

[PF 14]
Pro Forma 14
Performance bond liquidator

Policy Statement 33

Updated 7/2/1994, 2/5/1994, 21/6/2005

For use under Corporations Act 2001 Part 9.2 and Corporations Regulations Part 9.2.

To: Australian Securities & Investments Commission (the "Commission") of *[insert address of ASIC Regional Office]*

On account of: *[name and address of liquidator]* (the "Liquidator")

Amount of this Bond \$A *[amount]*

- 1 *[name and address of bank or insurance company]* (the "Issuer") at the request of the Liquidator and for valuable consideration hereby irrevocably and unconditionally undertakes to pay to the Commission upon demand by the Commission any sum or sums demanded in accordance with paragraph 2, without conditions, without reference to the Liquidator and notwithstanding any contrary request or instruction by the Liquidator.
- 2 Each demand by the Commission:
 - (a) shall be in writing signed on behalf of the Commission;
 - (b) shall state:
 - (i) the amount demanded (which shall not exceed the Amount of the Issuer's Liability); and
 - (ii) that the amount demanded is required in order to be applied as prescribed by the Corporations Regulations;
 - (c) shall be left at or posted to the address of the Issuer stated herein or currently recorded in the records kept by the Commission.
- 3 The Issuer's Liability at any time under this Bond shall be the Amount of this Bond reduced by the amount of each payment made by the Issuer under paragraph 2 up to that time.
- 4 This Bond is independent of any other security lodged or required to be lodged or maintained by the Liquidator with the Commission in accordance with the Corporations Act 2001.
- 5 This Bond may be discharged or released wholly or in part only as prescribed by the Corporations Regulations. Discharge or release of this Bond will not prejudice or adversely affect any other security lodged with the Commission in respect of the Liquidator.
- 6 The Issuer may, after giving 14 days notice in writing to the Commission, pay to the Commission an amount equal to the Issuer's Liability; upon receipt of such moneys by the Commission the same shall be paid to the credit of an account with a bank

[OR]

The common seal of)
is affixed in accordance with its Articles of)
Association and in the presence of:)

.....
Director

.....
Name of Director (print)

.....
Secretary

.....
Name of Secretary (print)

Signed sealed and delivered by)
) (signature)
in the presence of:)

.....
Witness

.....
Name of Witness (print)

[OR]

The common seal of)
is affixed in accordance with its Articles of)
Association and in the presence of:)

.....
Director

.....
Name of Director (print)

.....
Secretary

.....
Name of Secretary (print)