



# Government Gazette

OF

## WESTERN AUSTRALIA

(Published by Authority at 3.30 p.m.)

(REGISTERED AT THE GENERAL POST OFFICE, PERTH, FOR TRANSMISSION BY POST AS A NEWSPAPER)

No. 10]

PERTH: THURSDAY 19th FEBRUARY

[1976

Companies Act Amendment Act (No. 2), 1975.

## PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace  
To Wit: } Kyle, Knight Grand Cross of the Most Honourable  
WALLACE KYLE, } Order of the Bath, Commander of the Most  
Governor. } Excellent Order of the British Empire, Companion  
[L.S.] } of the Distinguished Service Order, Distinguished  
Flying Cross, Governor in and over the State of  
Western Australia and its Dependencies in the  
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the Companies Act Amendment Act (No. 2), 1975 that the provisions of that Act shall come into operation on such day or days as is or are, respectively, fixed by proclamation: Now, therefore, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the 1st day of March, 1976 as the day on which all of the provisions of the Companies Act Amendment Act (No. 2), 1975 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 11th day of February, Nineteen hundred and seventy-six.

By His Excellency's Command,  
N. McNEILL,  
Minister for Justice.

GOD SAVE THE QUEEN !!!

Securities Industry Act, 1975.

## PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Air Chief Marshal Sir Wallace  
To Wit: } Kyle, Knight Grand Cross of the Most Honourable  
WALLACE KYLE, } Order of the Bath, Commander of the Most  
Governor. } Excellent Order of the British Empire, Companion  
[L.S.] } of the Distinguished Service Order, Distinguished  
Flying Cross, Governor in and over the State of  
Western Australia and its Dependencies in the  
Commonwealth of Australia.

WHEREAS it is enacted by subsection (2) of section 1 of the Securities Industry Act, 1975 that the provisions of that Act shall come into operation on a date to be fixed by proclamation: Now, therefore, I, the Governor, acting with the advice and consent of the Executive Council, do hereby fix the 1st day of March, 1976 as the day on which the Securities Industry Act, 1975, shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 11th day of February, Nineteen hundred and seventy-six.

By His Excellency's Command,  
N. McNEILL,  
Minister for Justice.

GOD SAVE THE QUEEN !!!

## 2

## SECURITIES INDUSTRY ACT, 1975.

Crown Law Department,  
Perth, 12th February, 1976.

HIS Excellency the Governor in Executive Council acting under the provisions of the Securities Industry Act, 1975, and section 11 of the Interpretation Act, 1918-1975, has been pleased to make the regulations set out in the Schedule hereto to take effect on and from the date on which the Securities Industry Act, 1975 comes into operation.

R. M. CHRISTIE,  
Under Secretary for Law.

## SCHEDULE.

## SECURITIES INDUSTRY REGULATIONS, 1976.

## PART I.—GENERAL.

1. These regulations may be cited as the Securities Industry Regulations, 1976.
2. These regulations are divided into Parts as follows:—
  - Part I.—General. (Regulations 1-9.)
  - Part II.—Investigations. (Regulations 10-11.)
  - Part III.—Exemptions from Licensing and certain other Provisions. (Regulations 12-17.)
  - Part IV.—Licences. (Regulations 18-23.)
  - Part V.—Conduct of Securities Business. (Regulations 24-26.)
  - Part VI.—Accounts and Audit and Registers of Interests. (Regulations 27-29.)
  - Part VII.—Trading in Securities. (Regulations 30-31.)
  - Part VIII.—Miscellaneous. (Regulations 32-33.)
3. (1) In these regulations unless inconsistent with the context or subject-matter—
  - “Act” means the Securities Industry Act, 1975;
  - “bank” means a bank within the meaning of section 5 of the Banking Act, 1959 of the Commonwealth or a bank constituted under a law of a State;
  - “corporation” means a body corporate formed or incorporated whether in the State or outside the State;
  - “life office” means a corporation that is registered under the Life Insurance Act 1945 of the Commonwealth;
  - “regulation” means regulation of these regulations;
  - “superannuation scheme” means a fund the income of which is for the time being exempt from income tax by reason of paragraph (jaa) or paragraph (ja) of section 23 of the Income Tax Assessment Act 1936 of the Commonwealth or a fund to which section 23F of that Act applied in relation to its last year of income;
  - “trustee” in relation to a superannuation scheme includes a person responsible for the administration and management of the scheme.
- (2) Subject to these regulations, where a provision of the Act or of these regulations is specified in the first column of Schedule One to these regulations, the form set out in Schedule Two to these regulations, the number of which is specified in the third column of Schedule One opposite that provision is prescribed as the form to be used for the purposes of that provision in relation to the matter or thing described in the second column of Schedule One opposite that provision.
- (3) In these regulations, a reference to a form by number is a reference to the form so numbered in Schedule Two to these regulations.

## 3

(4) Where a form prescribed by these regulations requires completion by the insertion of, or the attachment to the form of, a document containing particulars or other matters referred to in the form, all particulars or other matters set out in the form are prescribed as the particulars or other matters required under the provisions of the Act or of these regulations for the purposes of which the form or document is prescribed.

(5) A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with those directions.

(6) Strict compliance with a prescribed form is not necessary and substantial compliance is sufficient.

4. The Commissioner may refuse to receive a document for filing or lodging under the Act or the regulations unless—

- (a) the document is legibly and clearly printed, typewritten or hand-written—
  - (i) in ink of a type to provide a satisfactory reproduction; and
  - (ii) on paper of medium weight, of good quality and of foolscap folio size or a multiple thereof;
- (b) the document has margins of not less than 25 millimetres on the left hand side and not less than 13 millimetres on the right hand side;
- (c) in the case of a document comprising two or more sheets—
  - (i) the sheets are bound together securely; and
  - (ii) each sheet has a margin of not less than 25 millimetres on the side on which it is bound in addition to any space required for binding; and
- (d) the document has endorsed on it the name, address and telephone number of the person by whom or on whose behalf, or person acting on behalf of the person by whom or on whose behalf, it is filed or lodged.

5. Except as otherwise provided in the Act or these regulations a prescribed form and a document furnishing information in addition to or in variation of the information in a prescribed form relating to a corporation that is filed or lodged with the Commissioner under the Act or these regulations shall be signed by a director or by the secretary or manager of the corporation or, in the case of a form or document relating to a foreign company within the meaning of the Companies Act, 1961, by the agent of the foreign company in the State or if the agent is a corporation, by the secretary of that corporation.

6. Where a document is by the Act or these regulations required to be filed or lodged with the Commissioner but a period of time within which the document is to be filed or lodged is not prescribed, the document shall be filed or lodged within 14 days after the occurrence of the event to which the document relates.

7. The fee to be paid in respect of an item specified in Schedule Three to these regulations is the fee specified in that Schedule in respect of that item.

8. For the purposes of subsection (8) of section 5 of the Act, the following offices are prescribed offices—

- (a) the office of Commissioner for Corporate Affairs;
- (b) the office of trustee of the estate of a bankrupt under, or continued under, the Bankruptcy Act, 1966 of the Commonwealth;
- (c) the office of official receiver under the Bankruptcy Act, 1966 of the Commonwealth;
- (d) the office of Public Trustee under the Public Trustee Act, 1941;
- (e) the office of the Master of the Supreme Court under the Supreme Court Act, 1935; and
- (f) an office prescribed under a provision of a declared law corresponding to this regulation.

9. For the purposes of subsection (7) of section 8 and of subsection (3) of section 13 of the Act the office of each of the following is a prescribed office—

- (a) the Commissioner for Corporate Affairs in New South Wales;
- (b) the Commissioner for Corporate Affairs in Victoria;
- (c) the Commissioner for Corporate Affairs in Queensland;
- (d) the Registrar of Companies in South Australia;
- (e) the Registrar of Companies in Tasmania;
- (f) the Registrar of Companies in the Australian Capital Territory; and
- (g) the Registrar of Companies in the Northern Territory.

#### PART II.—INVESTIGATIONS.

10. The prescribed manner in which a notice under subsection (1) of section 18 of the Act is to be given to a prescribed person is—

- (a) by sending the notice by prepaid post addressed to the prescribed person at his usual or last known place of abode or business;
- (b) by delivering the notice to the prescribed person personally; or
- (c) by leaving the notice with a person at the usual or last known place of abode or business or employment of the prescribed person.

11. A person who appears for examination pursuant to a requirement under Division 2 of Part II. of the Act is entitled to such allowances and expenses as are for the time payable to Crown witnesses for attendance at Court.

#### PART III.—EXEMPTIONS FROM LICENSING AND CERTAIN OTHER PROVISIONS.

12. Parts IV., VI. and VII. and section 51 of the Act do not have effect in relation to—

- (a) the acquisition or disposal of, or an agreement to acquire or dispose of, securities or documents of title to securities; or
- (b) a mortgage or charge in respect of securities or documents of title to securities,

effected or entered into by a person whose ordinary business includes the lending of money and effected or entered into principally by way of security for the purposes of a transaction entered into in the ordinary course of business in connexion with the lending of money or the provision of credit.

13. Parts IV., VI. and VII. and section 51 of the Act do not have effect in relation to the acquisition or disposal of an interest within the meaning of Division 5 of Part IV. of the Companies Act, 1961, being an interest in relation to which there was not, and was not required to be, in force an approved deed within the meaning of that Division.

14. (1) Subject to subregulation (2) of this regulation, Parts IV., VI. and VII. and section 51 of the Act do not have effect in relation to—

- (a) a dealing entered into between a person and a government, local government authority or a body corporate or unincorporate in securities of that government, authority or body; or
- (b) a transaction entered into by a sub-underwriter of an issue of securities that relates only to the sub-underwriting of the issue.

(2) Paragraph (a) of subregulation (1) of this regulation does not apply to a dealing entered into between a person and an investment company in securities of that investment company.

(3) In subregulation (2) of this regulation "investment company" means a body corporate or unincorporate which carries on a business of investment in securities or interests in land or both (whether by acquisition and disposal or otherwise), the funds invested being funds subscribed directly or indirectly following an offer to the public (within the meaning of that expression in the Companies Act, 1961) on terms that the funds subscribed would be so invested.

15. Parts VI. and VII. and section 51 of the Act do not have effect in relation to a dealing entered into between a person and a corporation in securities made available by the corporation in accordance with the provisions of Division 5 of Part IV. of the Companies Act, 1961.

## 5

16. (1) Parts IV., VI. and VII. of the Act do not have effect in relation to—

- (a) a dealer who is trustee for a superannuation scheme and deals in securities only incidentally to the management and administration of the superannuation scheme; or
- (b) a dealer which is a life office and deals in securities only incidentally to carrying on the business of life insurance.

(2) Section 33 and Part VII. of the Act do not have effect in relation to a person employed by, or acting for or by arrangement with, a trustee of a superannuation scheme or life office by reason only that he is so employed or so acts in respect of any act to which, if done by that trustee, subregulation (1) of this regulation would apply.

17. (1) Parts VI. and VII. and sections 32 and 51 of the Act do not have effect in relation to a bank by reason only that, incidentally to the carrying on the business of banking, the bank—

- (a) deals in securities issued or proposed to be issued by a government, a local government authority or a public authority; or
- (b) accepts appointment as, or acts as, banker to an issue of securities.

(2) Section 33 and Part VII. of the Act do not have effect in relation to a person employed by a bank that deals in securities only incidentally to carrying on the business of banking by reason only that the person does an act on behalf of the bank in relation to—

- (a) a dealing by the bank in securities issued or proposed to be issued by a government, local government authority or public authority; or
- (b) the appointment of the bank as banker to an issue of securities.

(3) Subject to subregulation (4) of this regulation, section 33 and Part VII. of the Act do not have effect in relation to a person employed by a bank by reason only that he acts in relation to interests as defined in section 76 of the Companies Act, 1961 where the management company as so defined in relation to those interests is the bank or a corporation that is a wholly owned subsidiary of the bank.

(4) The exemption conferred on a person by subregulation (3) of this regulation does not apply if the person receives amounts by way of commission or other remuneration in respect of his services in relation to interests, other than amounts of salary or wages payable by the bank in respect of his employment by the bank.

#### PART IV.—LICENCES.

18. An applicant for a licence shall lodge with the Commissioner the prescribed form enclosed in a sealed envelope on which are clearly marked—

- (a) words indicating the nature of the application; and
- (b) the name, address and telephone number of the applicant.

19. In pursuance of paragraph (a) of subsection (1) of section 40 of the Act, a dealers licence or investment advisers licence is subject to a condition that the holder of the licence shall forthwith inform the Commissioner in writing of any matter that may adversely affect to a material extent the financial position of the holder.

20. (1) Where, in accordance with section 40 of the Act, a dealers licence is subject to a condition that the holder of the licence lodges with the Commissioner a bond for an amount not exceeding \$20 000 and that in certain circumstances the whole or part of that amount is payable to the Commissioner the licence is also subject to a condition that that amount be applied in accordance with subregulation (3) of this regulation for the purpose of compensating persons whose claims are allowed in accordance with subregulation (2) of this regulation, being persons who suffer pecuniary loss from a defalcation or fraudulent misuse of securities or documents of title to

## 6

securities or of other property committed after the commencement of these regulations by the holder of the licence or by a clerk or servant of the holder in relation to money or other property which, whether before or after the commencement of these regulations, in the course of or in connection with the business of dealing in securities or advising other persons concerning securities carried on by the holder of the licence—

- (a) was entrusted to or received by the holder of the licence or a clerk or servant of the holder for or on behalf of any other persons; or
- (b) where the holder of the licence was the sole trustee or a trustee with another person in respect of the money or other property—was entrusted to or received by the holder or a clerk or servant of the holder as trustee or for or on behalf of the trustees of the money or property,

whether or not the person who committed the defalcation or fraudulent misuse of securities or documents of title to securities or of other property has been convicted of an offence in respect of the defalcation or fraudulent misuse.

(2) for the purposes of subregulation (1) of the regulation, the claim of a person for compensation in respect of a defalcation or fraudulent misuse, shall be allowed where—

- (a) the claim is made in writing given to the Commissioner not later than—
  - (i) a date specified by the Commissioner being not earlier than three months after the Commissioner by notice published in a newspaper circulating generally in the State seeks claims in respect of the defalcation or fraudulent misuse;
  - (ii) where no such notice is published—six months after the person became aware of the defalcation or fraudulent misuse; or
  - (iii) such later date as the Commissioner in a particular case allows; and
- (b) the Commissioner is satisfied that the claim is a proper claim.

(3) For the purposes of subregulation (1) of this regulation, the manner of applying an amount is—

- (a) where the amounts of the claims do not in the aggregate exceed the amount paid to the Commissioner—the payment of those amounts in full; or
- (b) where the amounts of the claims exceed in the aggregate the amount paid to the Commissioner—the payment of so much of each of such claim as bears to the amount paid to the Commissioner the same proportion as the amount so paid bears to the aggregate amount of those claims.

(4) In this regulation “pecuniary loss” in relation to a claim of a person for compensation means the amount of the pecuniary loss suffered by that person (together with the reasonable costs of and disbursements incidental to the making and proof of the claim) less the amount or value of all moneys or other benefits paid or payable to him by a person other than the Commissioner in reduction of that loss.

21. (1) Where, in accordance with a condition to which a dealers licence is subject, the person to whom the licence is issued lodges with the Commissioner a bond, the Commissioner may, if that person ceases to carry on the business to which the licence relates, return to that person the amount of the bond—

- (a) after the expiration of three months after receiving notice from the person that he has ceased to carry on that business;
- (b) if the Commissioner is satisfied that the person has ceased to carry on that business; and
- (c) if the Commissioner is satisfied that there are no outstanding liabilities of the person in respect of that business of which the Commissioner is aware.

7

(2) The Commissioner shall not return a bond to a person under subregulation (1) of this regulation unless a notice has been published by, or at the cost of, that person in a newspaper circulating generally in each State in which that person carried on business to the effect that that person has ceased to carry on business.

22. For the purposes of paragraph (c) of subsection (6) of section 41 of the Act, the prescribed matters are—

- (a) particulars of the type of licence;
- (b) the State in which the licence was granted; and
- (c) the address of the principal place of business of the licensee in this State.

23. For the purposes of paragraph (c) of subsection (2) of section 44 of the Act, the prescribed date in 1977 and each succeeding year is 31st March and the prescribed period is one month.

#### PART V.—CONDUCT OF SECURITIES BUSINESS.

24. Section 51 of the Act does not have effect in relation to a transaction of sale or purchase of securities effected by a dealer as agent for another person through a member of a stock exchange in Australia if the dealer forthwith gives to the other person the contract note, or a copy of the contract note, given by the member under that section.

25. Sections 51 and 53 of the Act do not have effect in relation to the sale or purchase of securities by the corporation by which the securities were made available in accordance with the provisions of Division 1 or Division 5 of Part IV of the Companies Act, 1961.

26. For the purposes of subsection (5) of section 51 of the Act, a transaction entered into by a dealer at a stock market takes place in prescribed circumstances if it takes place on the trading floor at an official meeting of a stock exchange in Australia and the dealer is a member of a stock exchange in Australia.

#### PART VI.—ACCOUNTS AND AUDIT AND REGISTERS OF INTERESTS.

27. (1) Section 59 of the Act does not have effect in relation to a dealing in securities carried on by a merchant bank to which this regulation applies, being a dealing which is carried on in the course of performing the principal functions of the merchant bank or incidentally to the performance of those functions.

(2) This regulation applies to a merchant bank that is a public company within the meaning of the Companies Act, 1961, or of a law of another State or of a Territory of the Commonwealth corresponding to that Act and that has a paid-up capital of not less than \$1 000 000, the principal functions of which include—

- (a) underwriting issues of securities;
- (b) advising and assisting corporations in relation to—
  - (i) the raising of capital;
  - (ii) corporate reconstructions and amalgamations; or
  - (iii) the acquisition of securities primarily for the purpose of controlling another corporation or other corporations; or
- (c) doing anything incidental to the management and administration of investments of a client where the amount of the investments managed or administered for the client is not less than \$100 000.

28. For the purposes of subsection (1) of section 75 of the Act, the prescribed manner in accordance with which a person may maintain a Register is—

- (a) where the person is the holder of a license who does not carry on business in partnership with another person—any manner which enables information corresponding to that required to be disclosed in Form 16 to be readily ascertained; or

## 8

- (b) where the person is the holder of a license who carries on business in partnership with another person—any manner which enables—
- (i) information about securities in which the partnership has an interest, corresponding to the information required to be disclosed in Form 16; and
  - (ii) information about securities in which he has an interest other than securities in which the partnership has an interest corresponding to the information required to be disclosed in Form 16, to be readily ascertained.

29. For the purposes of subsections (2) and (3) of section 75 of the Act, the particulars of securities shall be entered in the Register in ink or typewriting or in such other manner as enables them to be readily inspected.

## PART VII.—TRADING IN SECURITIES.

30. (1) The provisions of subsections (1), (3) and (6) of section 112 of the Act do not have effect in relation to—

- (a) the obtaining by a director of a share qualification in accordance with subsection (1) of section 116 of the Companies Act, 1961;
- (b) the subscription for and acquisition pursuant to that subscription of securities of a corporation by, or by a trustee for, employees of the corporation or of a corporation that is deemed to be related to the first-mentioned corporation by reason of subsection (5) of section 6 of the Companies Act, 1961 under a superannuation scheme, pension fund or other scheme established solely or primarily for the benefit of such employees; or
- (c) a transaction entered into by a person in accordance with his obligations under an underwriting agreement.

(2) The provisions of subsections (1), (2), (3) and (6) of section 112 of the Act do not apply to or in relation to—

- (a) a personal representative of a deceased person, a liquidator or an official receiver or trustee within the meaning of the Bankruptcy Act 1966 of the Commonwealth in respect of any transaction entered into by him *bona fide* in the performance of the functions of his office as such a representative, liquidator, receiver or trustee;
- (b) a transaction by way of, or arising out of, a mortgage or charge of securities or a mortgage, charge, pledge or lien of documents of title to securities;
- (c) the acquisition of securities by a person under a will or on the intestacy of another person; or
- (d) a dealing in securities which consists only of the transfer of the legal estate in those securities from one trustee to another trustee.

31. Subsection (4) of section 116 of the Act does not have effect in relation to—

- (a) a bank; or
- (b) a corporation insofar as it gives credit to a person (not being a director of the corporation) *bona fide* in the employment of the corporation or of another corporation that is deemed to be related to the first-mentioned corporation by reason of subsection (5) of section 6 of the Companies Act, 1961 with a view to enabling that person to purchase fully paid shares in the corporation to be held by himself by way of beneficial ownership.

## PART VIII.—MISCELLANEOUS.

32. For the purposes of subsection (4) of section 120 of the Act, the prescribed period is seven years.

33. (1) For the purposes of subsection (1) of section 93 of the Act, the prescribed amount is \$500 000.

(2) For the purposes of subsection (4) of section 93 of the Act, the prescribed amount is \$250 000.



9

SCHEDULE ONE

Provision of the Act for which Form prescribed	Description of Form	Number of Form in Schedule Two
Section 8 (2)	Declaration to be made by the Commissioner for Corporate Affairs and persons authorized to make inspections	1
Section 18 (1)	Notice by an inspector undertaking an investigation of matters concerning dealing in securities	2
Section 28 (1)	Application for approval of a corporation as a stock exchange	3
Section 36 (4)	Application for dealers or investment advisers licence by a person other than a corporation	4
Section 36 (4)	Application for dealers or investment advisers licence by a corporation	5
Section 36 (4)	Application for representatives licence	6
Section 39 (1)	Application by representative for variation of principal	7
Section 42	Notice of particulars of cessation or change	8
Section 43	Annual statement by a dealer or investment adviser other than a corporation	9
Section 43	Annual statement by a dealer or investment adviser which is a corporation	10
Section 43	Annual statement by a representative	11
Section 62 (7)	Notice of resignation or removal of auditor	12
Section 64 (2)	Accounts to be prepared by a dealer other than a corporation	13
Section 64 (2)	Statement relating to accounts of a dealer which is a corporation	14
Section 64 (2)	Auditors report	15
Section 75 (1)	Register of securities	16
Section 76	Notice of place or change of place at which register to be kept	17
Section 100	Notice calling for claims against stock exchange Fidelity Fund	18
Section 101 (4)	Notice of disallowance of claim against stock exchange Fidelity Fund	19
Section 99 (2)	Notice of Appeal	20

SCHEDULE TWO

Form 1

DECLARATION TO BE MADE BY THE COMMISSIONER FOR CORPORATE AFFAIRS AND PERSONS AUTHORIZED TO MAKE INSPECTIONS

Securities Industry Act, 1975

Full Name

Address

Occupation

I, the abovenamed, declare that I will not make, except for the purposes of the Securities Industry Act, 1975, or in the course of criminal proceedings or proceedings under the Securities Industry Act, 1975, or the Companies Act, 1961, a record of, or divulge or communicate to another person, any information that I acquire by reason of the making of an inspection.

Declared at.....  
 in the State of.....  
 this ..... day of ..... (Declarant)  
 ..... 19.....  
 Before me  
 .....  
 (Witness)

10

Securities Industry Act, 1975

Form 2

☐ NOTICE BY AN INSPECTOR UNDERTAKING AN INVESTIGATION OF MATTERS CONCERNING DEALING IN SECURITIES ☐

To : \_\_\_\_\_ of/by \_\_\_\_\_

☐ \_\_\_\_\_

☐ \_\_\_\_\_

TAKE NOTICE that pursuant to the powers vested in me/us by section 18 (1) of the Securities Industry Act, 1975, as the duly appointed Inspector(s) I/we hereby require you :

(a) To produce to me/us on the.....day of.....19....., at \_\_\_\_\_ o'clock in the..... at..... in the State of.....the following books including accounts, deeds, writings or documents and any other record of information however compiled, recorded or stored, whether in written or printed form or on microfilm or by electronic process or otherwise—

.....

.....

and all such other books in your custody or under your control as relate to the abovementioned investigation.

(b) To give to me/us as such Inspector(s) all reasonable assistance in connection with the abovementioned investigation.

(c) To appear before me/us on the.....day of.....19....., at..... o'clock in the.....at.....in the State of.....for examination on oath in relation to the abovementioned investigation.

Inspector(s) ..... (Date) .....

..... (Date) .....

Form 3

APPLICATION FOR APPROVAL OF A CORPORATION AS A STOCK EXCHANGE

Securities Industry Act, 1975

.....Limited hereby applies for approval as a stock exchange.

Principal place of business and telephone number of applicant.....

.....

Proposed name of stock exchange.....

Place at which proposed stock exchange will meet.....

.....

Signature of Director/Secretary/Manager ..... (Date) .....

11

Form 4

APPLICATION FOR DEALERS OR INVESTMENT ADVISERS LICENCE  
BY A PERSON OTHER THAN A CORPORATION

Securities Industry Act, 1975

Application is hereby made for:

\*A Dealers Licence/\*An Investment Advisers Licence,  
(\*strike out whichever is inapplicable)

and the following statements are made in respect thereof:

1. (a) Applicants Surname .....	Other Names .....	
(b) Residential Address .....		
(c) Date of Birth ...../...../.....	Place of Birth .....	If not born in Australia number of years applicant has resided in Australia .....
(d) Name or names under which business is to be carried on is .....		
(e) Full address of the principal place at which the business of the applicant is to be carried on is .....	Phone .....	
(f) The full address of all other places whether within the State or elsewhere at which the business of the applicant is to be carried on is (Indicate clearly those places established and those to be established). .....		
(g) Address of place at which applicant's register under Part VII of the Act will be kept. .....		
2. State the nature of the principal business of the applicant .....		
3. State in detail the nature of the activity for which the applicant requires a licence .....		
4. In relation to the business carried on or to be carried on by the applicant—		
(a) Set out name and address of each person with whom the applicant carries on or intends carrying on business in partnership— ..... Applicant's interest in partnership (expressed as a percentage of capital).....%		
(b) Set out name and address of each person who directly or indirectly exercises or will exercise or has or will have power to exercise a controlling influence over the management and policies of the business other than persons referred to in paragraph (a) above .....		
(c) Set out name and address of any person who directly or indirectly has or will have any share in profits of the business other than persons referred to in paragraph (a) above .....		

Form 4—*continued*

5. Is the applicant a director of any corporation incorporated in the State or elsewhere?

.....  
(Answer "Yes" or "No")

If "Yes", using an annexure, give details of:

- (a) names of the corporations;
- (b) places of incorporation;
- (c) dates of appointment.

6. Does the applicant have an interest as determined in accordance with section 5 of the Act in one or more shares in any corporation incorporated in the State or elsewhere, the aggregate of the nominal amount of which constitutes not less than ten per cent of the aggregate of the nominal amount of all the issued shares in the corporation?

.....  
(Answer "Yes" or "No")

If "Yes", using an annexure, give details of:

- (a) names of the corporations;
- (b) places of incorporation;
- (c) the interests.

7. (NOTE: Answer questions "Yes" or "No" in space provided. If "Yes", attach annexures giving all relevant particulars.)

	Answer
Has the applicant within the past 15 years ever—	
(a) been licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act?	.....
(b) been licensed, registered or otherwise authorised by law to carry on any trade, business or profession in any place?	.....
(c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific license, registration or other authority is required by law in any place?	.....
(d) been a member or partner in a member firm of a stock exchange?	.....
(e) been suspended from membership of any stock exchange or otherwise disciplined by a stock exchange?	.....
(f) been refused membership of any stock exchange?	.....
(g) carried on business under any name other than the name or names shown in this application?	.....
(h) been known by any name other than the name or names shown in this application?	.....
(i) been convicted of any offence other than traffic offences in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction?	.....
(j) had judgement involving fraud, misrepresentation or dishonesty given against him in any civil proceedings in the State or elsewhere? (if "yes", give full details, including whether judgement is unsatisfied)	.....
(k) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in the State or elsewhere?	.....
(l) been engaged in the management of any corporations other than those referred to in answer to question 5?	.....
(m) been refused a fidelity or surety bond in the State or elsewhere?	.....

13

Form 4—continued

8. In the case of an applicant for a dealer's licence who is a member, or a partner in a member firm, of a stock exchange, has the applicant or the member firm been granted any exemption from capital requirements by the Committee of the stock exchange?

.....  
 (Answer "Yes" or "No")

If "Yes" attach annexure giving all relevant particulars.

9. Has the applicant had any experience in performing the functions of a dealer or investment adviser as defined in the Act?

.....  
 (Answer "Yes" or "No")

If "Yes" attach annexure giving all relevant particulars.

10. Set out below details of the applicant's employment and business activities during the previous five years:—

Name and Address of Employer (if self employed, so state)	Nature of Business of Employer (if self employed, so state)	Nature of Employment or Activity	Period of Employment or Activity (give exact dates)

11. Set out any additional information (including any formal qualifications of the applicant) considered relevant to this application—

.....  
 .....

DATED this.....day of.....19.....

Signature of applicant.....

Form 4—*continued*

NOTE : This application must be accompanied by a detailed statement, made up to a date not earlier than 14 days before the date of this application, signed by the applicant, disclosing his total liabilities together with details of his assets in accordance with the following provisions of this note :—

- (1) Where the applicant's total tangible assets (excluding the value of any membership in a stock exchange)—
  - (a) Exceed his total liabilities (including liabilities of a contingent nature) by \$50 000 or more, the statement should disclose full particulars, including where appropriate the basis of valuation, of those assets up to an amount which exceeds those liabilities by not less than \$50 000 ; or
  - (b) Do not exceed his total liabilities (including liabilities of a contingent nature) by \$50 000 or more, the statement should disclose full particulars, including where appropriate the basis of valuation, of all his assets.
  
- (2) Where any of the disclosed assets are vested in the applicant and any other person(s), or are encumbered in any manner, full particulars in relation thereto must be given.
  
- (3) The statement should disclose full particulars of the applicant's liabilities and should—
  - (a) In the case of liabilities (excluding liabilities of a contingent nature)—be expressed in terms of the time when they will fall due, as follows :
    - (i) Due not later than one year ;
    - (ii) Due later than one year but not later than three years ;
    - (iii) Due later than three years.
  - (b) In the case of liabilities of a contingent nature—be expressed separately in terms of the time they would be most likely to fall due, as follows :
    - (i) Due not later than one year ;
    - (ii) Due later than one year but not later than three years ;
    - (iii) Due later than three years.
  
- (4) Where the applicant is a partner in a firm a reference in this note to—
  - (a) The applicant's assets and liabilities include a reference to such part of the assets and liabilities of the firm as does not exceed his proportional interest in the firm's business under the partnership agreement ; and
  - (b) The applicant should disclose in the statement the precise extent of his interest under the partnership agreement in the assets and liabilities of the firm.
  
- (5) Information as to the assets and liabilities of the applicant's business should take the form of—
  - (a) The last audited profit and loss account and balance sheet (including every document required by law or by the Committee of the stock exchange of which he is a member to be attached thereto) ; or
  - (b) In the case of an applicant who is unable to comply with paragraph (5) (a) above, a profit and loss account and balance sheet, drawn up in accordance with generally accepted accounting principles and signed by all the partners of the business to which the accounts relate.
  
- (6) If the profit and loss account and balance sheet of the applicant's business is made up to a date earlier than 14 days before the date of this application those accounts should be accompanied by a report signed by the applicant, or where the applicant is a partner in a firm, by all the partners of the firm stating whether after due enquiry by him/them in relation to the interval between the date to which the balance sheet has been made up and a date not earlier than 14 days before the date of this application—
  - (a) The business has in his/their opinion been satisfactorily maintained ;
  - (b) There has in his/their opinion arisen in relation to the business any circumstances adversely affecting trading or the value of the assets or the ability to meet liabilities as they fall due ;
  - (c) The current assets appear in the balance sheet of the business at valuations which are believed to be realisable in the ordinary course of business ; and
  - (d) There has arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the applicant or any of his partners.

15

Form 5

APPLICATION FOR DEALERS OR INVESTMENT ADVISERS LICENCE  
BY A CORPORATION

Securities Industry Act, 1975

Application is hereby made for :

\*A Dealers Licence/\*An Investment Advisers Licence,  
(\* strike out whichever is inapplicable)

and the following statements are made in respect thereof :

1. (a) Name :

.....

(b) Registered Office :

.....

(c) Place of incorporation :

.....

(d) Full address of the principal place  
at which the business of the applicant  
is to be carried on  
is

Phone

(e) The full address of all other places  
whether within the State or elsewhere  
at which the business of the applicant  
is to be carried on

is  
(Indicate clearly those places estab-  
lished and those to be established)

(f) Address of place at which applicant's  
register under Part VII of the Act  
will be kept.

(g) Set out as an annexure hereto details of each director and secretary showing full names, resi-  
dential address, date of birth, office held and date of appointment.

2. State the nature of the principal business  
of the applicant

3. State in detail the activity for which the  
applicant requires a licence

4. Set out name and address of each person who directly or indirectly exercises or has power to exercise  
a controlling influence over the management and policies of the applicant other than those shown  
as directors—

.....  
.....  
.....

Form 5—continued

5. Is any director or secretary of the applicant a director of any other corporation incorporated in the State or elsewhere? (Using an annexure answer "Yes" or "No" for each person; if "Yes", give details of—
- (a) names of corporations;
  - (b) places of incorporation; and
  - (c) dates of appointment).

6. Does the applicant or any director or secretary of the applicant have an interest as determined in accordance with section 5 of the Act in one or more shares in any corporation incorporated in the State or elsewhere, the aggregate of the nominal amount of which constitutes not less than 10% of the aggregate of the nominal amount of all the issued shares of the corporation? (Using an annexure answer "Yes" or "No" for each of the persons; if "Yes", give details of—
- (a) names of corporations;
  - (b) places of incorporation; and
  - (c) the interests).

7. (NOTE: Answer questions "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars).

Has the applicant or any director or secretary of the applicant within the past 15 years ever—

- |   | Answer |
|---|--------|
| (a) been licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act? .....            | .....  |
| (b) been licensed, registered or otherwise authorised by law to carry on any trade, business or profession in any place? .....  | .....  |
| (c) been refused the right or restricted in its or his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place? ..... | .....  |

8. (NOTE: Answer questions "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars).

Has any director or secretary of the applicant within the past 15 years ever—

- |   | Answer |
|---|--------|
| (a) been a member or partner in a member firm of a stock exchange? .....  | .....  |
| (b) been suspended from membership of any stock exchange or otherwise disciplined by a stock exchange? .....  | .....  |
| (c) been refused membership of any stock exchange? .....  | .....  |
| (d) been known by any name other than the name or names shown in this application? .....  | .....  |
| (e) been convicted of any offence other than traffic offences in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction? ..... | .....  |
| (f) had judgement involving fraud, misrepresentation or dishonesty given against him in any civil proceedings in the State or elsewhere? .....                              | .....  |
| (g) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in the State or elsewhere? .....                                      | .....  |
| (h) been engaged in the management of any corporation other than those referred to in answer to question 5? .....   | .....  |
| (i) been refused a fidelity or surety bond in the State or elsewhere? .....   | .....  |



Form 5—*continued*

9. Has any director or secretary of the applicant had any experience in performing the functions of a dealer or investment adviser as defined in the Act?

.....(Answer "Yes" or "No")

If "Yes" attach annexure giving all relevant particulars.

10. In relation to each director and secretary of the applicant, set out below details of the officer's employment and business activities, during the previous five years :—

Name of Director or Secretary (if self employed, so state)	Name and Address of Employer (if self employed, so state)	Nature of Business of Employer	Nature of Employment or Activity	Period of Employment or Activity (give exact dates)

11. Set out any additional information (including any formal qualifications of the directors or secretary of the applicant) considered relevant to this application

.....  
 .....  
 .....

Dated this.....day of.....19.....

Signed .....

Capacity .....

NOTE :

(1) This Application must be accompanied by—

- (a) The last audited profit and loss account and balance sheet of the applicant (including every document required by law to be annexed or attached thereto, and in the case of a corporation not incorporated under the Companies Act, 1961, including every document which would be required to be annexed thereto if it were a public company within the meaning of that Act ; or
- (b) In the case of an applicant which is unable to comply with paragraph (1) (a) above, a profit and loss account and balance sheet drawn up in accordance with the provisions of the Companies Act, 1961, insofar as is applicable in the circumstances, and signed by not less than two directors of the applicant.

(2) If the profit and loss account and balance sheet of the applicant is made up to a date earlier than 14 days before the date of this application, those accounts should be accompanied by a report signed by not less than two directors of the applicant stating whether after due enquiry by them in relation to the interval between the date to which the balance sheet has been made up and a date not earlier than 14 days before the date of this application—

- (a) The business has in their opinion been satisfactorily maintained ;
- (b) There has in their opinion arisen in relation to the business any circumstances adversely affecting trading or the value of the assets or the ability to meet liabilities as they fall due ;
- (c) The current assets appear in the balance sheet of the business at valuations which are believed to be realisable in the ordinary course of business ; and
- (d) There have arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the applicant.

18

Form 6

APPLICATION FOR REPRESENTATIVES LICENCE

Securities Industry Act, 1975

Application is hereby made for :

- \*A Dealer's Representatives Licence/
- \*An Investment Representatives Licence
- (\*strike out whichever is inapplicable)

and the following statements are made in respect thereof :—

1. (a) Applicants Surname	Other Names
---------------------------	-------------

(b) Residential Address

(c) Date of Birth ...../...../.....	Place of Birth	If not born in Australia number of years applicant has resided in Australia .....
--	----------------	---

(d) Occupation for which Representative's Licence is sought

(e) Full Name of Principal(s)

Business Address of each Principal ..... ..... .....	Phone ..... .....
---	-------------------------

Nature of Business of each Principal

.....

(f) Address of Place at which Register under Part VII of the Act will be kept

.....

2. (NOTE: Answer questions "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars).

Answer

Has the applicant within the past 15 years ever—

- (a) been licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act? .....
- (b) been licensed, registered, or otherwise authorised by law to carry on any trade, business or profession in any place? .....
- (c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required by law in any place? .....

Form 6—*continued*

- |  |        |
|--|--------|
|  | Answer |
| (d) been a member or partner in a member firm of any stock exchange?   | .....  |
| (e) been suspended from membership of any stock exchange or otherwise disciplined by a stock exchange?   | .....  |
| (f) refused membership of any stock exchange?  | .....  |
| (g) carried on business under any name other than the name or names shown in this application in paragraph 1(a)?   | .....  |
| (h) been known by any name other than the name or names shown in this application in paragraph 1(a)?   | .....  |
| (i) been convicted of any offence, other than a traffic offence, in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction?   | .....  |
| (j) had any judgment involving fraud, misrepresentation, or dishonesty given against him in any civil proceeding, in the State or elsewhere? (If "yes", give full details, including whether judgment is unsatisfied.) | .....  |
| (k) been refused a fidelity or surety bond, in the State or elsewhere?   | .....  |

3. Has the applicant had any experience in performing the functions of a dealer's representative or an investment representative as defined in the Act?

.....  
(Answer "Yes" or "No")

If "Yes" attach annexure giving all relevant particulars.

4. Set out below details of the applicant's employment and business activities during the previous five years:—

Name and Address of Employer (if self employed, so state)	Nature of Business of Employer (if self employed, so state)	Nature of Employment or Activity	Period of Employment or Activity (give exact dates)

5. Set out any additional information (including any formal qualifications or training) considered relevant to this application.

.....  
.....  
.....

NOTE: Attach written acknowledgment signed by each of the abovenamed principals evidencing principal's intention to employ or engage applicant as a representative.

DATED this..... day of..... 19.....

Signature of applicant.....

20

Form 7

APPLICATION BY REPRESENTATIVE FOR VARIATION OF PRINCIPAL

Securities Industry Act, 1975

Application is hereby made for a variation of the name(s) of the holder(s) of:

\*Dealers Licence(s)/\*Investment Advisers Licence(s) on whose behalf the applicant may act.

(\*Strike out whichever is inapplicable)

1. (a) Applicant's Surname	Other Names
----------------------------	-------------

(b) Residential Address	Licence No. of Applicant
-------------------------	--------------------------

2. (a) Name of principal applicant proposes to represent

(b) The full address of the head office at which the business of the principal is/is to be carried on	Phone
---	-------

(c) Nature of business conducted by principal

(d) Name of principal (if any) whom applicant has ceased, or intends to cease, to represent

3. Address of place at which applicant's register under Part VII of the Act will be kept

4. Set out any additional information considered relevant to this application

NOTE: Attach written acknowledgement signed by each of the principals named in section 2(a) evidencing principal's intention to employ or engage applicant as a representative.

DATED this..... day of..... 19.....

Signature of applicant.....

21

Form 8

NOTICE OF PARTICULARS OF CESSATION OR CHANGE

Securities Industry Act, 1975

Licence holder's surname	Other Names
Residential Address	Type of licence held

\*1. CESSATION (\*Strike out whichever is inapplicable)

On the..... day of..... 19..... the holder of the abovementioned licence ceased—

- \* (a) (in the case of the holder of a dealer's licence) to carry on the business to which that licence relates.
- \* (b) (in the case of the holder of an investment advisers licence) to act as, or hold himself out to be, an investment adviser.
- \* (c) (in the case of the holder of a representative's licence) to be employed or act in connection with the business carried on by the \*dealer/\*investment adviser named in that licence.

\*2. CHANGE OF NAME

on the .....day of..... 19..... the name of the holder of the abovementioned licence was changed from

.....  
to.....

\*3. CHANGE OF PARTICULARS: AS AFFECTING A DEALER OR INVESTMENT ADVISER

On the..... day of..... 19.....:

- \* (a) .....  
.....  
ceased to be \*a director/\*directors/\*secretary of the holder of the abovementioned licence.
- \* (b) .....  
.....  
was/were appointed \*a director/\*directors/\*secretary of the holder of the abovementioned licence.

Form 8—continued

\*(c) the address of the principal place of business at which the holder of the abovementioned licence carries on the business to which that licence relates was changed from..... to.....

\*(d) the address(es) of the place(s) (other than the principal place of business) at which the business to which the abovementioned licence relates is carried on was/were changed from..... to.....

\*(e) (where the business to which the abovementioned licence relates is carried on under a name or style other than the name of the holder of that licence) the name or style under which the business is carried on was changed from..... to.....

\*4. CHANGE OF PARTICULARS : AS AFFECTING A REPRESENTATIVE

On the..... day of..... 19.....:—

\*(a) the address(es) of the principal place(s) of business of the \*dealer(s)/\*investment adviser(s) named in the abovementioned licence as a person/persons on whose behalf the holder of that licence may act were changed from—

Table with 2 columns: Name(s) of all dealer(s)/investment adviser(s) named in licence; Previous address of principal place of business. Includes a 'to—' row and a 'Present address' row.

\*(b) (where the business of any dealer/investment adviser named in the abovementioned licence as a person on whose behalf the holder of that licence may act is carried on under a name or style other than the name of that dealer/investment adviser) the name or style under which the business of

(Insert name of dealer/investment adviser) is carried on was changed from..... to.....

DATED this..... day of..... 19.....

Signature of licence holder.....

23

Form 9

ANNUAL STATEMENT BY A DEALER OR INVESTMENT ADVISER OTHER THAN A CORPORATION

Securities Industry Act, 1975

---

Licensee's Name

---

Address

---

Type of licence held : *Dealers/Investment Advisers (*Strike out whichever is inapplicable)	Licence Number
--	----------------

---

1. (a) Name or names under which business is carried on

---

(b) The full address of the principal place at which the business of the licensee is carried on	Phone
---	-------

---

(c) The full address of all other places whether within the State or elsewhere at which the business of the licensee is carried on

---

(d) Address of place at which the licensee's register under Part VII of the Act is kept

---

(e) Period to which this statement relates

---

2. State in detail any change in the nature of the activity for which the licence is held which took place during the period to which this statement relates

---

3. (a) Set out name and address of each person with whom the licensee is carrying on business in partnership

Licensee's interest in partnership (expressed as a percentage of capital).....%

Form 9—continued

(b) Set out name and address of each person who directly or indirectly exercises or has power to exercise a controlling influence over the management and policies of the business other than persons referred to in paragraph (a)

(c) Set out name and address of each person who directly or indirectly has any share in profits of the business other than persons referred to in paragraph (a)

4. During the period to which this Statement relates has the licensee—

(a) been appointed a director of any corporation incorporated in the State or elsewhere ?

(Answer "Yes" or "No")

if "Yes", using an annexure, give details of :

- (i) names of corporations ;
(ii) places of incorporation ;
(iii) dates of appointment.

(b) acquired an interest as determined in accordance with section 5 of the Act in one or more shares in any corporation incorporated in the State or elsewhere amounting to not less than 10 per cent of the aggregate of the nominal amount of all the issued shares in the corporation ?

(Answer "Yes" or "No")

if "Yes", using an annexure, give details of :

- (i) names of corporations ;
(ii) places of incorporation ;
(iii) the interests.

5. (NOTE : Answer questions "Yes" or "No" in space provided ; if "Yes", attach annexures giving all relevant particulars.)

During the period to which this Statement relates has the licensee—

Answer

(a) been licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act ?

(b) been licensed, registered or otherwise authorized to carry on any trade, business or profession in any place?

(c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required in any place?

(d) been refused membership of any stock exchange?

(e) carried on business under any name other than the name or names given in this Statement?

(f) been known by any name other than the name or names given in this Statement?

(g) been convicted of any offence, other than a traffic offence, in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction?

(h) had judgment involving fraud, misrepresentation or dishonesty given against him in any civil proceedings in the State or elsewhere?

(i) been refused a fidelity or surety bond in the State or elsewhere?

DATED this..... day of..... 19.....

Signature of licensee.....



25

Form 9—*continued*

NOTE: This statement must be accompanied by a detailed statement made up to a date not earlier than 14 days before the date of this statement signed by the licensee, disclosing his total liabilities together with details of his assets in accordance with the following provisions of this note—

- (1) Where the licensee's total tangible assets (excluding the value of any membership in a stock exchange)—
  - (a) Exceed his total liabilities (including liabilities of a contingent nature) by \$50 000 or more, the statement should disclose full particulars, including where appropriate the basis of valuation, of those assets up to an amount which exceeds those liabilities by not less than \$50 000; or
  - (b) Do not exceed his total liabilities (including liabilities of a contingent nature) by \$50 000 or more the statement should disclose full particulars, including where appropriate the basis of valuation, of all his assets.
- (2) Where any of the disclosed assets are vested in the licensee and any other person(s), or are encumbered in any manner, full particulars in relation thereto must be given.
- (3) The statement should disclose full particulars of the licensee's liabilities and should—
  - (a) In the case of liabilities (excluding liabilities of a contingent nature) be expressed in terms of the time when they will fall due, as follows:
    - (i) Due not later than one year;
    - (ii) Due later than one year but not later than three years; and
    - (iii) Due later than three years.
  - (b) In the case of liabilities of a contingent nature be expressed separately in terms of the time when they would be most likely to fall due, as follows:
    - (i) Due not later than one year;
    - (ii) Due later than one year but not later than three years; and
    - (iii) Due later than three years.
- (4) Where the licensee is a partner in a firm a reference in this note to—
  - (a) The licensee's assets and liabilities includes a reference to such part of the assets and liabilities of the firm as does not exceed his proportional interest in the firm's business under the partnership agreement; and
  - (b) The licensee should disclose in the statement the precise extent of his interest under the partnership agreement in the assets and liabilities of the firm.
- (5) In the case of an investment adviser only—
  - (a) Information as to the assets and liabilities of the licensee's business should take the form of the last audited profit and loss account and balance sheet (including every document required by law to be attached thereto); or
  - (b) In the case of a licensee who is unable to comply with paragraph (5) (a) above, a profit and loss account and balance sheet, drawn up in accordance with generally accepted accounting principles and signed by all the partners of the business to which the accounts relate.
- (6) In the case of an investment adviser only, if the profit and loss account and balance sheet of the licensee's business is made up to a date earlier than 14 days before the date of this statement those accounts should be accompanied by a report signed by all the partners of the business stating whether after due enquiry by them in relation to the interval between the date to which the balance sheet has been made up and a date not earlier than 14 days before the date of this statement—
  - (a) The business has in his/their opinion been satisfactorily maintained;
  - (b) There has in his/their opinion arisen in relation to the business any circumstances adversely affecting trading or the value of the assets or the ability to meet liabilities as they fall due;
  - (c) The current assets appear in the balance sheet of the business at valuations which are believed to be realisable in the ordinary course of business; and
  - (d) There have arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the licensee or any of his partners.

26

Form 10

ANNUAL STATEMENT BY A DEALER OR INVESTMENT ADVISER  
WHICH IS A CORPORATION

Securities Industry Act, 1975

Licensee's Name

Registered Office

Type of licence held: \*Dealers/Investment Advisers

Licence Number

(\*Strike out whichever is inapplicable)

1. (a) Name or names under which business is carried on

(b) The full address of the principal place at which the business of the licensee is carried on

(c) The full address of all other places whether within the State or elsewhere at which the business of the licensee is carried on

(d) Address of place at which applicant's register under Part VII of the Act is kept

(e) Set out as an annexure hereto details of each director and secretary showing full names, residential address, date of birth, office held and date of appointment.

(f) Period to which this statement relates

2. State in detail any change in the nature of the activity for which license is held which took place during the period to which this statement relates

3. Set out name and address of each person, not being a director, who directly or indirectly exercises or has power to exercise a controlling influence over the management and policies of the licensee

4. During the period to which this statement relates, has any director or secretary of the licensee been appointed a director of any other corporation incorporated in the State or elsewhere?

(answer "Yes" or "No")

If "Yes", using an annexure, give details of:

- (a) names of the corporations;
- (b) places of incorporation;
- (c) dates of appointment.

5. During the period to which this statement relates, has the licensee acquired an interest as determined in accordance with section 5 of the Act in one or more shares in any corporation incorporated in the State or elsewhere amounting to not less than 10 per cent of the aggregate of the nominal amount of all the issued shares in the corporation?

(answer "Yes" or "No")

If "Yes", using an annexure, give details of:

- (a) names of the corporations;
- (b) places of incorporation;
- (c) the interests.

Form 10—continued

6. (NOTE : Answer questions "Yes" or "No" in space provided. If "Yes", attach annexures giving all relevant particulars).

During the period to which this statement relates has the licensee, or any director or secretary of the licensee been— Answer
(a) licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act?
(b) licensed, registered or otherwise authorized to carry on any trade, business or profession in any place?
(c) refused the right or restricted in its or his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required in any place?

7. (NOTE : Answer questions "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars).

During the period to which this statement relates, has any director or secretary of the licensee— Answer
(a) carried on business under any name other than the name or names given in this statement?
(b) been known by any name other than the name or names given in this statement?
(c) been suspended from or refused membership of or otherwise disciplined by any stock exchange?
(d) been convicted of any offence, other than a traffic offence, in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction?
(e) had judgment involving fraud, misrepresentation or dishonesty given against him in any civil proceeding in the State or elsewhere?
(f) been refused a fidelity or surety bond in the State or elsewhere?

DATED this.....day of.....19.....

Signed .....

Capacity .....

NOTE : In the case of an investment adviser, this statement must be accompanied by—

- 1. (a) The last audited profit and loss account and balance sheet of the licensee (including every document required by law to be annexed or attached thereto, and in the case of a corporation not incorporated under the Companies Act, 1961 including every document which would be required to be annexed thereto if it were a public company within the meaning of that Act) ; or
(b) In the case of a licensee which is unable to comply with paragraph 1(a) above, a profit and loss account and balance sheet, drawn up in accordance with the provisions of the Companies Act, 1961, insofar as is applicable in the circumstances, and signed by not less than two directors of the licensee.
2. If the profit and loss account and balance sheet of the licensee is made up to a date earlier than 14 days before the date of this statement, those accounts should be accompanied by a report signed by not less than two directors of the licensee stating whether after due enquiry by them in relation to the interval between the date to which the balance sheet has been made up and a date not earlier than 14 days before the date of this statement—
(a) The business has in their opinion been satisfactorily maintained ;
(b) There has in their opinion arisen in relation to the business any circumstances adversely affecting trading or the value of the assets, or the ability to meet liabilities as they fall due ;
(c) The current assets appear in the balance sheet of the business at valuations which are believed to be realisable in the ordinary course of business ; and
(d) There have arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the licensee.

28

Form 11

ANNUAL STATEMENT BY A REPRESENTATIVE

Securities Industry Act, 1975

Licensee's Name	License Number
-----------------	----------------

Address

Type of licence held : \*Dealers' Representatives licence/\* Investment Representatives licence (\*Strike out whichever is inapplicable)

1. (a) Occupation for which Representative's Licence is held

(b) Set out details of principal or principals :

(c) Address of place at which licensee's register under Part VII of the Act is kept

(d) Period to which this statement relates

2. (NOTE: Answer questions "Yes" or "No" in space provided. If "Yes", attach annexures giving all relevant particulars).

During the period to which this statement relates, has the licensee—	Answer
(a) been licensed or registered in any place other than in the State under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Act?	.....
(b) been licensed, registered or otherwise authorised to carry on any trade, business or profession, in any place?	.....
(c) been refused the right or restricted in his right to carry on any trade, business or profession for which a specific licence, registration or other authority is required, in any place?	.....
(d) carried on business under any name other than the name or names given in this statement?	.....
(e) been known by any name other than the name or names given in this statement?	.....
(f) been convicted of any offence, other than a traffic offence, in the State or elsewhere or are there any proceedings now pending which may lead to such a conviction?	.....
(g) had judgment involving fraud, misrepresentation or dishonesty given against him in any civil proceeding in the State or elsewhere?	.....
(h) been refused a fidelity or surety bond in the State or elsewhere?	.....

DATED this..... day of..... 19.....

Signature of licensee.....

29

Form 12

NOTICE OF RESIGNATION OR REMOVAL OF AUDITOR

Securities Industry Act, 1975

.....hereby gives notice that on the..... day of..... 19.....

\*RESIGNATION

notice was received of the resignation of..... as auditor/s of..... to take effect from..... 19.....

\*REMOVAL

..... the auditor/s of..... \*were removed from office and..... \*was appointed as auditor/s in \*their place. \*his

(\*Strike out whichever is inapplicable)

DATED this..... day of..... 19..... (Signature)

Form 13

ACCOUNTS TO BE PREPARED BY A DEALER OTHER THAN A CORPORATION

Securities Industry Act, 1975

Name of Dealer..... Licence Number.....

GENERAL INSTRUCTIONS

- 1. WHENEVER POSSIBLE ITEMS MUST BE SHOWN UNDER A PARTICULAR CLASSIFICATION RATHER THAN A GENERAL CLASSIFICATION.
2. FULL DISCLOSURE IS REQUIRED UNDER NOTES 1 TO 7 AND WHERE NECESSARY SUPPORTING SCHEDULE SHOULD BE ATTACHED.
3. THE TERM "ASSOCIATED PERSON" MEANS A PERSON WHO IS DEEMED TO BE ASSOCIATED WITH THE DEALER BY VIRTUE OF THE PROVISIONS OF SECTION 6 OF THE SECURITIES INDUSTRY ACT, 1975.
4. THE TERM "IMMEDIATE FAMILY" MEANS SPOUSE AND CHILDREN.
5. THE TERM "CURRENT ASSET" IS TO BE GENERALLY ACCORDED THE MEANING OF AN ASSET EXPECTED TO BE REALISED WITHIN TWELVE MONTHS IN THE ORDINARY COURSE OF EVENTS.
6. THE TERM "CURRENT LIABILITY" MEANS LIABILITY WHICH WOULD IN THE ORDINARY COURSE OF EVENTS BE PAYABLE WITHIN TWELVE MONTHS AFTER THE END OF THE FINANCIAL YEAR TO WHICH THE ACCOUNTS RELATE.
7. THE TERM "SECURED AMOUNTS" INCLUDES THOSE SECURED BY EQUITABLE CHARGES AND CHARGES WHETHER REGISTERED OR UNREGISTERED.

Form 13—continued

BALANCE SHEET AS AT 30th JUNE, 19.....			
	Note	Last Year 19..... \$	This Year 19..... \$
Proprietors Funds Represented by :			
CURRENT ASSETS			
Government and Semi Government securities (market value this year \$..... last year \$.....)			
Certificates of deposit at a Bank			
Securities listed on a Stock Exchange (market value this year \$.....last year \$.....)	1		
Bills of Exchange	2		
Amounts owed by	3		
Dealers (after providing for doubtful debts this year \$..... last year \$.....)			
Clients (after providing for doubtful debts this year \$..... last year \$.....)			
Partners immediate families, family companies and trusts (after providing for doubtful debts this year \$.....last year \$.....)			
Employees, employees immediate families, family companies and trusts (after providing for doubtful debts this year \$..... last year \$.....)			
Other associated persons (after providing for doubtful debts this year \$.....last year \$.....)			
Loans and Deposits	4		
Cash at bank and on hand (excluding trust account balances)			
Trust Account			
Cash at bank and on hand			
Deposit with stock exchange			
Sundry debtors and prepayments			
Other current assets—specify			
TOTAL CURRENT ASSETS			
CURRENT LIABILITIES			
Bank overdraft and other bank facilities	5	Last Year 19..... \$	This Year 19..... \$
Bills of Exchange	2		
Amounts owed to	3		
Dealers			
Clients			
Partners immediate families, family companies and trusts			
Employees, employees immediate families, family companies and trusts			
Other associated persons			
Loans and Deposits	4, 5		
Sundry Creditors			
Sundry Provisions	6		
Other current liabilities—specify	5		
TOTAL CURRENT LIABILITIES			
NET CURRENT ASSETS			

Form 13—continued

NON-CURRENT ASSETS	Note	Last Year 19..... \$	This Year 19..... \$
Investments :—			
Securities quoted on a Stock Exchange (market value this year \$..... last year \$.....)—at cost	1		
Securities not quoted on a Stock Exchange—at cost			
Furniture, fittings, equipment, motor vehicles etc.—at cost, less provision for depreciation. (Provision for depreciation this year \$..... last year \$.....)			
Freehold Property—at cost, less provision for depreciation on building. (Provision for depreciation this year \$..... last year \$.....)			
Amounts owed by :—	3		
Partners immediate families, family companies and trusts			
Employees, employees immediate families, family companies and trusts			
Other associated persons			
Loans and Deposits	4		
Other non-current assets—specify			
<b>TOTAL NON-CURRENT ASSETS</b>			
NON-CURRENT LIABILITIES			
Bank loans	5		
Other loans and deposits	4, 5		
Partners immediate families, family companies and trusts			
Employees, employees immediate families, family companies and trusts			
Other associated persons	3		
Other non-current liabilities—specify	5		
<b>TOTAL NON-CURRENT LIABILITIES</b>			
<b>NET NON-CURRENT ASSETS</b>			
<b>TOTAL NET ASSETS</b>			
Contingent liabilities and capital commitments	7		

Form 13—continued

PROFIT AND LOSS ACCOUNT FOR THE YEAR ENDED 30th JUNE, 19.....		Last Year 19..... \$	This Year 19..... \$
<b>REVENUE</b>			
Profit (losses) from trading in securities	.....	.....	.....
Brokerage	.....	.....	.....
Underwriting Commission	.....	.....	.....
Profits (losses) from trading other than in securities	.....	.....	.....
Dividends	.....	.....	.....
Interest	.....	.....	.....
Other.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
<b>TOTAL REVENUE</b>			
<b>EXPENSES</b>			
Bad debts written off	.....	.....	.....
Amount provided for doubtful debts	.....	.....	.....
Interest	.....	.....	.....
Salaries (including all bonuses but excluding partners salaries)	.....	.....	.....
Other expenses .....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
<b>TOTAL EXPENSES</b>			
<b>OPERATING PROFIT BEFORE EXTRAORDINARY ITEMS</b>			
<b>ADD</b>			
Extraordinary Revenue Items—specify .....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
<b>LESS</b>			
Extraordinary Expense Items	.....	.....	.....
.....	.....	.....	.....
<b>NET PROFIT FOR THE YEAR</b>			



33

Form 13—continued

NOTES TO THE ACCOUNTS

(1) List the name, number and value of all securities held which were acquired during the year as a result of an underwriting or sub-underwriting agreement.

Security	Number	Balance Sheet Valuation	Basis of Valuation
----------	--------	----------------------------	-----------------------

(2) Bills of Exchange

(a) Current asset—to mature within:

30 days  
90 days  
180 days  
Over 180 days

Last Year	This Year
\$	\$

(b) Current liability to mature within:

30 days  
90 days  
180 days  
Over 180 days

Last Year	This Year
\$	\$

(3) Secured Assets/Liabilities—associated persons

(a) Current assets

Secured amounts included in the following categories (State in each case the nature and extent of the security, and show the market value)

	Amount	Nature and Extent of Security	Market Value of Security
Partners immediate families, family companies and trusts .....			
Employees, employees immediate families, family companies and trusts .....			
Other associated persons .....			

(b) Non-Current Assets

Secured amounts included in the following categories (state in each case the nature and extent of the security, and show the market value)

	Amount	Nature and Extent of Security	Market Value of Security
Partners immediate families, family companies and trusts .....			
Employees, employees immediate families, family companies and trusts .....			
Other associated persons .....			

34

## Form 13—continued

## (c) Current Liabilities

Secured amounts included in the following categories (State in each case the nature and extent of the security, the market value, and whether or not the security asset is owned by the dealer or where he carries on business in partnership, by the firm).

	Amount	Nature and Extent of Security	Market Value of Security disclosed in Balance Sheet	Market Value of Security not owned by dealer or firm
Partners immediate families, family companies and trusts	.....			
Employees, employees immediate families, family companies and trusts	.....			
Other associated persons	.....			

## (d) Non-current Liabilities

Secured amounts included in the following categories (state in each case the nature and extent of the security, the market value, and whether or not the security asset is owned by the dealer or where he carries on business in partnership, by the firm).

	Amount	Nature and Extent of Security	Market Value of Security disclosed in Balance Sheet	Market Value of Security not owned by dealer or firm
Partners immediate families, family companies and trusts	.....			
Employees, employees immediate families, family companies and trusts	.....			
Other associated persons	.....			

## (4) Loans and Deposits

Totals are to include accrued interest.

	Last Year	This Year
(a) Current asset		
At call		
Other		
Provision for doubtful debts		
(b) Non-current asset		
Due within 1-2 years		
Due after 2 years		
Provision for doubtful debts		
(c) Current liability		
At call		
Other		
(d) Non-current Liability		
Due within 1-2 years		
Due after 2 years		

Form 13—continued

(5) Secured Liabilities—general

The balance sheet includes liabilities in the following categories secured by assets (state in each case the nature and extent of the security, the market value, and whether or not the security asset is owned by the dealer or where he carries on business in partnership, by the firm).

(a) Current liability	Amount	Nature and Extent of Security	Market Value of Security disclosed in Balance sheet	Market Value of Security not owned by dealer or firm
Bank overdraft and other bank facilities				
Loans/Deposits				
Other (specify)				
(b) Non-current liabilities	Amount	Nature and Extent of Security	Market Value of Security disclosed in Balance Sheet	Market Value of Security not owned by dealer or firm
Bank facilities (not overdraft)				
Loans/Deposits				
Other (specify)				

	Last Year	This Year
(6) Sundry Provisions		
Holiday pay		
Long service leave pay		
Other (specify)		
	_____	_____
	_____	_____
Totals to agree with balance sheet totals		

	Last Year	This Year
(7) Contingent liabilities and capital commitments		
Contingent liabilities—		
(a) Underwriting		
Sub-underwriting		
less amounts covered by sub-underwriting with other persons		
	_____	_____
	_____	_____
(b) Other (specify)—		
Capital commitments (specify)—		

I/We certify that the above profit and loss account and balance sheet have to the best of my/our knowledge and belief been drawn up to comply with the requirements of section 64(2) of the Securities Industry Act, 1975.

.....  
 .....  
 .....

Licensee/Partners in the firm of.....  
 Dated this..... day of..... 19.....

Auditor's Report  
 I/We report that in my/our opinion the accompanying balance sheet and profit and loss account including the notes thereon present a true and fair view of the financial position of..... at 30th June, 19..... and the financial results for the year ended at that date.

Dated at..... this..... day of..... 19.....

.....  
 Signature(s) of auditor(s)

36

Form 14

STATEMENT RELATING TO ACCOUNTS OF A DEALER WHICH IS A CORPORATION

Securities Industry Act, 1975

Name of Dealer.....

License Number.....

1. THE ATTACHED BALANCE SHEET, PROFIT AND LOSS ACCOUNT AND NOTES ARE A TRUE COPY OF THE AUDITED ACCOUNTS OF..... FOR THE YEAR ENDED....., AND THE ATTACHED AUDITOR'S REPORT IS A TRUE COPY OF THE AUDITOR'S REPORT THEREON.
2. THE ATTACHED ACCOUNTS REFERRED TO ABOVE HAVE BEEN DRAWN UP IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING METHODS.
3. THE FOLLOWING SUPPLEMENTARY INFORMATION IS SUBMITTED IN SUPPORT OF THE ATTACHED BALANCE SHEET AND PROFIT AND LOSS ACCOUNT.

	Last Year	This Year
	19.....	19.....
	\$	\$

Balance Sheet

ASSETS—

4. (a) Bills of Exchange: show separately bills to mature within:—
  - 30 days
  - 90 days
  - 180 days
  - Over 180 days
- (b) Debtors:
  - Amounts owed by:—
    - Dealers (less provision for doubtful debts this year \$..... last year \$.....)
    - Clients (less provision for doubtful debts this year \$..... last year \$.....)
    - Other Debtors (less provision for doubtful debts this year \$..... last year \$.....)
- (c) Loans and Deposits:
  - At call
  - Other (show current and non-current separately)
- (d) Cash at Bank:
  - General accounts
  - Trust account

LIABILITIES—

5. (a) Bills of Exchange: shows separately bills to mature within:—
  - 30 days
  - 90 days
  - 180 days
  - Over 180 days
- (b) Creditors:
  - Amounts owed to:—
    - Dealers
    - Clients
    - Other creditors
- (c) Loans and Deposits:
  - At call
  - Other (show current and non-current separately)

37

Form 14—continued

	Last Year 19..... \$	This Year 19..... \$
<b>PROFIT AND LOSS ACCOUNTS</b>		
6. (a) Revenue:		
Profit (losses) from trading in securities		
Brokerage		
Underwriting Commission		
Profit (losses) from trading other than in securities		
Dividends		
Interest		
Other		
Total Revenue		
(b) Less Expenses:		
Bad debts written off		
Amount provided for doubtful debts		
Interest		
Other Expenses		
Total Expenses		
7. Contingent Liabilities and Capital Commitments		
(a) Contingent liabilities—		
(i) Underwriting		
Sub-underwriting		
less Amounts covered by sub-underwriting with other persons		
(ii) Other (specify)—		
(b) Capital Commitments (specify)—		
8. Stand by credit facilities—show for each facility—		
(i) amount		
(ii) type		
(iii) source		
(iv) terms and availability		
9. Subordinated loans—show for each loan		
(i) amount		
(ii) source		
(iii) duration		
10. Foreign Exchange exposure—to the extent not disclosed in the attached accounts show the gain or loss that would be realised at prevailing rates of exchange.		

We certify that the above information is to the best of our knowledge and belief true and correct.

Director	Principal Accounting Officer
Dated this	day of 19 .

**AUDITOR'S(S) REPORT.**

I/We report that in my/our opinion the above schedule of information relating to the accounts of .....has been properly drawn up so as to provide the information required by the Securities Industry Regulations 1976.

Dated at	this	day of	19 .
			Auditor(s).

38

Form 15

## AUDITORS REPORT

Securities Industry Act, 1975

Name of Dealer.....

Name of Auditor.....

Financial Year Ended.....

## PART A For all Dealers

1. After making due enquiry I am/we are of the opinion that the transactions conducted by the dealer during the financial year:
  - \*(a) were without exception on the dealer's own account ; or
  - \*(b) included transactions on account of persons other than the dealer.
  
2. In my/our opinion the accounting and other records kept by the dealer comply/do not comply with section 57 of the Act.
  
3. I/we conducted a check or test examination of the following—
  - (a) internal procedures for recording transactions relating to securities ;
  - (b) internal procedures relating to securities held for sale and for safe custody ;
  - (c) the balancing of scrip accounts ;
  - (d) the operation and control of trust account procedures ;
  - (e) the internal procedures designed to ensure compliance with all the conditions or restrictions applicable to the dealers licence.
  
4. From my/our checks or test examinations and after making sufficient enquiries I am/we are of the opinion that—
  - (a) the internal control procedures of the dealer are adequate/inadequate having regard to the nature and size of the business of the dealer ;
  - (b) client's securities have/have not been pledged by the dealer otherwise than in accordance with section 58 of the Act ;
  - (c) securities held for sale or for safe custody (or any other purpose) or purchased for clients and paid for by them have/have not been held unencumbered by the dealer ;
  - (d) the trust account has/has not been maintained at all times during the year in accordance with sections 59 and 60 of the Act and the accounting therefor is adequate/inadequate ;
  - (e) the dealer has/has not properly held or disposed of all securities received by him.
  
5. I/We have inspected the dealers licence and any conditions or restrictions thereon, and any applicable conditions or restrictions prescribed by the regulations and I/we are of the opinion that all conditions or restrictions of a financial nature applicable to the dealers licence have/have not been complied with.
  
6. (a) The assets and liabilities of each company controlled by the dealer or any other venture in which he has a financial interest are in my/our opinion not/are such as to affect adversely to a material extent the dealer's financial position.
- (b) No restriction/Restriction has been placed by my/our client on the scope of the audit and I/we have/have not received all information and explanations required.
- (c) No matter/Other matter has arisen during the year which would have required me/us to report to the Commissioner pursuant to section 65 of the Act.

Form 15—*continued*

7. (a) The checks and test examinations referred to in this report, and our audit of the accompanying balance sheet of the dealer at....., profit and loss account for the year ended on that date and notes have/have not been carried out in accordance with generally accepted auditing standards and standard auditing practice promulgated by the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or both and included such tests of the accounting records and such other auditing procedures as I/we considered necessary.

In my/our opinion, the dealer's accounts referred to above show/do not show a true and fair view of the dealer's position at..... and of the profit or loss of the dealer for the year in conformity with statements of accounting standards issued by the Institute of Chartered Accountants in Australia or the Australian Society of Accountants, or both. The accounting principles used have been disclosed as required by the statements of accounting standards issued by those bodies and relating to such disclosure.

- (b) Errors or omissions have/have not been noted during my/our checks and test examinations. (Reference should be made to any report made in accordance with section 65 of the Act and in conformity with Note 2 to this form any discrepancies should be reported immediately to the Commissioner).

## PART B For Stockbrokers and other Dealers (excluding dealers who act only as principals)

8. I/We conducted a check or test examination of—

- (a) securities on hand and outstanding transactions—including confirmation from clients or other persons holding scrip ;  
 (b) clients' ledger—including the reconciliation of the trust account, the market value of security held for unpaid accounts and the incidence of doubtful debts ;  
 (c) broker's agents' and such other ledgers or records as I/we considered it necessary to examine.

## PART C For Stockbrokers

9. \*The deposit required by section 81 of the Act has/has not been maintained by the dealer with the Stock Exchange of which he is a member.

\*Under the provisions of section 82 (3) of the Act the dealer was not required to maintain a deposit under section 81 of the Act.

10. \*I/we have inspected a current Indemnity Insurance Policy No..... for \$..... issued by..... in favour of the dealer for a total cover determined by the Committee of the Stock Exchange of which he is a member.

NOTE (1) \*Delete where inapplicable.

(2) Where any part of this report is qualified, attach a separate comprehensive report.

.....  
Date

.....  
Signature of Auditor(s).

Form 16  
**REGISTER OF SECURITIES**  
 Securities Industry Act, 1975

Name of person having interest.....

Name of body corporate by which securities issued or made available.....

Date of entry	Description of securities	No. of securities to which the interest relates or related OR No. of securities acquired/disposed of to which change in interest relates	Nature of interest	Acquisition or change (including disposal) of interest					
				Date of commencing or ceasing to have interest or on which change occurs	Particulars of change in interest	Consideration and nature of so much of consideration as did not consist of money	(If the securities are not registered in the name of the person having the interest)		
							<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Name of person who is registered as the holder of the securities</td> <td style="width: 50%;">If any other person is entitled to become registered as the holder of the securities, name of such other person</td> </tr> </table>	Name of person who is registered as the holder of the securities	If any other person is entitled to become registered as the holder of the securities, name of such other person
Name of person who is registered as the holder of the securities	If any other person is entitled to become registered as the holder of the securities, name of such other person								



41

Form 17

NOTICE OF  
 \*(1) PLACE  
 \*(2) CHANGE OF PLACE  
 AT WHICH REGISTER TO BE KEPT

Securities Industry Act, 1975

(\*Strike out whichever is inapplicable)

THIS NOTICE IS REQUIRED TO BE LODGED:—

- (1) BY A FINANCIAL JOURNALIST (AS DEFINED IN THE ACT), **WITHIN FOURTEEN DAYS** AFTER HE BECOMES A PERSON TO WHOM PART VII OF THE ACT APPLIES; AND
- (2) BY THE HOLDER OF A LICENCE UNDER THE ACT, OR A FINANCIAL JOURNALIST, **IMMEDIATELY**, WHERE THERE IS A CHANGE IN THE PLACE AT WHICH THE REGISTER REQUIRED UNDER PART VII OF THE ACT IS KEPT.

1. (a) Surname .....	Other Names .....
-------------------------	----------------------

(b) Capacity in which Part VII applies. (State whether as Financial Journalist or as holder of licence.)  
 .....

(c) Residential Address ..... ..... Postcode.....	Phone .....
---	----------------

(d) Business Address ..... ..... Postcode.....	Phone .....
--	----------------

2. (a) Name of Employer  
 .....

(b) Employer's Address ..... ..... Postcode.....	Phone .....
--	----------------

3. (a) Place at which Register previously kept, if applicable  
 .....

Date of Change  
 ...../...../.....

(b) Place at which Register now to be kept  
 .....

(c) Date of Commencement of keeping of Register  
 ...../...../.....

4. (To be completed by Financial Journalists)

Titles of bona fide newspapers or periodicals to which advice concerning securities contributed or for which analyses or reports concerning securities are prepared. ....

.....  
 Signature  
 of financial journalist/licensee

...../...../.....

42

Form 18

NOTICE CALLING FOR CLAIMS AGAINST A STOCK EXCHANGE FIDELITY FUND

Security Industries Act, 1975

In the matter of... of... in the State of... Notice is hereby given that all persons claiming to have suffered pecuniary loss by reason of a defalcation, or fraudulent misuse of securities or documents of title to securities by the abovenamed or by any of his clerks or servants, in relation to any money or other property entrusted to or received by him or by any of his clerks or servants are required to deliver to the... Stock Exchange particulars of their claims, in writing, on or before the... day of... 19... Subject to section 101 of the Act, claims not received by the Committee on or before such date will not be admitted and no payment in respect thereof will be made from the fidelity fund.

For the.....

Stock Exchange ...../...../..... Date

Form 19

NOTICE OF DISALLOWANCE OF CLAIM AGAINST A STOCK EXCHANGE FIDELITY FUND

Securities Industry Act, 1975

In the matter of... of... in the State of... Stock Exchange has considered your claim against the... Stock Exchange Fidelity Fund in respect of pecuniary loss alleged to have been suffered from a defalcation or fraudulent misuse of securities or documents of title to securities by the abovenamed member\*/partner in a member firm of this exchange or by any of his clerks or servants. The committee has decided that having regard to all available evidence, the claim should be disallowed \*/partly disallowed to the extent set out hereunder and you are hereby notified accordingly.

Signed..... for the Stock Exchange (\*delete whichever is inappropriate) ...../...../..... Date

(Further detail as appropriate)

.....  
.....  
.....  
.....  
.....

43

Form 20

NOTICE OF APPEAL

Securities Industry Act, 1975

.....  
of.....  
being a partner in.....  
....., a member firm of .....

..... (insert name of stock exchange)  
DO HEREBY APPEAL against the determination of the committee of that stock exchange made  
under section 99(1) of the Act on the ..... day of.....  
19..... in relation to me.

DATED this..... day of..... 19.....

.....  
(Signature)

SCHEDULE THREE

Number	Item	Fee
		\$
1	Application under section 28 of the Act for approval of a corporation as a stock exchange .....	500
2	Application under section 36 of the Act by a person other than a corporation for a dealers licence or an investment advisers licence .....	50
3	Application under section 36 of the Act by a corporation for a dealers licence or an investment advisers licence .....	100
4	Application under section 36 of the Act for a representatives licence .....	20
5	Application under section 39 of the Act by representative .....	5
6	Inspection of Register of Licence Holders under subsection (4) of section 41 of the Act .....	2
7	Notice under section 42 of the Act of change of particulars .....	5
8	Fee payable by a dealer or investment adviser (other than a corporation) for the purposes of section 43 of the Act .....	25
9	Fee payable by a corporation for the purposes of section 43 of the Act .....	50
10	Fee payable by a representative for the purposes of section 43 of the Act .....	10
11	Notice under subsection (7) of section 62 of the Act of resignation or removal of auditor .....	5
12	Notice given under subsection (13) of section 61 or subsection (2) or (3) of section 76 of the Act .....	10
13	Lodging a profit and loss account and balance sheet under section 64 of the Act .....	10
14	Any other application to the Commissioner .....	10

## COMPANIES ACT, 1961-1975.

Crown Law Department,  
Perth, 12th February, 1976.

HIS Excellency the Governor in Executive Council acting under the provisions of section 384 of the Companies Act, 1961-1975, and section 11 of the Interpretation Act, 1918-1975, has been pleased to make the regulations set out in the Schedule hereto to take effect on and from the date on which the Companies Act Amendment Act (No. 2), 1975 comes into operation.

R. M. CHRISTIE,  
Under Secretary for Law.

## Schedule.

**COMPANIES (AMENDMENT) REGULATIONS, 1976.**

1. (1) These regulations may be cited as the Companies (Amendment) Regulations, 1976.
- (2) In these regulations the Companies Regulations, 1962, as reprinted pursuant to the Reprinting of Regulations Act, 1954, and published in the *Government Gazette* on the 26th July, 1971 and amended from time to time by notices so published are referred to as the principal regulations.
2. Regulation 16 of the principal regulations is amended—
  - (a) by substituting for the passage “subsection (16)” in line one of paragraph (b) of subregulation (1), the passage “subsection (15)”;
  - (b) by substituting for the passage “subsection (3)” in line one of paragraph (c) of subregulation (1), the passage “subsection (3b)”;
  - (c) by substituting for the passage “subsection (5)” in line two of subregulation (2), the passage “subsection (5) or (5a)”.
3. Subregulation (1) of regulation 26 of the principal regulations is amended by adding after the word “purposes” in line one, the passage “of paragraphs (a) and (b) of subsection (4) of section 40A and”.
4. Regulation 26B of the principal regulations is amended—
  - (a) by substituting for the passage “subsection (7a)” in line one, the passage “subsection (8a)”;
  - (b) by substituting for paragraph (b) the following paragraph:—  
(b) the Commissioner for Corporate Affairs, Queensland; ;
  - (c) by substituting for paragraph (d) the following paragraph:—  
(d) the Registrar of Companies, Northern Territory of Australia; ;  
and
  - (d) by substituting for paragraph (g) the following paragraph:—  
(g) the Commissioner for Corporate Affairs, Victoria.
5. (1) Regulation 27 of the principal regulations is amended—
  - (a) by substituting for the passage “paragraph (c) of subsection (9) of section 6A” in line one the passage “subparagraph (ii) of paragraph (a) of subsection (7) of section 6A”;
  - (b) by substituting for paragraph (a) the following paragraph:—  
(a) the Commissioner for Corporate Affairs; ; and
  - (c) by substituting for the passage “as amended.” in line four of paragraph (e), the passage “as amended, and the person holding or acting in the office of the Official Receiver in Bankruptcy under that Act.”
- (2) The principal regulations are amended by deleting regulation 28.
6. The First Schedule to the principal regulations is amended—
  - (a) by substituting for the item relating to section 7 (7) the following item—  
7 (7) Declaration to be made by Commissioner for Corporate Affairs and persons authorized to make inspections ... 1;
  - (b) by substituting for the items relating to sections 64 (7) and 69H the following items—  
64 (7) Certificate of registration of order of Supreme Court confirming reduction of share capital .... 22;  
64A Notice of division or conversion of shares into classes ... 22A;
  - (c) by deleting from the item relating to section 100 (1) and (9), the passage “and (9)”;

- (d) by substituting in the item relating to section 112 (1) and (1a), for the passage "and (1a)", the passage ", (1a) and (1b)";
  - (e) by substituting in the item relating to section 134 (9), for the passage "134 (9)", the passage "134 (8)";
  - (f) by substituting in the item relating to section 199 (4), for the passage "199 (4)", the passage "199 (3)";
  - (g) by substituting in the item relating to section 199 (10), for the passage "199 (10)", the passage "199 (9)";
  - (h) by substituting in the item relating to section 199 (11), for the passage "199 (11)", the passage "199 (10)";
  - (i) by adding after the item relating to section 202 (2) (c), the following item—  
 202 (6) (a) Notice of order terminating appointment of official manager ..... 60D;
  - (j) by adding after the item relating to section 206 (9), the following item—  
 211A Notice of order varying or cancelling resolution for official management or terminating official management 61E;
  - (k) by substituting in the item relating to section 212 (5), for the passage "212 (5)", the passage "212 (5) and (5a)";
  - (l) by substituting in the item relating to section 343D (a), for the passage "343D (a)", the passage "343D (1) (a)";
  - (m) by substituting in the item relating to section 343D (b), for the passage "343D (b)" the passage "343D (1) (b)";
  - (n) by substituting for the item relating to section 346 (1) (f) the following item—  
 346 (1) (f) and (1a) Notice of address of registered office and of office hours and of particulars of changes ..... 37;  
 and
  - (o) by substituting for the item relating to section 347 (1) (d) the following item—  
 347 (1) (d) and (1a) Notice of address of registered office and of office hours and of particulars of changes ..... 37.
7. Form 1 in the Second Schedule to the principal regulations is amended—
- (a) by substituting for the words "REGISTRAR OF COMPANIES" in the heading thereto, the words "COMMISSIONER FOR CORPORATE AFFAIRS"; and
  - (b) by substituting for the words "criminal proceeding" in line three, the words "criminal proceedings or proceedings under that Act".
8. Form 22 in the Second Schedule to the principal regulations is amended—
- (a) by substituting for the word "LODGMENT" in the heading thereto, the word "REGISTRATION";
  - (b) by substituting for the words "lodged with me" in line three, the words "registered by me"; and
  - (c) by substituting for the words "Registrar of Companies" in the last line, the words "Commissioner for Corporate Affairs".
9. The Second Schedule to the principal regulations is amended by deleting Form 22A and substituting the following new form:—

Form 22A.  
 Western Australia.  
 Companies Act, 1961 Section 64A  
 NOTICE OF DIVISION OR CONVERSION OF SHARES INTO CLASSES.  
 ..... Limited.

To the Commissioner for Corporate Affairs.  
 I, ..... Limited hereby gives notice that on the ..... day of ....., 19....., the shares in the above company were divided into classes or converted into shares of another class as set out hereunder:—

A. Where shares were formerly not divided into classes, particulars of division.

Class	No. of Shares	Nominal value per Share
.....	.....	.....
.....	.....	.....
.....	.....	.....

B. Where shares converted into shares of another class, particulars of conversion.

i. Prior to Conversion			ii. Following Conversion		
Class	No. of Shares	Nominal Value	Class	No. of Shares	Nominal Value
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

Dated this ..... day of ....., 19.....

\* Agent in Western Australia.

\* Secretary.

\* Director.

\* Strike out whichever is inapplicable.

10. The Certificate in Form 25 in the Second Schedule to the principal regulations is amended by substituting for the words "three miles" in line two of paragraph (a), the words "five kilometres".

11. Form 26 in the Second Schedule to the principal regulations is amended—

- (a) by deleting the passage "and (9)" in line three;
- (b) by deleting items 7 and 8; and
- (c) by deleting both footnotes at the end thereof.

12. Form 31A in the Second Schedule to the principal regulations is amended by deleting the passage "the agent in Western Australia" in line one of the footnotes.

13. Form 37 in the Second Schedule to the principal regulations is amended—

- (a) by substituting for the section reference in that form the following section reference:—

Sections 112 (1), (1a) and (1b), 346 (1) (f) and (1a) and 347 (1) (d) and (1a). ;

- (b) by substituting for the passage "To the Registrar of Companies.", the passage "To the Commissioner for Corporate Affairs.";
- (c) by substituting for the expression "\$2" in line two of NOTE: (2), the expression "\$3";
- (d) by deleting the word "proposed" in line one of paragraph (b) of NOTE: (3); and
- (e) by substituting for the words "on or before the date of change" in line two of paragraph (b) of NOTE: (3), the passage "or change of office hours within seven days of the date of the change".

14. Form 37A in the Second Schedule to the principal regulations is amended by substituting for the passage "343D (a)" in the section reference, the passage "343D (1) (a)".

15. Form 44 in the Second Schedule to the principal regulations is amended—

- (a) by substituting for the passage "Section 134 (9)." the passage "Section 134 (8)."; and
- (b) by substituting for the passage "Registrar of Companies" twice occurring, the passage "Commissioner for Corporate Affairs".

16. Form 49 in the Second Schedule to the principal regulations is amended by adding after Item 2 the following Item—

2A. The participating States (if any) in which the name of the company is reserved are .

17. Form 50 in the Second Schedule to the principal regulations is amended—

- (a) by deleting the asterisk "\*" where first occurring;
- (b) by substituting for the passage "Registrar of Companies;" in line two of paragraph (b), first occurring, the passage "Commissioner for Corporate Affairs; and";
- (c) by deleting the passage "(b) the company is a co-operative within the meaning of the Companies Act, 1961; and"; and
- (d) by deleting the footnote.

18. Form 51 in the Second Schedule to the principal regulations is amended by substituting for the word "Governor", twice occurring, the word "Minister".

19. Form 51B in the Second Schedule to the principal regulations is amended by substituting for the passage "(disregarding any extension under subsection (3) of section 180L of the Act)" in line eleven, the passage "(any variation under subsection (3) of section 180L of the Act being disregarded)".

47

20. Form 56 in the Second Schedule to the principal regulations is amended—

- (a) by substituting for the passage "Sections 193 and 194, 199 (4)" in the section reference, the passage "Sections 193 and 194, 199 (3)"; and
- (b) by substituting for the passage "section 234 (3)" in the penultimate line of the footnotes at the end of the form, the passage "section 234 (3b)".

21. The Second Schedule to the principal regulations is amended by substituting for Form 59 the following form:—

Form 59.

Western Australia.

Companies Act, 1961.

(Section 199 (9)).

NOTICE OF MEETING OF CREDITORS.

..... Limited.

WHEREAS on the ..... day of ....., 19.....

\* the majority of the directors of the abovenamed company present at a meeting of directors specially called for that purpose resolved that the company is unable to pay its debts as and when they become due and payable

\* a request in writing was received by the abovenamed company from a creditor of the company, namely .....

(who has a judgment against the company unsatisfied to the extent of not less than five hundred dollars (\$500), that a meeting of creditors be called for the purpose of placing the company under official management and appointing an official manager of the company

NOW THEREFORE NOTICE IS HEREBY GIVEN that a meeting of creditors of the company will be held at\*\* .....

on the ..... day of ....., 19.....

at ..... o'clock in the forenoon\*/afternoon\* for the following purposes:—

- (1) To consider and (if thought fit) pass a resolution that in the opinion of the creditors the company is unable to pay its debts as and when they become due and payable but that if the company were placed under official management there would in their opinion be a reasonable probability that it would be able to pay its debts.
- (2) If the foregoing resolution is passed, to consider and (if thought fit) pass special resolutions (as defined in section 198 (1) of the Companies Act, 1961):—
  - (a) placing the company under official management for such period (not exceeding two years) as is determined by the meeting, commencing on the date of the passing of the resolution;
  - (b) appointing a person to be the official manager of the company during the period of the official management;
  - (c) determining the amount of salary or remuneration of the official manager or, alternatively, delegating the fixing of the amount to the committee of management (if any);
  - (d) determining whether a committee of management should be appointed, and if so, appointing three natural persons to be members of that committee.
- (3) In accordance with section 199 (10) of the Companies Act, 1961, the following documents are attached to this notice:—
  - (a) a copy of the certificate furnished by each director of the company in accordance with section 199 (4) of the Act; and
  - †(b) \*a complete copy of the statement of affairs of the company (Form 56)

\*a summary of the affairs of the company (Form 59A) and the notice required by section 199 (10) (b) of the Act.

Dated this ..... day of ....., 19.....

Director.\*                      Secretary.\*

\*Strike out whichever is inapplicable.

\*\*Insert full address, including floor and room number if applicable.

†Section 199 (12) provides that if the company attaches to this notice a complete copy of the statement of affairs (Form 56) of the company required to be prepared by the company under section 199 (3), the company is not required to comply with section 199 (10) (a) and (b).

22. Form 59A in the Second Schedule to the principal regulations is amended—

- (a) by substituting for the passage "Section 199 (11) (a)." the passage "Section 199 (10) (a).";
- (b) by substituting for the passage "\*Under Section 199 (13)" in line one of the footnotes to the form, the passage "\* Under Section 199 (12)"; and
- (c) by substituting for the passage "Section 199 (10)" in line two of the footnotes to the form, the passage "Section 199 (9)".

23. The Second Schedule to the principal regulations is amended by adding after Form 60C the following new form:—

Form 60D  
Companies Act, 1961.

Section 202 (6) (a)

NOTICE OF ORDER TERMINATING APPOINTMENT  
OF OFFICIAL MANAGER.

..... LIMITED.

To the Commissioner for Corporate Affairs.

Notice is hereby given that, on the ..... day of ....., 19....., I obtained an order of the Supreme Court terminating the appointment of ..... as official manager of ..... Limited and appointing ..... official manager thereof.

Dated this ..... day of ....., 19.....

.....  
(Signature)

24. Form 61D in the Second Schedule to the principal regulations is amended—

- (a) by substituting for the passage "Section 212 (5)" the passage "Section 212 (5) and (5a)"; and
- (b) by substituting for the words "attended by the necessary quorum", the words "held on that date".

25. The Second Schedule to the principal regulations is amended by adding after Form 61D, the following new form:—

Form 61E.  
Companies Act, 1961.

Section 211A (1)

NOTICE OF ORDER VARYING OR CANCELLING RESOLUTION FOR  
OFFICIAL MANAGEMENT OR TERMINATING OFFICIAL MANAGEMENT.

..... Limited.

To the Commissioner for Corporate Affairs

Notice is hereby given that on the ..... day of ....., 19....., I obtained an order of the Supreme Court—

\*varying the special resolution passed on the ..... day of ....., 19....., by a meeting of creditors of ..... Limited placing the company under official management by†;

\*cancelling the special resolution passed on the ..... day of ....., 19....., by a meeting of creditors of ..... Limited placing the company under official management;

\*terminating the official management of the company.

Dated this ..... day of ....., 19.....

.....  
(Signature)

\*Strike out whichever is inapplicable.

†Give details of the variation, as expressed in the order.

26. Form 82A in the Second Schedule to the principal regulations is amended by substituting for the passage "(Section 343D(b).)" the passage "(Section 343D(1) (b).)".

27. Form 91 in the Second Schedule to the principal regulations is amended by substituting for the words "Governor in Council" the word "Minister".