ACN 105462137 being a body that issues units that are the subject of an employee share scheme (including where those shares or units are a component of stapled securities);
13. “nominal consideration” means consideration of not more than 1 cent per option;
14. “offer” has a meaning affected by sections 700, 702 and 1010C;
15. “offer document” means a document setting out an offer under an employee share scheme that:
- (a) includes or is accompanied by a copy, or a summary, of the rules of the scheme under which the offer is made; and

04 / 04 19

- (b) if a summary (rather than a copy) of the rules of the scheme is given — includes an undertaking that during the period (the “offer period”) during which an eligible employee may acquire the financial products offered or exercise options acquired under the scheme, the 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 of the scheme; and
  - (c) specifies in respect of the shares or stapled securities:
    - (i) the acquisition price in Australian dollars;
    - (ii) where the acquisition price is specified in a foreign currency, the Australian dollar equivalent of that price at the date of the offer; or
    - (iii) where the acquisition price is to be worked out in the future under a formula, the Australian dollar or Australian dollar equivalent of that price were that formula applied at the date of the offer; and
  - (d) includes an undertaking, and an explanation of the way in which, the 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 employee requesting, make available to the employee:
    - (i) the current market price (or, where that price is denominated in a foreign currency, the Australian dollar equivalent of that price) of stapled securities of the same class as those offered; and
    - (ii) where subparagraph (c)(ii) or (iii) applies, the information referred to in that paragraph as updated to that date; and
  - (e) discloses the conditions, obligations and risks associated with any loan or financial assistance offered by the issuer or any associated body corporate of it for the purpose of acquiring financial products under the scheme; and
16. “old Corporations Act” has the meaning given by subsection 1410(1);
17. “stapled security” means two or more financial products (at least one of which is a share) which, under the terms on which each is traded, must be transferred together; and
18. “unit” in relation to a share means a legal or equitable right or interest in the share.

Dated this 8<sup>th</sup> day of April 2004

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



Corporations Act 2001  
Subsection 164(3)

Notice is hereby given that ASIC will alter the registration details of the following companies 1 month after the publication of this notice, unless an order by a court or Administration Appeals Tribunal prevents it from doing so.

**LABTECH ESSA PTY LTD** ACN 007 944 569 will change to a public company limited by shares. The new name will be **LABTECH ESSA LIMITED** ACN 007 944 569.

**RUNAWAY BAY (HOLDINGS) PTY LTD** ACN 098 029 246 will change to a public company limited by shares. The new name will be **RUNAWAY BAY (HOLDINGS) LIMITED** ACN 098 029 246.

**SME GATEWAY PTY LTD** ACN 106 981 560 will change to a public company limited by shares. The new name will be **SME GATEWAY LTD** ACN 106 981 560.

**PRIMARY GOLD LIMITED** ACN 096 424 967 will change to a proprietary company limited by shares. The new name will be **PRIMARY GOLD PTY LIMITED** ACN 096 424 967.

**SGS SCIENTIFIC SERVICES LIMITED** ACN 008 736 221 will change to a proprietary company limited by shares. The new name will be **SGS SCIENTIFIC SERVICES PTY LTD** ACN 008 736 221.

CORPORATIONS ACT 2001  
SECTION 601AH(1)

Notice is hereby given that the registration of  
the companies mentioned below will be reinstated.

Dated this eighth day of April 2004

Jeremy McNeice :  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

<b>Name of Company</b>	<b>ACN</b>
A.C.N. 067 536 001 PTY. LTD.	067 536 001
A. H. LANGDON & COMPANY PTY. LIMITED	009 661 456
A & F AMCO WELDING PTY. LIMITED	072 265 564
ACADEMY CLEANING PTY. LTD.	086 116 896
ACA PTY LTD	087 355 477
A J & J G EXNER PTY. LTD.	093 021 839
A JIMENEZ & SONS PTY LTD	001 677 925
ALICANTE PTY LTD	000 855 649
ANATOLIA INVESTMENTS PTY LTD	000 607 189
ASHLEE TAYLOR PTY LTD	082 144 312
AUSTRALIAN FARMLAND VENTURES PTY. LTD.	087 032 442
AUSTRALIAN FIREBRICK COMPANY PTY. LTD.	001 771 562
B.D. & W.J. HASSELL PTY. LTD.	007 824 393
B & J INTERNATIONAL PTY LIMITED	060 195 600
BATHURST RURAL HOLDINGS PTY. LIMITED	070 787 512
BAYDREAM INVESTMENTS PTY LTD	091 644 183
BAYLY & ASSOCIATES PTY LTD	002 202 959
BENSVILLE RIDING SCHOOL PTY LTD	100 544 518
BERACAH PTY. LTD.	052 095 771
BIGA NOMINEES (N S W) PTY LTD	002 348 325
BLW PROPERTIES PTY LTD	060 844 822
BONARRA PTY. LTD.	010 095 539
C & M GAUCI PTY LTD	002 826 280
CABLE INSTALLATIONS PTY LTD	100 611 998
CASSILIS BOWLING CLUB LTD	001 066 164
CENTAUR CLEANING SERVICES PTY. LTD	063 156 605
CHELANDRY INVESTMENTS PTY. LTD.	080 479 410
COLETAP PTY. LIMITED	068 954 647

<b>Name of Company</b>	<b>ACN</b>
CONCEPT LIGHTING AUSTRALIA PTY LTD	099 555 905
COOKSON MADDEN & ASSOCIATES PTY. LTD.	087 417 945
CORPORATE BUSINESS CENTRES INTERNATIONAL PTY LTD	096 837 311
CRYSTAL REAL ESTATE (NEWTOWN) PTY. LIMITED	069 004 824
D.F. DICKSON & ASSOCIATES PTY LIMITED	098 813 462
DAIRON NOMINEES PTY LTD	074 268 956
DAN MICHAEL NOMINEES PTY. LTD.	094 138 922
DAVID BLACKMAN AND ASSOCIATES PTY LTD	099 293 722
DELUXE PRINTING PTY. LIMITED	052 510 102
DEMTEL INTERNATIONAL PTY LTD	002 986 165
DERICO (AUST.) PTY LTD	007 227 607
DOWNTOWN FURNITURE PTY. LTD.	005 105 331
DRAFFIN BROTHERS PROPRIETARY LIMITED	004 108 294
DR LUCAS STRADWICK PTY LTD	078 861 337
EAGLEPOINT HOLDINGS PTY LTD	068 128 110
EASTGOLD AUSTRALIA PTY LIMITED	005 048 662
EDWARDS NSW PTY LTD	096 734 664
FACIONI NOMINEES PTY. LTD.	082 765 651
FASHIONS CONTROLLER PTY LTD	070 066 358
FH PROPERTY GROUP PTY LTD	079 199 161
FIBRES BAYSWATER LIMITED	004 305 702
FRANKLIN COURT PTY. LTD.	006 337 855
FRANKLIN STREET INVESTMENTS PTY LTD	074 276 369
FRANLORJOH PTY LTD	087 571 257
F T W ANDERSON PTY LTD	000 857 296
FUTON ADVISORS PTY LTD	096 742 228
G.A. SHANNON ENGINEERING PTY LTD	087 632 095
G.J.L. ALUMINIUM & GLASS INSTALLATION PTY LTD	093 050 367
GALAXY CONSTRUCTIONS PTY LTD	100 464 300
GAMEND PTY LIMITED	003 191 946
GEDDIS & PITCHER PTY LTD	009 380 938
GERMAN ART PRODUCTS PTY. LTD.	095 799 385
GOLDEN ACRES NOMINEES PTY. LTD.	006 588 594
GOLD STAR TRADING COMPANY PTY LTD	003 310 067
GRAHAM FIELD SHEETMETAL PTY LTD	001 743 282
GRAND PACIFIC COMMUNICATIONS PTY LTD	076 334 891
GREATER CAPE PRODUCTS PTY LTD	102 272 926
GREENKEN PTY. LIMITED	060 591 255
GREYBURN BUILDING SERVICES PROPRIETARY LIMITED	006 695 003
GYM-PAC PTY. LTD.	006 672 706

<b>Name of Company</b>	<b>ACN</b>
HALLAM PETROLEUM PTY. LTD.	005 075 614
HAPPY HALLIDAYS HOLIDAY PARK PTY LTD	098 923 392
HARRISON YOUNG ADVERTISING PTY. LTD.	076 822 770
HORTICULTURAL DEVELOPMENT SERVICES PTY LTD	094 895 271
HUTTEL PTY LTD	008 842 313
INDIGENOUS SPORTS MANAGEMENT (VIC) PTY LTD	093 049 757
INIGOLD PTY LTD	003 373 260
ISABEL HOLDINGS PTY. LTD	067 910 249
JAZDAN PTY LTD	084 456 440
J D DRAFTING & DESIGN PTY LTD	078 451 000
JEM COMMUNICATIONS (VIC) PTY. LTD.	087 030 233
JENNING DEVELOPMENT (TAS) PTY LTD	087 120 483
JOHN C. WILLIAMS PTY. LTD.	009 914 756
JOHNSTON PROPERTY CONSULTANTS PTY LIMITED	071 151 561
K & M FLORENCE PTY. LTD.	099 302 100
KDA & S PTY LTD	095 793 507
KELLETT PTY. LTD.	073 113 292
KENSINGTON MANAGEMENT SERVICES PTY LTD	087 852 551
KING CRANE & BARGE PTY LIMITED	073 006 452
KIT BROS TRANSPORT PTY LTD	093 912 504
KWIECIEN CONTROL SYSTEMS PTY. LTD.	082 506 107
KYOTO JAPANESE RESTAURANT PTY. LTD.	006 389 288
L.G. FAMILY PTY LTD	070 264 621
LANCASTER, BLAKE & ASSOCIATES PTY LTD	050 213 431
LASER CARTRIDGE (WHOLESALE) PTY LTD	086 722 509
LASER TECH TRIMMING PTY. LTD.	089 079 069
LEDAN PTY. LTD.	060 076 735
LOBILL PTY. LTD.	069 735 235
LUCIANO DE CESARIS PTY LTD	079 273 993
LYNMARDEN PTY. LTD.	061 130 934
MAGIC STAR PTY LTD	078 801 813
MAINCREW PTY. LTD.	010 820 078
MAISCO PTY LTD	082 012 299
MANTECO PTY. LTD.	005 640 568
MARBIN ESTATES PTY LTD	000 936 158
MARK ROGERS BUILDING SERVICES PTY LIMITED	078 254 798
MARWEB PTY. LTD.	008 135 117
MARYVALE MEDICAL CLINIC PTY LIMITED	082 026 060
MAURICE ZAJONC TRANSPORT CONSULTANCY SERVICES PTY. LTD.	076 997 254
MAYFIELD NOMINEES PTY LTD	009 113 713

<b>Name of Company</b>	<b>ACN</b>
MENTTICO PTY. LTD.	065 934 689
MJM FINANCIAL SERVICES (AUST.) PTY. LTD.	054 904 380
MK3 PTY. LIMITED	093 104 977
MPS CONSTRUCTION GROUP PTY LTD	059 346 315
MULTISKILL LABOUR HIRE & CONTRACT SERVICES PTY LTD	090 635 975
N.R. DEVELOPMENTS PTY LTD	099 945 669
NAGILL NOMINEES PTY. LIMITED	005 549 637
NETFINITE BUSINESS SOLUTIONS PTY LTD	093 087 391
NEW TECH AUST. PTY LTD	085 253 630
NICHRAMAT PTY LTD	070 501 692
NISI IMATHIAS HOLDINGS PTY. LTD.	092 882 623
O.N.S. (AUST) PTY LTD	099 240 329
OMIROS PTY. LTD.	007 125 466
OPF INVESTMENTS PTY. LTD.	056 426 736
ORME ENTERPRISES PTY LTD	088 220 866
OUTDOOR EDUCATION AUSTRALIA PTY. LTD.	086 443 361
OVER THE TOP HEATING SERVICES PTY. LTD.	061 136 034
P.D. HARVEY PTY LTD	008 011 569
P. MCGARVEY PROPRIETARY LIMITED	004 612 686
P.S.V. CONSULTING ENGINEERS PTY. LTD.	006 601 092
P & S JORDAN HOLDINGS PTY. LTD.	057 434 330
PACIFIC RIM (AUST) PTY LTD	092 128 660
PANTHER PEST CONTROL PTY LTD	003 189 464
PARTHENON AUSTRALIA PTY LTD	095 436 865
PARTRIDGE LODGE PTY. LIMITED	007 654 453
PEBATA PTY LTD	002 253 956
PETCON INDUSTRIES PTY LTD	092 845 013
PIERPONT'S PTY LTD	085 445 389
PJK GAS SERVICES PTY. LTD.	091 526 500
PN & DJ DICKSON PTY LIMITED	093 695 482
PODULAR PROPRIETARY LIMITED	006 989 779
PURETE PTY LTD	002 299 336
QUANTUM RESEARCH (AUST) PTY. LTD.	090 764 293
RAINBOW FISH FARM PTY LTD	082 556 661
RAMA PLUMBING PTY. LIMITED	057 006 809
RIGHTON ENTERPRISES PTY LTD	009 161 442
RIVERMIST INVESTMENTS PTY LTD	088 614 046
RIVERSIDE DATA & ELECTRICAL PTY LTD	097 194 860
R J ADMINISTRATION (NSW) PTY LTD	068 283 634
R M MEDIA PTY. LTD.	062 863 638

<b>Name of Company</b>	<b>ACN</b>
ROCKINGHAM SAND BLASTING & SPRAY PAINTING SERVICES PTY LTD	055 879 886
ROCKLEE AUSTRALIA PTY LTD	092 994 520
ROLABAH PTY LTD	001 263 501
ROLLAND PTY LTD	087 147 966
ROYSTON PARK HOLDINGS PTY. LTD.	094 752 360
RULER PTY LTD	063 802 602
RYKO CONSTRUCTIONS PTY LTD	099 946 657
SAM WOH CO. PTY LTD	093 030 990
SAYERS DRILLING PTY. LTD.	009 286 426
SBC (NO.2) PTY LTD	058 399 321
SHAZBURY PTY. LTD.	010 803 497
SHINING STAR NETWORK PTY LTD	100 392 096
SILVERWELL HOLDINGS PTY LTD	078 906 591
SINTOFF PTY. LTD.	006 621 487
SPIRIT PADDLE SPORTS PTY LTD	071 707 198
STEPPING STONES INTERNATIONAL LIMITED	090 234 450
STEWART CLARKE PTY. LTD.	005 820 717
SYDNEY METRO INTERIOR LININGS PTY LTD	085 960 578
T.K & J.P HOWARD PTY LTD	078 181 067
TBA HOLDING PTY. LTD.	056 516 717
TEAM OZTRALIA AUTO SPECIALISTS PTY. LIMITED	054 482 049
THOMAS PAUL SECURITY SERVICES PTY LTD	094 667 231
TIBRENA PTY LTD	071 267 626
TIERE PTY. LTD.	008 274 584
TORMEY CONSULTING SERVICES (A'ASIA) PTY. LTD.	076 302 586
TOUZEL HOLDINGS PTY LIMITED	088 233 934
TRADE PARTNERS INTERNATIONAL PTY LTD	071 643 377
TRANSPORT PREVENTATIVE MAINTENANCE PTY. LTD.	087 331 628
TRAVOLTA PTY. LTD.	010 046 616
TREVOR BACKMAN HOMES PTY. LTD.	006 639 970
UNRESTRICTED DEMOLITION PTY LTD	096 733 818
UP-TOWN FASHIONS PTY LTD	002 839 769
UPFRONT CONSTRUCTION FINANCE PTY. LTD.	081 904 967
VICTORIAN CURTAIN TRACK DISTRIBUTORS PTY LTD	099 677 700
VICTORINA PTY LIMITED	099 774 768
VINUAGE PTY. LTD.	096 710 208
VITEL PTY. LTD.	078 133 294
WESTROB HOLDINGS PTY. LTD.	005 935 473
WILDTHINGS WEROMBI PTY. LIMITED	099 641 880
WOODLOW PTY. LTD.	007 249 952

**Name of Company****ACN**

WORKPLACE RELATIONS PTY LTD

078 613 699

WYECAPE PTY. LIMITED

057 976 833

ZAYTOFF PTY. LIMITED

080 744 690