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PERTH: MONDAY 29 JUNE

[1981

Securities Industry (Application of Laws) Act 1981.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Rear-Admiral Sir Richard John
To Wit: } Trowbridge, Knight Commander of the Royal
RICHARD } Victorian Order, Knight of Grace of the Most
TROWBRIDGE, } Venerable Order of the Hospital of St. John of
Governor. } Jerusalem, Governor in and over the State of
[L.S.] } Western Australia and its Dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the Securities Industry (Application of Laws) Act 1981 that 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 1 July 1981 as the date on which the Securities Industry (Application of Laws) Act 1981 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of June, Nineteen hundred and eighty-one.

By His Excellency's Command,
W. R. B. HASSELL,
Attorney General.

GOD SAVE THE QUEEN !!!

Governor acting with the advice and consent of the Executive Council, do hereby fix 1 July 1981 as the date when the Companies (Acquisition of Shares) (Application of Laws) Act 1981 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of June, Nineteen hundred and eighty-one.

By His Excellency's Command,
W. R. B. HASSELL,
Attorney General.

GOD SAVE THE QUEEN !!!

National Companies and Securities Commission
(State Provisions) Act 1980.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Rear-Admiral Sir Richard John
To Wit: } Trowbridge, Knight Commander of the Royal
RICHARD } Victorian Order, Knight of Grace of the Most
TROWBRIDGE, } Venerable Order of the Hospital of St. John of
Governor. } Jerusalem, Governor in and over the State of
[L.S.] } Western Australia and its Dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the National Companies and Securities Commission (State Provisions) Act 1980 that 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 1 July 1981 as the date on which the National Companies and Securities Commission (State Provisions) Act 1980 shall come into operation.

Given under my hand and the Public Seal of the said State, at Perth, this 18th day of June, Nineteen hundred and eighty-one.

By His Excellency's Command,
W. R. B. HASSELL,
Attorney General.

GOD SAVE THE QUEEN !!!

Companies (Acquisition of Shares)
(Application of Laws) Act 1981.

PROCLAMATION

WESTERN AUSTRALIA, } By His Excellency Rear-Admiral Sir Richard John
To Wit: } Trowbridge, Knight Commander of the Royal
RICHARD } Victorian Order, Knight of Grace of the Most
TROWBRIDGE, } Venerable Order of the Hospital of St. John of
Governor. } Jerusalem, Governor in and over the State of
[L.S.] } Western Australia and its Dependencies in the
Commonwealth of Australia.

WHEREAS it is enacted by section 2 of the Companies (Acquisition of Shares) (Application of Laws) Act 1981 that that Act shall come into operation on a date to be fixed by proclamation: Now, therefore, I, the

*National Companies and Securities Commission (State Provisions) Act 1980.*NATIONAL COMPANIES AND SECURITIES COMMISSION
(STATE PROVISIONS) REGULATIONS 1981.

WHEREAS it is provided by section 21 (5) of the *National Companies and Securities Commission (State Provisions) Act 1980* that the power of the Governor to make regulations under that Act shall be exercised only in accordance with advice that is consistent with resolutions of the Ministerial Council for Companies and Securities established under the Agreement made on 22 December 1978 between the Commonwealth and the States:

And whereas the making of the following Regulations is in accordance with advice that is consistent with those resolutions:

His Excellency the Governor in Executive Council acting under the *National Companies and Securities Commission (State Provisions) Act 1980* has been pleased to make the regulations set forth in the Schedule below.

- Citation. 1. These Regulations may be cited as the *National Companies and Securities Commission (State Provisions) Regulations 1981*.
- Commencement. 2. These Regulations shall come into operation on 1 July 1981.
- Interpretation. 3. In these Regulations—
(a) the “Commonwealth Act” means the *National Companies and Securities Commission Act 1979* of the Commonwealth or, if that Act is or has been amended, that Act as amended and in force for the time being; and
(b) the “State Act” means the *National Companies and Securities Commission (State Provisions) Act 1980*.
- Application of Commonwealth Regulations. 4. The provisions of the National Companies and Securities Commission Regulations in force for the time being under the Commonwealth Act prescribing matters for the purposes of section 37 or 38 of the Commonwealth Act apply as Regulations made under the State Act prescribing those matters for the purposes of the State Act as if—
(a) a reference in the National Companies and Securities Commission Regulations to the Commonwealth Act were a reference to the State Act; and
(b) a reference in those Regulations to a provision of the Commonwealth Act were a reference to the corresponding provision of the State Act.
- Prescribed Act under ss. 6 (4), 15 (1), 16 (1) and 17 (1) of State Act. 5. For the purposes of sections 6 (4), 15 (1), 16 (1) and 17 (1) of the State Act, the *Companies Act 1961* is a prescribed Act.
- Prescribed Acts under s. 15 (2) (a) of State Act. 6. For the purposes of section 15 (2) (a) of the State Act, each of the following Acts is prescribed:
National Companies and Securities Commission (State Provisions) Act 1980;
Securities Industry (Application of Laws) Act 1981;
Companies (Acquisition of Shares) (Application of Laws) Act 1981.

By His Excellency's Command,

R. D. DAVIES,
Clerk of the Council.

Companies (Acquisition of Shares) (Application of Laws) Act 1981.

AUTHORIZATION

WHEREAS it is provided by the Companies (Acquisition of Shares) (Application of Laws) Act 1981 that the Minister may from time to time authorize the publication by the Government Printer of certain documents under that Act:

Now, therefore, I, Ian George Medcalf, Attorney General and Minister for Federal Affairs, acting under section 11 of the Interpretation Act 1918 and the provisions of the Companies (Acquisition of Shares) (Application of Laws) Act 1981 respectively specified in the first column of the Schedule hereto hereby authorize the publication in accordance with the corrected printer's proof attached hereto by the Government Printer of the documents the citations of which are specified in the second column of that Schedule and the several provisions of which come into operation in Western Australia on 1 July 1981.

Schedule.

Section	Citation
11	Companies (Acquisition of Shares) (Western Australia) Code.
12	Companies (Acquisition of Shares) (Western Australia) Regulations.
13	Companies (Acquisition of Shares—Fees) (Western Australia) Regulations.

Dated 23rd June 1981.

IAN MEDCALF,
Attorney General.

Securities Industry (Application of Laws) Act 1981.

AUTHORIZATION

WHEREAS it is provided by Securities Industry (Application of Laws) Act 1981 that the Minister may from time to time authorize the publication by the Government Printer of certain documents under that Act:

Now, therefore, I, Ian George Medcalf, Attorney General and Minister for Federal Affairs, acting under section 11 of the Interpretation Act 1918 and the provisions of the Securities Industry (Application of Laws) Act 1981 respectively specified in the first column of the Schedule hereto hereby authorize the publication in accordance with the corrected printer's proof attached hereto by the Government Printer of the documents the citations of which are specified in the second column of that Schedule and the several provisions of which come into operation in Western Australia on 1 July 1981.

Schedule.

Section	Citation
10	Securities Industry (Western Australia) Code.
11	Securities Industry (Western Australia) Regulations.
12	Securities Industry (Fees) (Western Australia) Regulations.

Dated 23rd June 1981.

IAN MEDCALF,
Attorney General.

Companies and Securities (Interpretation and Miscellaneous Provisions)

(Application of Laws) Act 1981.

AUTHORIZATION

WHEREAS it is provided by the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 that the Minister may from time to time authorize the publication by the Government Printer of certain documents under that Act:

Now, therefore, I, Ian George Medcalf, Attorney General and Minister for Federal Affairs, acting under section 11 of the Interpretation Act 1918 and the provisions of the Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981 respectively specified in the first column of the Schedule hereto hereby authorize the publication in accordance with the corrected printer's proof attached hereto by the Government Printer of the document the citation of which is specified in the second column of that Schedule and the several provisions of which come into operation in Western Australia on 1 July 1981.

Schedule.

Section	Citation
9	Companies and Securities (Interpretation and Miscellaneous Provisions) (Western Australia) Code.

Dated 23rd June 1981.

IAN MEDCALF,
Attorney General.

COMPANIES (ACQUISITION OF SHARES) (WESTERN AUSTRALIA) REGULATIONS.

- Citation. 1. (1) These Regulations may be cited as the *Companies (Acquisition of Shares) (Western Australia) Regulations*.
- (2) These Regulations shall come into operation on the day on which the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* comes into operation.
- (3) These Regulations have effect subject to and in accordance with—
- (a) the *Companies (Acquisition of Shares) (Application of Laws) Act 1981*; and
 - (b) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*.
- Interpretation. 2. In these Regulations, "the Code" means the *Companies (Acquisition of Shares) (Western Australia) Code*.
- Forms. 3. (1) Strict compliance with the forms in the Schedule is not necessary and substantial compliance, or such compliance as the particular circumstances allow, is sufficient.
- (2) A form in the Schedule shall be completed in accordance with such directions as are specified in the form.
- (3) In these Regulations, a reference to a form by number shall be taken to be a reference to the form in the Schedule that bears that number.
- Declared stock exchanges for the purposes of the Code. 4. For the purposes of the definition of "stock exchange" in section 6 of the Code, each of the following stock exchanges is declared to be a stock exchange for the purposes of the Code:
- The Stock Exchange of Adelaide Limited
 - The Brisbane Stock Exchange Limited
 - The Hobart Stock Exchange
 - The Stock Exchange of Melbourne Limited
 - The Stock Exchange of Perth Limited
 - The Sydney Stock Exchange Limited.
- Prescribed office under paragraph 9 (8) (b) of the Code. 5. (1) For the purposes of paragraph 9 (8) (b) of the Code, each of the following offices is prescribed:
- (a) the office of Treasurer of the Commonwealth;
 - (b) the office of the trustee under, or continued under, Parts IV, X and XI of the *Bankruptcy Act 1966* of the Commonwealth;
 - (c) the office of Controller of Enemy Property under the National Security (Enemy Property) Regulations of the Commonwealth;
 - (d) the office of Treasurer of the State of Western Australia;
 - (e) the office of Commissioner for Corporate Affairs for the State of Western Australia;
 - (f) the office of Public Trustee under the *Public Trustee Act 1941* of the State of Western Australia;
 - (g) the office of Master and the office of Registrar of the Supreme Court, within the meaning of the *Supreme Court Act 1935* of the State of Western Australia;
 - (h) the office of Treasurer of the State of Victoria;
 - (i) the office of Commissioner for Corporate Affairs for the State of Victoria;
 - (j) the office of Public Trustee under the *Public Trustee Act 1958* of the State of Victoria;
 - (k) the office of Master of the Supreme Court of Victoria within the meaning of the *Supreme Court Act 1958* of the State of Victoria;
 - (l) the office of Treasurer of the State of New South Wales;
 - (m) the office of Public Trustee under the *Public Trustee Act, 1913*, of the State of New South Wales;

- (n) the office of Master under Division 1 of Part VIII of the Supreme Court Act, 1970, of the State of New South Wales;
- (o) the office of Supervisor of Loan Fund Companies under the Loan Fund Companies Act, 1976, of the State of New South Wales;
- (p) the office of Protective Commissioner under the Mental Health Act, 1958, of the State of New South Wales;
- (q) the office of Treasurer of the State of Queensland;
- (r) the office of Commissioner for Corporate Affairs for the State of Queensland;
- (s) the office of Public Trustee under the *Public Trustee Act 1978* of the State of Queensland;
- (t) the office of Registrar under the *Supreme Court Acts 1861-1980* of the State of Queensland;
- (u) the office of Treasurer of the State of South Australia;
- (v) the office of Curator of Prisoners Property under the Criminal Law Consolidation Act 1935-1980 of the State of South Australia;
- (w) the office of Public Trustee under the Administration and Probate Act 1919-1980 of the State of South Australia;
- (x) the office of Master or accountant under the Supreme Court Act 1935-1980 of the State of South Australia;
- (y) the office of administrator under Chapter XLIX of the *Criminal Code* of the State of Tasmania;
- (z) the office of Treasurer of the State of Tasmania;
- (za) the office of Commissioner for Corporate Affairs for the State of Tasmania;
- (zb) the office of Public Trustee under the *Public Trust Office Act 1930* of the State of Tasmania;
- (zc) the office of Registrar of the Supreme Court under the *Supreme Court Act 1959* of the State of Tasmania;
- (zd) the office of Curator of Estates of Deceased Persons under the *Administration and Probate Ordinance 1929* of the Australian Capital Territory;
- (ze) the office of Registrar of the Supreme Court under the *Australian Capital Territory Supreme Court Act 1933* of the Commonwealth;
- (zf) the office of Registrar of Companies for the Australian Capital Territory.

(2) In sub-regulation (1), a reference to a State Act shall be construed as a reference to that State Act as amended and in force for the time being.

Prescribed amount for statement provided by target company.

6. For the purposes of section 36 of the Code, the prescribed amount is an amount calculated at the rate of 10 cents for each name and address in the written statement the supply of which has been requested under that section.

Provisions of a prescribed kind for the purposes of paragraphs 39 (10) (d) and 39 (11) (d) of the Code.

7. For the purposes of paragraphs 39 (10) (d) and 39 (11) (d) of the Code, a provision of a contract relating to shares is a provision of a prescribed kind if it provides that—

- (a) the person or either or any of the persons from whom the shares have been or are to be acquired or any person associated with that person or with either or any of those persons may, at any time after an offer is dispatched, become entitled to any benefit; and
- (b) that benefit, whether conferred by way of receiving an increased price for those shares or by payment of cash or otherwise, is related to, dependent upon, or calculated in any way by reference to, the consideration payable for shares acquired after that contract was entered into.

Notice for the purposes of sub-paragraph 16 (2) (e) (i) of the Code.

8. For the purposes of sub-paragraph 16 (2) (e) (i) of the Code, a notice may be in accordance with Form 1.

Notice for the purposes of paragraph 17 (13) (b) of the Code.

9. For the purposes of paragraph 17 (13) (b) of the Code, a notice may be in accordance with Form 2.

Prescribed notice for the purposes of sub-section 42 (2) of the Code. 10. For the purposes of sub-section 42 (2) of the Code, a notice to a dissenting offeree shall be in accordance with Form 3.

Prescribed notice for the purposes of sub-section 42 (3) of the Code. 11. For the purposes of sub-section 42 (3) of the Code, a notice to a dissenting offeree shall be in accordance with Form 4.

Prescribed notice for the purposes of sub-section 43 (1) of the Code. 12. For the purposes of sub-section 43 (1) of the Code, a notice to a remaining shareholder in relation to a take-over scheme shall be in accordance with Form 5.

Prescribed notice for the purposes of sub-section 43 (1) of the Code. 13. For the purposes of sub-section 43 (1) of the Code, a notice to a remaining shareholder in relation to a take-over announcement shall be in accordance with Form 6.

Prescribed notice for the purposes of sub-section 43 (4) of the Code. 14. For the purposes of sub-section 43 (4) of the Code, a notice to a holder of non-voting shares or a renounceable option or convertible note shall be in accordance with Form 7.

SCHEDULE

FORM 1

Regulation 8

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE OF DATE OF SERVICE OF PART A STATEMENT

To the Commission

Take notice that
 (name of offeror) served a Part A statement on
 (name of target company)
 on the day of 19 ..
 Dated this day of 19 ..

 (Signature of offeror) ⁽¹⁾

DIRECTION

⁽¹⁾ In the case of a body corporate to be signed by a director or the secretary.

FORM 2

Regulation 9

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE SETTING OUT TERMS OF ANNOUNCEMENT

To the Commission

Take notice that on the day of
 19 ,
 (name of on-market offeror) made an announcement at an official meeting of the
 (name of stock exchange)
 in the following terms:
 (here set out terms of announcement)
 Dated this day of 19 ..

 (Signature of on-market offeror) ⁽¹⁾

DIRECTION

⁽¹⁾ In the case of a body corporate to be signed by a director or the secretary.

SCHEDULE—continued

FORM 3

Regulation 10

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE TO DISSENTING OFFEREE UNDER TAKE-OVER SCHEME

To (1).

Shareholdings in (2).

1. Under a take-over scheme take-over offers were made by (3)

(in this notice called "the offeror") in respect of (4)

shares in the first abovementioned company and the last day on which the offers remained open was (5).

2. (a) The offeror has become entitled to (6)..... shares being not less than 90% of the shares included in the class of shares in respect of which the take-over offer was made.

(b) (10) (8)..... of the offerees (being not less than three-quarters) have disposed of the shares to the offeror.

3. You are, or are entitled to be, registered as the holder of outstanding shares in respect of which an offer was made, but have not accepted the take-over offer.

4. Pursuant to sub-section 42 (2) of the Companies (Acquisition of Shares) (Western Australia) Code, the offeror hereby gives you notice that the offeror desires to acquire those outstanding shares.

5. You are entitled, by notice in writing given to the offeror within one month after the giving to you of this notice, to ask the offeror for a statement in writing of the names and addresses of all other dissenting offerees.

6. (9) You are entitled, within one month after the giving to you of this notice, or within 14 days after the giving to you of a statement requested under sub-section 42 (10) of the Companies (Acquisition of Shares) (Western Australia) Code (as referred to in paragraph 5 of this notice) whichever is the later, by notice in writing given to the offeror, to specify which of the following alternative terms you wish to apply to the acquisition of the outstanding shares: (7)

-;
.....;
.....;
.....;
.....;
.....;

If you fail to give notice specifying which of the alternative terms you wish to apply to the acquisition of the outstanding shares, the offeror may, unless the Supreme Court of Western Australia otherwise orders, determine which of those alternatives is to apply.

7. The offeror is entitled and bound to acquire the outstanding shares under sub-section 42 (6) of the Companies (Acquisition of Shares) (Western Australia) Code, subject to the other provisions of section 42, on the terms that were applicable under the take-over scheme immediately before the offer closed.

8. Unless on application made by you within one month after the giving to you of this notice or within 14 days after the giving to you of a statement under sub-section 42 (10) of the Companies (Acquisition of Shares) (Western Australia) Code (as referred to in paragraph 5 of this notice), whichever is the later, the Supreme Court of Western Australia otherwise orders, the offeror must comply with paragraph 7 of this notice.

Dated.....

Signed..... (8)

DIRECTIONS

- (1) Name and address of dissenting offeree.
(2) Name of target company.
(3) Name of offeror or offerors.
(4) Insert a description of the shares or class of shares to which the offer related.
(5) Date.
(6) Insert appropriate number.
(7) Insert details of alternative terms.
(8) To be signed in the same manner as a Part A statement is required to be signed by paragraph 16 (2) (d) of the Companies (Acquisition of Shares) (Western Australia) Code.
(9) Insert paragraph 6 only where alternative terms are included in the offer.
(10) Paragraph 2 (b) is to be inserted in addition to paragraph 2 (a) only where the provisions of paragraph 42 (2) (b) of the Companies (Acquisition of Shares) (Western Australia) Code apply and the requirements of both paragraphs 42 (2) (a) and 42 (2) (b) of the Code have been satisfied.

SCHEDULE—continued

FORM 4

Regulation 11

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE TO DISSENTING OFFEREE UNDER TAKE-OVER ANNOUNCEMENT

To

.....⁽¹⁾Shareholdings in.....⁽²⁾.

1. Under a take-over announcement offers were made on behalf of.....

.....⁽³⁾(in this notice called "the offeror") to acquire.....⁽⁴⁾

shares in the abovenamed company and the last day on which the offers remained

open was.....⁽⁵⁾.2. (a) The offeror has become entitled to ⁽⁶⁾..... shares being not less than 90% of the shares included in the class of shares in respect of which the take-over announcement was made.(b) ⁽⁸⁾ ⁽⁶⁾.....of the offerees (being not less than three-quarters) have disposed of the shares to the offeror.

3. You are, or are entitled to be, registered as the holder of outstanding shares in respect of which an offer was made, but have not accepted the offer under the take-over announcement.

4. Pursuant to sub-section 42 (3) of the *Companies (Acquisition of Shares) (Western Australia) Code*, the offeror hereby gives you notice that the offeror desires to acquire those outstanding shares.

5. You are entitled, by notice in writing given to the offeror within one month after the giving to you of this notice, to ask the offeror for a statement in writing of the names and addresses of all other dissenting offerees.

6. The offeror is entitled and bound to acquire the outstanding shares under sub-section 42 (6) of the *Companies (Acquisition of Shares) (Western Australia) Code* subject to the other provisions of section 42, on the terms that were applicable under the take-over announcement immediately before the offer closed.7. Unless on application made by you within one month after the giving to you of this notice or within 14 days after the giving to you of a statement under sub-section 42 (10) of the *Companies (Acquisition of Shares) (Western Australia) Code* (as referred to in paragraph 5 of this notice), whichever is the later, the Supreme Court of Western Australia otherwise orders, the offeror must comply with paragraph 6 of this notice.

Dated.....

Signed.....⁽⁷⁾

DIRECTIONS

(1) Name and address of dissenting offeree.

(2) Name of target company.

(3) Name of offeror or offerors.

(4) Insert a description of the shares or class of shares to which the offer related.

(5) Date.

(6) Insert appropriate number.

(7) To be signed in the same manner as a Part A statement is required to be signed by paragraph 16 (2) (d) of the *Companies (Acquisition of Shares) (Western Australia) Code*.(8) Paragraph 2 (b) is to be inserted in addition to paragraph 2 (a) only where the provisions of paragraph 42 (3) (b) of the *Companies (Acquisition of Shares) (Western Australia) Code* apply and the requirements of both paragraphs 42 (3) (a) and 42 (3) (b) of the Code have been satisfied.

SCHEDULE—continued

FORM 5

Regulation 12

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE TO REMAINING SHAREHOLDERS UNDER TAKE-OVER SCHEME

To (1).

Shareholdings in (2).

1. Under a take-over scheme take-over offers were made by (3)

(in this notice called "the offeror") in respect of (4) shares in the abovenamed company and the last day on which the offers remained open was (5).

2. You are, or are entitled to be, registered as the holder of remaining shares in respect of which an offer was made, but have not accepted the take-over offer.

3. The offeror hereby gives you notice pursuant to sub-section 43 (1) of the Companies (Acquisition of Shares) (Western Australia) Code, that during the relevant period the offeror has become entitled to not less than 90% of the shares included in the class in respect of which the Part A statement was served.

4. You, as the holder of remaining shares included in that class, are entitled pursuant to sub-section 43 (2) of the Companies (Acquisition of Shares) (Western Australia) Code, within 3 months after the giving of this notice, to require the offeror to acquire shares included in that class of which you are the holder and, subject to section 43 of the Companies (Acquisition of Shares) (Western Australia) Code, the offeror will then be entitled and bound to acquire those shares.

5. Unless otherwise agreed, or as the Supreme Court of Western Australia on your application or on the application of the offeror otherwise orders, the terms on which the shares will be acquired by the offeror will be the same as the terms on which the shares were acquired under the take-over scheme, (6) (and, where an alternative is elected by you pursuant to sub-section 43 (2) of the Companies (Acquisition of Shares) (Western Australia) Code from the terms offered, will be the terms which you have elected).

Dated.....

Signed..... (7)

DIRECTIONS

- (1) Name and address of remaining shareholder.
(2) Name of target company.
(3) Name of offeror or offerors.
(4) Insert a description of the shares or class of shares to which the offer related.
(5) Date.
(6) Insert the words in brackets only where alternative terms were included in the offer.
(7) To be signed in the same manner as a Part A statement is required to be signed by paragraph 16 (2) (d) of the Companies (Acquisition of Shares) (Western Australia) Code.

SCHEDULE—continued

FORM 6

Regulation 13

*Companies (Acquisition of Shares) (Western Australia) Code*NOTICE TO REMAINING SHAREHOLDERS UNDER
TAKE-OVER ANNOUNCEMENT

To

.....⁽¹⁾.Shareholdings in.....⁽²⁾.

1. Under a take-over announcement offers were made on behalf of

.....⁽³⁾.

(in this notice called "the offeror") to acquire

.....⁽⁴⁾

shares in the abovenamed company and the last day on which the offer remained

open was⁽⁵⁾.

2. You are, or are entitled to be, registered as the holder of remaining shares in respect of which an offer was made, but have not accepted the offer under the take-over announcement.

3. The offeror hereby gives you notice pursuant to sub-section 43 (1) of the *Companies (Acquisition of Shares) (Western Australia) Code*, that during the relevant period the offeror has become entitled to not less than 90% of the shares included in that class.4. You, as the holder of remaining shares included in that class, are entitled, pursuant to sub-section 43 (2) of the *Companies (Acquisition of Shares) (Western Australia) Code*, within 3 months after the giving of this notice, to require the offeror to acquire shares included in that class of which you are the holder and, subject to section 43 of the *Companies (Acquisition of Shares) (Western Australia) Code*, the offeror will then be entitled and bound to acquire those shares.

5. Unless otherwise agreed, or as the Supreme Court of Western Australia on your application or on the application of the offeror otherwise orders, the terms on which the shares will be acquired by the offeror will be the same as the terms on which shares of that class were acquired under the take-over announcement.

Dated.....

Signed.....⁽⁶⁾

DIRECTIONS

(1) Name and address of remaining shareholder.

(2) Name of target company.

(3) Name of offeror or offerors.

(4) Insert a description of class of shares to which the offer related.

(5) Date.

(6) To be signed in the same manner as a Part A statement is required to be signed by paragraph 16 (2) (d) of the *Companies (Acquisition of Shares) (Western Australia) Code*.

SCHEDULE—continued

FORM 7

Regulation 14

Companies (Acquisition of Shares) (Western Australia) Code

NOTICE BY OFFEROR TO THE HOLDER OF NON-VOTING SHARES,
OR OF A RENOUNCEABLE OPTION OR CONVERTIBLE NOTE,
TO WHICH THE OFFEROR IS NOT ENTITLED

To
..... (1)

Shareholdings in (2)

1.(3) Under a take-over scheme take-over offers were made by
..... (4)

Under a take-over announcement offers were made on behalf of
..... (4)

(in this notice called "the offeror") in respect of the acquisition of (5)
shares in the abovenamed company.

2. The offeror hereby gives you notice, pursuant to sub-section 43 (4) of the
Companies (Acquisition of Shares) (Western Australia) Code, that during the
relevant period the offeror has become entitled to not less than 90% of the voting
shares in the company.

3. You, as the holder of—
(3) shares in the company that are not voting shares in respect of which you
are, or are entitled to be, registered as the holder
a renounceable option granted to you
a convertible note issued to you
being (6),
are entitled, pursuant to sub-section 43 (6) of the *Companies (Acquisition of
Shares) (Western Australia) Code*, within 3 months after the giving of this notice,
to require the offeror to acquire the (3) shares/option/note of which you are the
holder and, subject to section 43 of the *Companies (Acquisition of Shares)
(Western Australia) Code*, the offeror will then be entitled and bound to acquire
the (3) shares/option/note.

4. If you serve a notice on the offeror pursuant to paragraph 43 (6) (b) of the
Companies (Acquisition of Shares) (Western Australia) Code the acquisition will
be effected on such terms as are agreed or as are ordered on your application or
on an application of the offeror by the Supreme Court of Western Australia.

5. The details of the consideration for which, and the other terms on which, the
offeror is now prepared to acquire the (3) shares/option/note are
..... (7)

Dated.....

Signed..... (8)

DIRECTIONS

- (1) Name and address of holder.
- (2) Name of target company.
- (3) Delete whichever does not apply.
- (4) Name of offeror or offerors.
- (5) Insert description of shares or class of shares to which the offers related.
- (6) Insert description of interest to which the notice relates.
- (7) Insert this paragraph, including details of consideration and other terms, if an offer is to be made by the notice.
- (8) To be signed in the same manner as a Part A statement is required to be signed by paragraph 16 (2) (d) of the *Companies (Acquisition of Shares) (Western Australia) Code*.

Note: This notice is required by sub-section 43 (5) of the *Companies (Acquisition of Shares) (Western Australia) Code* to be accompanied by a report by an expert in accordance with that sub-section where terms for the acquisition are proposed by the offeror.

COMPANIES (ACQUISITION OF SHARES—FEES)
(WESTERN AUSTRALIA) REGULATIONS.

- Citation. 1. These Regulations may be cited as the *Companies (Acquisition of Shares—Fees) (Western Australia) Regulations*.
- Commencement. 2. These Regulations shall come into operation on the day on which the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* comes into operation.
- Application and interpretation. 3. These Regulations have effect subject to and in accordance with—
(a) the *Companies (Acquisition of Shares) (Application of Laws) Act 1981*; and
(b) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*.
- Prescribed fees. 4. The fees payable for the purposes of section 9 of the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* are the fees specified in the Schedule in relation to the respective matters so specified.

SCHEDULE.

FEES.	Regulation 4
	\$
1. On making an application for approval of the Commission under sub-section 7 (8) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
2. On making an application for the approval of the Commission under paragraph 12 (o) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
3. On making an application for the approval of the Commission under sub-paragraph 13 (4) (b) (iii) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
4. On making an application for the approval of the Commission under sub-paragraph 14 (3) (a) (ii) and paragraph 14 (3) (b) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
5. On making an application for the consent of the Commission under sub-section 17 (3) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
6. On lodging a Part C statement with the Commission under sub-paragraph 17 (10) (a) (iii) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	250
7. On making an application for consent of the Commission under sub-section 17 (11) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50

The publication of this document was authorized by the Attorney General in accordance with section 13 of the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* on 23 June 1981.

The several provisions set out in this document come into operation in Western Australia on the day on which the *Companies (Acquisition of Shares) (Application of Laws) Act 1981* comes into operation.

SCHEDULE—continued

	\$
8. On lodging under sub-section 18 (1) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i> of a copy of a Part A statement and a copy of a proposed offer to which the Part A statement relates—	
(a) where the consideration specified in the proposed offer is or includes marketable securities of a corporation	500
(b) in any other case	250
9. On making an application to the Commission under sub-section 19 (1) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
10. On making an application for the consent of the Commission under sub-section 23 (2A) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
11. On making an application for consent of the Commission under section 27 of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
12. On lodging a copy of a notice for registration under sub-section 27 (13) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i> where the consideration specified in the offer consists in whole, or in part, of marketable securities and the variation relates to—	
(a) a change in the composition or type of marketable securities; or	
(b) an extension of time referred to in sub-section 27 (11) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i> where the period of time during which the offer remains open exceeds 6 months	250
13. On lodging a copy of any other notice under section 27 of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
14. On making an application for the consent of the Commission under sub-section 33 (6) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
15. On making an application to the Commission under section 34 of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
16. On making an application for the consent of the Commission under paragraph 37 (3) (b) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
17. On making an application for the consent of the Commission under paragraph 38 (2) (b) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
18. On making an application to the Commission for an extension of time under paragraph 52 (2) (b) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
19. On making an application to the Commission for an exemption under sub-section 57 (1) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50
20. On making an application for a declaration by the Commission under sub-section 58 (1) of the <i>Companies (Acquisition of Shares) (Western Australia) Code</i>	50

SECURITIES INDUSTRY (WESTERN AUSTRALIA) REGULATIONS.

TABLE OF PROVISIONS.

Regulation

1. Citation, commencement and application
2. Interpretation
3. Compliance with forms
4. Directions and instructions to be followed
5. General requirements for documents
6. Prescribed percentages and offices under section 5 of the Code
7. Evidence of authority under sub-section 8 (2) of the Code
8. Notice under sub-section 12 (3D) of the Code
9. Notice under sub-section 19 (1) of the Code
10. Allowances and expenses payable to persons being examined
11. Record of examination
12. Application for approval as a stock exchange
13. Application by a natural person for dealers or investment advisers licence
14. Application by a corporation for dealers or investment advisers licence
15. Application for dealer's representatives or investment representatives licence
16. Applications for licence to be enclosed in sealed envelope
17. Application to Commission to vary a representatives licence
18. Conditions to which licence is subject
19. Return of security in certain circumstances
20. Particulars to be entered in Register of Licence Holders
21. Notification of change in registered particulars
22. Annual statement by a dealer or investment adviser who is a natural person
23. Annual statement by a dealer or investment adviser that is a corporation
24. Annual statement by a representative
25. Time for lodging annual statement
26. Exemptions from licensing, &c.
27. Sale of forfeited shares exempt
28. Exempt dealer
29. Exemption of certain securities
30. Transactions in prescribed circumstances
31. Exempt transaction
32. Form of document to be issued to client
33. Exemption of sale of exchange traded options
34. Exemption of short sale covered by exchange traded options
35. Dealer's trust accounts—exempt
36. Notice of resignation or removal of auditor
37. Dealer, who is a natural person, to lodge accounts, &c.
38. Dealer, that is a corporation, to lodge accounts, &c.
39. Auditor's report
40. Register of interests in securities
41. Entry of particulars in Register
42. Notice under sub-section 90 (2) or (3) of the Code
43. Notice of appeal
44. Notice calling for claims against fund
45. Notice of disallowance of claim
46. Prohibition of dealings in securities by insiders
47. Dealings by employees of holders of licences
48. Period for which documents are to be retained

SCHEDULE 1

Forms

SCHEDULE 2

Witnesses' fees and travelling expenses

SECURITIES INDUSTRY (WESTERN AUSTRALIA) REGULATIONS.

- Citation, commencement and application.
1. (1) These Regulations may be cited as the *Securities Industry (Western Australia) Regulations*.
- (2) These Regulations shall come into operation on the day on which the *Securities Industry (Application of Laws) Act 1981* comes into operation.
- (3) These Regulations have effect subject to and in accordance with—
- (a) the *Securities Industry (Application of Laws) Act 1981*; and
 - (b) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*.
- Interpretation.
2. In these Regulations, unless the contrary intention appears—
- “bank” means a bank as defined in section 5 of the *Banking Act 1959* of the Commonwealth, the Primary Industry Bank of Australia Limited or a bank constituted under a law of a State or Territory;
- “corporation” means any body corporate, whether formed or incorporated within or outside Western Australia;
- “life office” means a body corporate registered under the *Life Insurance Act 1945* of the Commonwealth;
- “superannuation scheme” means a fund the income of which is for the time being exempt from income tax by reason of paragraph 23 (jaa) or 23 (ja) 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;
- “the Code” means the *Securities Industry (Western Australia) Code*.
- “trustee” in relation to a superannuation scheme includes a person responsible for the administration and management of the scheme.
- Compliance with forms.
3. Strict compliance with the forms in Schedule 1 is not necessary and substantial compliance, or such compliance as the particular circumstances allow, is sufficient.
- Directions and instructions to be followed.
4. (1) A form in Schedule 1 shall be completed in accordance with such directions and instructions as are specified in the form.
- (2) In these Regulations a reference to a form by number is a reference to the form in Schedule 1 which bears that number.
- General requirements for documents.
5. The Commission may refuse to receive a document for filing or lodging under the Code or these 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 international sheet size A4;
 - (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 it is filed or lodged, or of the person acting on behalf of such a person.
- Prescribed percentages and offices under section 5 of the Code.
6. (1) For the purposes of paragraph 5 (4) (e) of the Code, the prescribed percentage is 20%.
- (2) For the purposes of paragraph 5 (7) (c) of the Code, the prescribed percentage is 20%.
- (3) For the purposes of paragraph 5 (8) (b) of the Code, each of the following offices is prescribed:
- (a) the office of Treasurer of the Commonwealth;
 - (b) the office of the trustee under, or continued under, Parts IV, X and XI of the *Bankruptcy Act 1966* of the Commonwealth;
 - (c) the office of Controller of Enemy Property under the National Security (Enemy Property) Regulations of the Commonwealth;
 - (d) the office of Treasurer of the State of Western Australia;
 - (e) the office of Commissioner for Corporate Affairs for the State of Western Australia;
 - (f) the office of Public Trustee under the *Public Trustee Act 1941* of the State of Western Australia;
 - (g) the office of Master and the office of Registrar of the Supreme Court, within the meaning of the *Supreme Court Act 1935* of the State of Western Australia;

The publication of this document was authorized by the Attorney General in accordance with section 11 of the *Securities Industry (Application of Laws) Act 1981* on 23 June 1981.

The several provisions set out in this document come into operation in Western Australia on the day on which the *Securities Industry (Application of Laws) Act 1981* comes into operation.

- (h) the office of Treasurer of the State of Victoria;
 - (i) the office of Commissioner for Corporate Affairs for the State of Victoria;
 - (j) the office of Public Trustee under the *Public Trustee Act* 1958 of the State of Victoria;
 - (k) the office of Master of the Supreme Court of Victoria within the meaning of the *Supreme Court Act* 1958 of the State of Victoria;
 - (l) the office of Treasurer of the State of New South Wales;
 - (m) the office of Public Trustee under the *Public Trustee Act*, 1913, of the State of New South Wales;
 - (n) the office of Master under Division 1 of Part VIII of the *Supreme Court Act*, 1970, of the State of New South Wales;
 - (o) the office of Supervisor of Loan Fund Companies under the *Loan Fund Companies Act*, 1976, of the State of New South Wales;
 - (p) the office of Protective Commissioner under the *Mental Health Act*, 1958, of the State of New South Wales;
 - (q) the office of Treasurer of the State of Queensland;
 - (r) the office of Commissioner for Corporate Affairs for the State of Queensland;
 - (s) the office of Public Trustee under the *Public Trustee Act* 1978 of the State of Queensland;
 - (t) the office of Registrar under the *Supreme Court Acts* 1861-1980 of the State of Queensland;
 - (u) the office of Treasurer of the State of South Australia;
 - (v) the office of Curator of Prisoners Property under the *Criminal Law Consolidation Act* 1935-1980 of the State of South Australia;
 - (w) the office of Public Trustee under the *Administration and Probate Act* 1919-1980 of the State of South Australia;
 - (x) the office of Master or accountant under the *Supreme Court Act* 1935-1980 of the State of South Australia;
 - (y) the office of administrator under Chapter XLIX of the *Criminal Code* of the State of Tasmania;
 - (z) the office of Treasurer of the State of Tasmania;
 - (za) the office of Commissioner for Corporate Affairs for the State of Tasmania;
 - (zb) the office of Public Trustee under the *Public Trustee Office Act* 1930 of the State of Tasmania;
 - (zc) the office of Registrar of the Supreme Court under the *Supreme Court Act* 1959 of the State of Tasmania;
 - (zd) the office of Curator of Estates of Deceased Persons under the *Administration and Probate Ordinance* 1929 of the Australian Capital Territory;
 - (ze) the office of Registrar of the Supreme Court under the *Australian Capital Territory Supreme Court Act* 1933 of the Commonwealth;
 - (zf) the office of Registrar of Companies for the Australian Capital Territory.
- (4) In sub-regulation (3), a reference to a State Act shall be construed as a reference to that State Act as amended and in force for the time being.

Evidence of authority under sub-section 8 (2) of the Code.

7. Where a person produces a document that is issued by the Commission and that document states that the person may require the production of books in accordance with paragraph 8 (2) (a) or 8 (2) (b), as the case may be, of the Code, that document shall be evidence of the person's authority to require the production of books in accordance with the paragraph specified in that document.

Notice under sub-section 12 (3D) of the Code.

8. A notice under sub-section 12 (3D) of the Code shall be in accordance with Form 1.

Notice under sub-section 19 (1) of the Code.

9. (1) A notice under sub-section 19 (1) of the Code shall be in accordance with Form 2.

- (2) A notice under sub-section 19 (1) of the Code shall be given by—
 - (a) delivering a copy of the notice to the prescribed person personally;
 - (b) sending the notice by pre-paid post addressed to the prescribed person at his usual or last known place of residence or business; or
 - (c) leaving a copy of the notice at the last known place of residence or business of the prescribed person with a person apparently resident or employed at that place and apparently over the age of 16 years.

Allowances and expenses payable to persons being examined.

10. For the purposes of subsection 19 (11) of the Code, the allowances and expenses to which a person who attends at an examination under section 19 of the Code is entitled are such allowances as the inspector allows in accordance with the scale in Schedule 2 to these Regulations.

- Record of examination. 11. Where a record of the questions asked or answers given at an examination under Division 2 of Part II of the Code is in writing the record may be authenticated—
- (a) by the person or persons who prepared the record of examination, or under whose supervision the record was prepared, certifying in writing under that person's hand that the record is a true transcript of the record of examination; or
 - (b) by any person present at the examination, or any part of the examination, signing his name at the bottom of each page of the written record which records a part of the examination at which that person was present.
- Application for approval as a stock exchange. 12. An application by a body corporate to the Ministerial Council for the approval of a body corporate as a stock exchange shall be in accordance with Form 3.
- Application by a natural person for dealers or investment advisers licence. 13. An application to the Commission by a natural person for a dealers licence or an investment advisers licence shall be in accordance with Form 4.
- Application by a corporation for dealers or investment advisers licence. 14. An application to the Commission by a corporation for a dealers licence or an investment advisers licence shall be in accordance with Form 5.
- Application for dealer's representatives or investment representatives licence. 15. An application to the Commission for the grant of a dealer's representatives licence or an investment representatives licence shall be in accordance with Form 6.
- Applications for licence to be enclosed in sealed envelope. 16. Where an applicant lodges with the Commission an application under regulation 12, 13, 14 or 15, the application shall be enclosed in a sealed envelope on which there are clearly marked—
- (a) words indicating the nature of the application; and
 - (b) the name, address and telephone number of the applicant.
- Application to Commission to vary a representatives licence. 17. An application to the Commission under sub-section 50 (1) of the Code for the variation of a representatives licence shall be in accordance with Form 7.
- Conditions to which licence is subject. 18. (1) For the purposes of section 51 of the Code, a licence is granted subject to a condition that the holder of the licence shall immediately notify the local authority in writing of any matter that may adversely affect the financial position of the holder of the licence.
- (2) Where, in accordance with section 51 of the Code, a licence is subject to a condition that the holder of the licence lodges with the local authority a security approved by the Commission for an amount not exceeding \$20,000, the whole or part of which is payable to the local authority in certain circumstances, the licence is also subject to a condition that that amount be applied in accordance with sub-regulation (5) for the purposes of compensating a person who has suffered pecuniary loss and whose claim is allowed in accordance with sub-regulation (4).
- (3) A person referred to in sub-regulation (2) shall be deemed to have suffered pecuniary loss if the loss was suffered from defalcation or fraudulent misuse of securities or documents of title to securities or of other property committed after the commencement of these Regulations by the holder of the licence or by an employee 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 for or on behalf of any person; 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 an employee 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.
- (4) For the purposes of sub-regulation (2), a claim shall be allowed where—
- (a) the claim is made in writing given to the local authority not later than—
 - (i) a date specified by the local authority, being not earlier than 3 months after the local authority seeks claims, in respect of the defalcation or fraudulent misuse, by notice

published in a newspaper circulating generally in Western Australia and, if the local authority so requires, in a newspaper circulating generally in a State or Territory where the holder of the licence carried on business to which the licence relates;

- (ii) where no such notice is published—6 months after the person became aware of the defalcation or fraudulent misuse; or
- (iii) such later date as the local authority in a particular case allows; and

(b) the local authority is satisfied that the claim is a proper claim.

(5) For the purposes of sub-regulation (2), an amount that is paid to the local authority shall be applied by the local authority—

- (a) where the amounts of the claims that are allowed do not in the aggregate exceed the amount paid to the local authority—in the payment of those claims in full; or
- (b) where the amounts of the claims that are allowed exceed in the aggregate the amount paid to the local authority—in the payment of part of each of such claims being the part that bears to the total amount of the claim the same proportion as the amount paid to the local authority bears to the aggregate amount of those claims.

(6) 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 local authority in reduction of that loss.

Return of security in certain circumstances.

19. (1) Subject to sub-regulation (2), where, in accordance with a condition to which a licence is subject, a security has been lodged with the local authority by the person to whom the licence is issued or by or on behalf of that person and—

- (a) the person by whom or on whose behalf the security was so lodged ceases to be the holder of the licence;
- (b) the licence of which he is the holder ceases to be subject to the condition that a security be lodged; or
- (c) the person who is the holder of a licence ceases to conduct a substantial part of the business to which the licence relates,

the local authority may, on the application of the holder of the licence or any person who is the obligor under the security or by whom or on whose behalf the security was given—

- (d) discharge the security wholly or in part;
- (e) release any security wholly or in part;
- (f) return wholly or in part any money or other property lodged as security; or
- (g) release any surety wholly or in part.

(2) The local authority shall not exercise any power pursuant to sub-regulation (1) until 3 months after the date on which a notice in accordance with Form 8 is published—

- (a) in a newspaper circulating generally in Western Australia; and
- (b) if the local authority so requires, in a newspaper circulating generally in a State or Territory where the holder of the licence carried on business to which the licence relates,

asking for particulars in writing of any claim in respect of the security to which the application relates and specifying a date on or before which such claims are to be made.

(3) Publication of a notice referred to in sub-regulation (2) shall be arranged by, and effected at the expense of, the person making the application to the local authority.

Particulars to be entered in Register of Licence Holders.

20. For the purposes of sub-section 54 (5) of the Code, the following matters are prescribed—

- (a) particulars of the type of licence;
- (b) the name of the State or Territory in which the licence was granted;
- (c) the address of the principal place of business of the licence holder; and
- (d) the name or style under which the business is carried on.

Notification of change in registered particulars.

21. For the purposes of section 55 of the Code, a notice, giving particulars of an event referred to in that section, shall be in accordance with Form 9.

Annual statement by a dealer or investment adviser who is a natural person.

22. For the purposes of sub-section 56 (1) of the Code, the statement, required to be lodged with the Commission by a person (other than a corporation) who is or has been the holder of a dealers licence or investment advisers licence, shall be in accordance with Form 10.

- Annual statement by a dealer or investment adviser that is a corporation.
23. For the purposes of sub-section 56 (1) of the Code, the statement, required to be lodged with the Commission by a corporation that is or has been the holder of a dealers licence or an investment advisers licence, shall be in accordance with Form 11.
- Annual statement by a representative.
24. For the purposes of sub-section 56 (2) of the Code, the annual statement, required to be lodged with the Commission by a person who is the holder of a representatives licence, shall be in accordance with Form 12.
- Time for lodging annual statement.
25. (1) For the purposes of sub-section 56 (2) of the Code, the prescribed date in each year is 31 March.
(2) For the purposes of paragraph 57 (c) of the Code, the prescribed period is one month.
- Exemptions from licensing, &c.
26. (1) Parts IV, VI and VII and section 64 of the Code 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 connection with the lending of money or the provision of credit.
- (2) Parts IV, VI and VII and section 64 of the Code do not have effect in relation to a person with respect to a dealing in or with 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 of the *Companies Act 1961*.
- (3) Subject to sub-regulation (4), Parts IV, VI and VII and section 64 of the Code 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.
- (4) Paragraph (3) (a) does not have effect in relation to a dealing entered into between a person and an investment company in securities of that investment company.
- (5) In sub-regulation (4) "investment company" means a body corporate or unincorporate that 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 sub-section 5 (6) of the *Companies Act 1961*) on terms that the funds subscribed would be so invested.
- (6) Part VII of the Code does not have effect in relation to a corporation in respect of interests made available by that corporation in accordance with the provisions of Division 5 of Part IV of the *Companies Act 1961*.
- (7) Parts IV, VI and VII of the Code do not have effect in relation to—
- (a) a dealer who is a trustee for a superannuation scheme and deals in securities only in relation to the management and administration of the superannuation scheme; or
 - (b) a dealer that is a life office and deals in securities only in relation to the carrying on of the business of life insurance.
- (8) Section 44 and Part VII of the Code do not have effect in relation to a person employed by, or acting for or by arrangement with, a dealer referred to in sub-regulation (7) by reason only that he is so employed or so acts in respect of any act to which, if done by that dealer, sub-regulation (7) would apply.
- (9) Parts VI and VII and sections 43 and 64 of the Code do not have effect in relation to a bank by reason only that, in relation to the carrying on of 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 in respect of an issue of securities.
- (10) Section 44 and Part VII of the Code do not have effect in relation to a person employed by a bank that deals in securities only in relation to the 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 a banker in respect of an issue of securities.

- (11) Subject to sub-regulation (12), section 44 and Part VII of the Code do not have effect in relation to a person employed by a bank by reason only that he acts in relation to interests 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.
- (12) The exemption conferred on a person by sub-regulation (11) does not apply if the person receives an amount by way of commission or other remuneration in respect of his services in relation to interests defined in section 76 of the *Companies Act* 1961, other than amounts of salary or wages payable by the bank in respect of his employment by the bank.
27. Parts IV, VI, VII and section 64 of the Code do not have effect in relation to a transaction of sale or purchase of any share in a no liability company that is offered for sale by public auction under section 323 of the *Companies Act* 1961 by a person who is the holder of a licence under a law relating to the licensing of auctioneers.
28. Section 64 of the Code 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 or a corresponding provision of a law of the State or Territory.
29. Sections 64, 66 and 67 of the Code do not have effect in relation to the sale or purchase of securities or interests by a corporation by which the securities or interests were made available in accordance with the provisions of Division 1 or Division 5, as the case may be, of Part IV of the *Companies Act* 1961.
30. For the purposes of sub-section 64 (5) of the Code, a transaction takes place in prescribed circumstances if the transaction takes place on the trading floor at an official meeting of a stock exchange in Australia between persons who are members of a stock exchange in Australia.
31. (1) Section 66 of the Code does not apply in relation to a transaction entered into by a dealer with a registered trader for the acquisition or disposal of an option, where—
- (a) the registered trader is a person associated with the dealer by reason only that the dealer is that registered trader's clearing member and the transaction is cleared by the registered trader through the dealer in accordance with the provisions of the Stock Options Trading Regulations of The Sydney Stock Exchange Limited; and
- (b) the registered trader is not employed by the dealer or by the firm in which the dealer is a partner.
- (2) In sub-regulation (1), the terms "registered trader" and "clearing member" have the same meaning as in the Stock Options Trading Regulations of The Sydney Stock Exchange Limited, and the term "option" means an option taken or written in accordance with those Regulations.
32. For the purposes of paragraph 67 (b) of the Code, the document to be furnished to a client shall be in accordance with Form 13.
33. Section 68 of the Code does not have effect in relation to a sale of securities that is effected by the giving or writing of an option that is registered with Options Clearing House Proprietary Limited.
34. (1) In this regulation—
- "exchange traded options" means options registered with Options Clearing House Proprietary Limited in accordance with the Stock Options Trading Regulations of The Sydney Stock Exchange Limited;
- "vendor", where a sale is effected by an agent, means the principal.
- (2) Subject to sub-regulations (3), (4) and (5), section 68 of the Code does not apply in relation to a sale of shares to which the vendor does not, at the time of the sale, have a presently exercisable and unconditional right to vest in the purchaser, if the vendor is, at the time of the sale, able to obtain, by exercising exchange traded options, shares equal in number to, and of the same class as, the total number of shares of that class sold by the vendor—
- (a) in that sale; and
- (b) in previous sales that have not been completed by the transfer of shares to the purchaser, being sales of shares to which, at the time of the sale referred to in paragraph (a), the vendor does not have a presently exercisable and unconditional right to vest in the purchaser.
- (3) For the purposes of sub-regulation (2), where the vendor is, at the time of the sale, able to exercise, and have exercised against him, exchange traded options, the number of shares of the same class as those sold by the vendor which he is able to obtain by the exercise of exchange traded options shall be determined by subtracting from the number of shares of that class over which he can exercise exchange traded options the number of shares of that class over which he has given or written exchange traded options that have not expired or been exercised at that time.

(4) Sub-regulation (2) does not apply to a sale of shares, that would otherwise satisfy the requirements of that sub-regulation, if, were the vendor to exercise at the time of the sale the exchange traded options required to yield shares of the same class as, and equal in number to, the shares the subject of that sale—

(a) the total price that would be payable by the vendor pursuant to the exercise of those options would be greater than the total price that would be payable to him under that sale; and

(b) the vendor has not deposited with Options Clearing House Proprietary Limited, before and in relation to that sale, an amount not less than the difference between the two prices referred to in paragraph (a).

(5) For the purposes of paragraph (4) (a) the total price that would be payable by a vendor pursuant to the exercise of the required options shall be calculated by referring first to the option with the lowest exercise price, then to the option with the second lowest exercise price, and so on in ascending order of price until the necessary number of options would have been exercised.

Dealer's
trust
accounts—
exempt.

35. (1) Sections 67 and 73 of the Code do not have effect in relation to a dealing in securities carried on by a corporation to which this regulation applies, being a dealing which is carried on in the course of performing the principal functions of the corporation or incidentally to the performance of those functions.

(2) This regulation applies to a corporation that is a public company as defined in sub-section 5 (1) of the *Companies Act 1961* or of a law of a State or of a Territory of the Commonwealth corresponding to the *Companies Act 1961* and has a paid-up capital of not less \$2,000,000, 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 clients where the amount of the investments managed or administered for each client is not less than \$100 000.

Notice of
resignation
or removal
of auditor.

36. For the purposes of sub-section 76 (7) of the Code, the notice required to be lodge with the Commission shall be in accordance with Form 14.

Dealer, who
is a natural
person,
to lodge
accounts, &c.

37. For the purposes of sub-section 78 (2) of the Code, a dealer who is a natural person shall prepare a true and fair profit and loss account and balance sheet in accordance with Form 15.

Dealer, that
is a
corporation,
to lodge
accounts, &c.

38. For the purposes of sub-section 78 (2) of the Code, a dealer that is a corporation shall prepare a true and fair profit and loss account and balance sheet in accordance with Form 16.

Auditor's
report.

39. (1) For the purposes of sub-section 78 (2) of the Code, the auditor's report required to be lodged with the Commission in relation to a true and fair profit and loss account and balance sheet shall be in accordance with Form 17.

(2) For the purpose of preparing the auditor's report referred to in sub-regulation (1), the auditor shall conduct a check or test examination of—

(a) the internal procedures for recording transactions relating to securities;

(b) the internal procedures relating to securities held for sale and for safe custody;

(c) the balancing of scrip accounts; and

(d) the operation and control of trust account procedures,

and, in relation to any dealer who does not act only as a principal—

(e) securities on hand and outstanding transactions, including confirmation from clients or other persons holding scrip;

(f) the client's ledger, including the reconciliation of the trust account, the market value of security held for unpaid accounts and the incidence of doubtful debts; and

(g) broker's agents and such other ledgers or records as the auditor considers it necessary to examine.

Register of
interests in
securities.

40. (1) A register required to be maintained under sub-section 89 (1) of the Code shall be maintained—

(a) in accordance with Form 18; or

(b) in a manner that enables the particulars required to be disclosed by Form 18 to be readily ascertained.

(2) Where the person who maintains the Register is the holder of a licence who carries on business in partnership with another person, the Register shall contain particulars of the securities in which the partnership has an interest.

SCHEDULE 1—continued

FORM 2.

Regulation 9

Securities Industry (Western Australia) Code.

NOTICE BY A PERSON UNDERTAKING AN INVESTIGATION OF MATTERS CONCERNING DEALING IN SECURITIES.

(1)To:

In relation to an investigation of (2).....

TAKE NOTICE that under sub-section 19 (1) of the Securities Industry (Western Australia) Code you are hereby required—

(a) to appear on(3)..... 19 , at(4)....., before (5)....., at (6).....

for examination on oath or affirmation and to answer questions put to you in relation to the abovementioned investigation;

(b) to produce to (5)..... on (3)..... 19 , at (4)....., at (6).....

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

(c) to give to (5).....all reasonable assistance in connection with the abovementioned investigation.

Dated this day of 19 .

Signature of person carrying out investigation.....

- (1) Name and address of the person to whom the notice is given.
(2) State nature of the matter to which the investigation relates.
(3) Insert date.
(4) Insert time.
(5) Insert name of person carrying out investigation.
(6) Insert full particulars of the place at which the requirement is to be satisfied.

DIRECTIONS.

1. In relation to sub-sections 19 (1) and 19 (2) of the Securities Industry (Western Australia) Code your attention is drawn to sub-sections 19 (4), 19 (8) and 19 (9) which provide, respectively as follows:

“(4) A prescribed person shall not, without reasonable excuse, refuse or fail to comply with a requirement of sub-section (1).

Penalty: \$10 000 or imprisonment for 2 years, or both.”

“(8) A duly qualified legal practitioner acting for a prescribed person—

- (a) may attend an examination of that person; and
(b) may, to the extent that the inspector permits—
(i) address the inspector; and
(ii) examine that person,

in relation to matters in respect of which the inspector has questioned that person.”

“(9) A prescribed person is not excused from answering a question put to him by an inspector on the ground that the answer might tend to incriminate him but, where that person claims, before answering the question, that the answer might tend to incriminate him, the answer is not admissible in evidence against him in criminal proceedings other than proceedings under this section or other proceedings in respect of the falsity of the answer.”.

2. Under Division 2 of Part II of the Securities Industry (Western Australia) Code a “prescribed person” means a person suspected or believed by an inspector, on reasonable grounds, to be capable of giving information concerning any matter being, or to be, investigated by the inspector pursuant to this Division.

3. In relation to the reference to “books” in paragraph (b) of this form your attention is drawn to sub-section 4 (1) of the Securities Industry (Western Australia) Code which defines “books” as follows:

“books” includes any register or other record of information and any accounts or accounting records, however compiled, recorded or stored, and also includes any document.

SCHEDULE 1—continued

FORM 3.

Regulation 12

Securities Industry (Western Australia) Code.

APPLICATION FOR APPROVAL OF A BODY CORPORATE AS A STOCK EXCHANGE.

..... 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

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

Signature of *Director/*Secretary/*Manager

* Strike out whichever is inapplicable

FORM 4.

Regulation 13

Securities Industry (Western Australia) Code.

APPLICATION BY A NATURAL PERSON FOR DEALERS OR INVESTMENT ADVISERS LICENCE.

Application is hereby made for:
 *A dealers licence/*An investment advisers licence,
 and the following statements are made in respect of the application:

1. (a) Applicant's surname	Other names	
(b) Residential address		
(c) Date of birth	Place of birth	Number of years applicant has resided in Australia
(d) Name or names under which business <u>*is to be carried on</u> *is		
(e) Full address of the principal place at which the business of the applicant <u>*is to be carried on</u> *is	Telephone No.	
(f) The full address of all other places whether within Western Australia or elsewhere at which the business of the applicant <u>*is to be carried on</u> *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 <i>Securities Industry (Western Australia) Code</i> will be kept		
2. State the nature of the principal business of the applicant		

SCHEDULE 1—continued

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 total capital in the partnership) %

(b) Set out name and address of each person who directly or indirectly exercises 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

5. Is the applicant a director of any corporation incorporated in Western Australia 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 a relevant interest as determined in accordance with section 5 of the *Securities Industry (Western Australia) Code* in one or more shares in any corporation incorporated in Western Australia or elsewhere, amounting to not less than 10% 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; and
- (c) the relevant interests

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

Has the applicant within the past 10 years

Answer

(a) been licensed or registered in any place other than in Western Australia under any law which requires licensing or registration in relation to dealing in securities as defined in sub-section 4 (1) of the *Securities Industry (Western Australia) Code* or acting as investment adviser?

(b) been licensed, registered or otherwise authorized 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?

(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?

SCHEDULE 1—continued

- (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 a traffic offence in Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (j) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (if "Yes" attach annexure giving full details, including whether judgment is unsatisfied)
- (k) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors in Western Australia 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 Western Australia or elsewhere?

8. In the case of an applicant for a dealers licence who is, or intends to become, 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 full details

9. Has the applicant had any experience in performing the functions of a dealer or investment adviser as defined in sub-section 4 (1) of the *Securities Industry (Western Australia) Code*?

.....
 (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 5 years:

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 or training and the name of the institution that conducted the relevant course) considered relevant to this application—

.....

Dated this day of 19.....

Signature of applicant

*Strike out whichever is inapplicable

SCHEDULE 1—continued**DIRECTIONS.**

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 these directions:

- (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 in 1 year's time;
 - (ii) due later than in 1 year's time but not later than in 3 years' time;
 - (iii) due later than in 3 years' time; and
 - (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 1 year's time;
 - (ii) due later than 1 year's time but not later than in 3 years' time;
 - (iii) due later than in 3 years' time.
- (4) Where the applicant is a partner in a firm—
 - (a) a reference in these directions to the applicant'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 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 (a), a profit and loss account and balance sheet, drawn up in accordance with generally accepted accounting principals 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 are made up to a date earlier than 14 days before the date of this application they 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 that due enquiry has been made by the person or persons signing the report 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 and setting out whether or not in his or their opinion—
 - (a) there have arisen in relation to the business any circumstances adversely affecting trading or the value of its assets or its ability to meet liabilities as they fall due;
 - (b) 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; or
 - (c) there have arisen any liabilities of a contingent nature including those arising by reason of any guarantee by the applicant or any of his partners.

SCHEDULE 1—continued

FORM 5.

Regulation 14

Securities Industry (Western Australia) Code.

APPLICATION BY A CORPORATION FOR DEALERS OR INVESTMENT ADVISERS LICENCE.

Application is hereby made for:

*A dealers licence/*An investment advisers licence.

and the following statements are made in respect of the application:

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	Telephone No.
(e) The full address of all other places whether within Western Australia or elsewhere at which the business of the applicant is to be carried on or is carried on (Indicate clearly those places established and those to be established)	
(f) Address of place at which applicant's register under Part VII of the <i>Securities Industry (Western Australia) Code</i> will be kept	
(g) Set out as an annexure hereto details of each director and secretary showing full name residential 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—	
5. Is any director or secretary of the applicant a director of any other corporation incorporated in Western Australia 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 a relevant interest as determined in accordance with section 5 of the <i>Securities Industry (Western Australia) Code</i> in one or more shares in any corporation incorporated in Western Australia or elsewhere, amounting to 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 relevant interests.	
7. (Answer questions "Yes" or "No" in space provided. If "Yes" attach annexures giving all relevant particulars.) Has within the past 10 years the applicant or any director or secretary of the applicant—	
(a) been licensed or registered in any place other than in Western Australia under any law which requires licensing or registration in relation to dealing in securities as defined in sub-section 4 (1) of the <i>Securities Industry (Western Australia) Code</i> or acting as investment adviser?	Answer
(b) been licensed, registered or otherwise authorized 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?	.....

SCHEDULE 1—continued

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

Has within the past 10 years any director or secretary of the applicant— 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 a traffic offence in Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (f) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (If "Yes", using an annexure, give full details, including whether judgment is unsatisfied.)
- (g) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Western Australia 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 Western Australia or elsewhere?

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 sub-section 4 (1) of the *Securities Industry (Western Australia) Code*.

(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 5 years:

Name of director or secretary	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 or training of the directors or secretary of the applicant and the name of the institution that conducted the relevant course) considered relevant to this application—

.....
.....

Dated this day of 19.....
Signature of *Director/*Secretary/*Manager.....

* Strike out whichever is inapplicable

DIRECTIONS.

- (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 the *Companies Act 1961*; or
 - (b) in the case of an applicant unable to comply with paragraph (a), 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 2 directors of the applicant.
- (2) If the profit and loss account and balance sheet of the applicant are made up to a date earlier than 14 days before the date of this application, they should be accompanied by a report signed by not less than 2 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) 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;
 - (b) 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; or
 - (c) there have arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the applicant.

SCHEDULE 1—continued

FORM 6.

Regulation 15

*Securities Industry (Western Australia) Code.***APPLICATION FOR REPRESENTATIVES LICENCE.**

Application is hereby made for:

*A dealer's representatives licence/*An investment representatives licence
and the following statements are made in respect of the application:

1. (a) Applicant's surname		Other names
(b) Residential address		
(c) Date of birth/...../.....	Place of birth	Number of years applicant has resided in Australia
(d) Occupation for which representatives licence is sought		
(e) Full name of principal(s)		
(f) The full address of the head office at which the business of each principal *is carried on *is to be		Telephone No.
(g) Nature of business of each principal		
(h) Address of place at which Register under Part VII of the <i>Securities Industry (West- ern Australia) Code</i> will be kept		

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

Has the applicant within the past 10 years—

Answer

- (a) been licensed or registered in any place other than in Western Australia under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the *Securities Industry (Western Australia) Code* or act as investment adviser?
- (b) been licensed, registered, or otherwise authorized 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?
- (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) been refused membership of any stock exchange?

SCHEDULE 1—continued

- (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 Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (j) had judgment including findings in relation to fraud, misrepresentation, or dishonesty given against him in any civil proceedings, in Western Australia or elsewhere? (If "Yes", attach annexure giving full details, including whether judgment is unsatisfied.)
- (k) been refused a fidelity or surety bond, in Western Australia 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 sub-section 4 (1) of the *Securities Industry (Western Australia) Code*?

.....

(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 5 years:

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)

5. Set out any additional information (including any formal qualifications or training of the applicant and the name of the institution that conducted the relevant course) considered relevant to this application.

.....

.....

.....

.....

.....

.....

Attach written acknowledgment signed by the abovenamed principal(s) evidencing *his/*their intention to employ or engage applicant as a *dealer's representative/*investment representative.

Dated this day of 19.....

Signature of applicant.....

*Strike out whichever is inapplicable

SCHEDULE 1—continued

FORM 7.

Regulation 17

Securities Industry (Western Australia) Code.

**APPLICATION BY REPRESENTATIVE FOR VARIATION OF PARTICULARS
RELATING TO PRINCIPAL.**

Application is hereby made for a variation of the name of the holder of *a dealers licence/
*an investment advisers licence on whose behalf the applicant may act.

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 carried on *is to be	Telephone No.
(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 will keep Register under Part VII of the <i>Securities Industry (Western Australia) Code</i>	
4. Set out any additional information considered relevant to this application	

Attach written acknowledgment signed by the abovenamed principal(s) evidencing *his/
*their intention to employ or engage applicant as a *dealers' representative/*investment representative.

Dated this day of 19.....

Signature of applicant.....

* Strike out whichever is inapplicable

FORM 8.

Regulation 19

Securities Industry (Western Australia) Code.

NOTICE OF APPLICATION FOR RETURN OF SECURITY.

Notice is given that an application has been made to(1)
for the discharge, release or return, wholly or in part, of the security held in relation to the
*dealers/*investment advisers licence held by (2).

The application has been made for the following reason, namely..... (3).

And further take notice that if you have any claims against..... (2),
in respect of pecuniary loss, arising out of business carried on under that licence, you are
required to lodge such claims in writing with (1)
not later than 3 months after the date of publication of this notice.

Dated this day of 19.....

Signature of applicant.....

- (1) Insert name of local authority
- (2) Insert name and address of licence holder
- (3) Insert reason
- * Strike out whichever is inapplicable

SCHEDULE 1—continued

FORM 9.

Regulation 21

Securities Industry (Western Australia) Code.

NOTICE OF PARTICULARS OF CESSATION OR CHANGE IN RELATION TO A LICENCE.

Surname of the holder of the licence or name in which licence held	Other names
*Residential address/*Registered office	Type of licence held

*1. CESSATION

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

*(a) as the holder of a dealers licence, to carry on the business to which that licence relates.

*(b) as the holder of an investment advisers licence, to act as, or hold himself out to be, an investment adviser.

*(c) as the holder of a representatives licence, to be employed or act in connection with the business carried on by the *dealer/*investment adviser named in that licence,

*and hereby requests the Commission to revoke the licence under section 59 of the Securities Industry (Western Australia) Code.

*2. CHANGE OF NAME

On the day of 19..... the name of the holder of the licence was changed from..... to

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

*(a) On the day of 19..... : ceased to be *a director/*directors/*secretary of the holder of the licence.

*(b) On the day of 19..... : *was/*were appointed *a director/*directors/*secretary of the holder of the licence.

(Answer questions "Yes" or "No" in space provided. If "Yes" attach annexure giving full particulars)

Has within the past 10 years any director or secretary so appointed— Answer

- (i) been licensed or registered in any place other than in Western Australia under any law which requires licensing or registration to deal or trade in securities as defined in section 4 of the Securities Industry (Western Australia) Code or act as investment adviser?
- (ii) been licensed, registered or otherwise authorized by law to carry on any trade, business or profession in any place?
- (iii) 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?
- (iv) been a member or partner in a member firm of a stock exchange?
- (v) been suspended from membership of any stock exchange or otherwise disciplined by a stock exchange?
- (vi) been refused membership of any stock exchange?
- (vii) carried on business under any name other than the name or names shown in this application?
- (viii) been known by any name other than the name or names shown in this application?

SCHEDULE 1—continued

- (ix) been convicted of any offence other than a traffic offence in Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
 - (x) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (If "Yes", using annexure, give full details, including whether judgment is unsatisfied.)
 - (xi) been declared bankrupt or compounded with or made an assignment for the benefit of his creditors, in Western Australia or elsewhere?
 - (xii) been engaged in the management of any corporations other than those referred to in the application for the grant of the licence?
 - (xiii) been refused a fidelity or surety bond in Western Australia or elsewhere?
- *(c) the address of the principal place of business at which the holder of the 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 licence relates is carried on *was/*were changed from to
- *(e) (where the business to which the 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
- *(f) ceased to be a partner in the firm of and became a partner in the firm of.....

*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 licence as *a person/*persons on whose behalf the holder of that licence may act were changed from—

Name(s) of the *dealer(s)/*investment adviser(s) named in licence	Previous address of principal place of business
to—	

Name(s) of the *dealer(s)/*investment adviser(s) named in licence	Present address of principal place of business
---	--

*(b) (to be used where the business of any dealer or investment adviser named in the 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 or 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.....

*Strike out whichever is inapplicable

SCHEDULE 1—continued

FORM 10.

Regulation 22

Securities Industry (Western Australia) Code.
**ANNUAL STATEMENT BY A DEALER OR INVESTMENT ADVISER
 OTHER THAN A CORPORATION.**

Licensee's name	
Address	
Type of licence held: *dealers/*investment advisers (*Strike out whichever is inapplicable)	License No.
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	Telephone No.
(c) The full address of all other places whether within Western Australia 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 <i>Securities Industry (Western Australia) Code</i> is kept	
(e) This statement relates to the period from/...../..... to/...../.....	
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 total capital in the partnership)%	
(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 Western Australia 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 a relevant interest as determined in accordance with section 5 of the <i>Securities Industry (Western Australia) Code</i> in one or more shares in any corporation incorporated in Western Australia or elsewhere amounting to not less than 10% 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 relevant interests	
5. (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 Western Australia under any law which requires licensing or registration to deal or trade in securities as defined in Section 4 of the <i>Securities Industry (Western Australia) Code</i> or act as investment adviser?	.....
(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?	.....

SCHEDULE 1—continued

- (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 an offence, other than a traffic offence, in Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
- (h) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (If "Yes", using an annexure, give full details, including whether judgment is unsatisfied.)
- (i) been refused a fidelity or surety bond in Western Australia or elsewhere?

Dated this day of 19.....
 Signature of licensee.....

DIRECTIONS

This statement must be accompanied by a detailed statement—

- (a) where the licence is a dealer's licence, made up as at 30 June each year; or
 (b) where the licence is an investment adviser's licence, made up as at a date not earlier than 14 days before the date of this annual statement,

signed by the licensee, disclosing his total liabilities together with details of his assets in accordance with the following provisions—

- (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 exceed 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, 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 in 1 year's time;
- (ii) due later than in 1 year's time but not later than in 3 year's time; and
- (iii) due later than in 3 year's time;
- (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 in 1 year's time;
- (ii) due later than in 1 year's time but not later than in 3 year's time; and
- (iii) due later than in 3 year's time.
- (4) Where the licensee is a partner in a firm—
- (a) a reference in these directions to 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, the statement should include—
- (a) information as to the assets and liabilities of the licensee's business which 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 (a), a profit and loss account and balance sheet, drawn up in accordance with generally accepted accounting principals 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 are made up to a date earlier than 14 days before the date of this statement they should be accompanied by a report signed by the licensee or, where the licensee is a partner in a firm, all the partners, in the firm, stating that due enquiry has been made by the person or persons signing the report 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 and setting out whether, in his or their opinion—
- (a) there has 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;
- (b) the current assets appear in the balance sheet of the business at valuations believed to be realisable in the ordinary course of business; or
- (c) 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.
- (7) In the case of a dealer only—the statement should include a statement by the licensee as to whether after due inquiry by him in relation to the interval between 30 June and a date not earlier than 14 days before the lodgment of this statement, there have arisen any circumstances that may adversely affect the financial position of the dealer and, if so, particulars of those circumstances.

SCHEDULE 1—*continued*

FORM 11.

Regulation 23

*Securities Industry (Western Australia) Code.*ANNUAL STATEMENT BY A DEALER OR INVESTMENT ADVISER
THAT IS A CORPORATION.

Licensee's name

Registered office

Type of licence held: *Dealers/*Investment advisers

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
- (c) The full address of all other places whether within Western Australia 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 *Securities Industry (Western Australia) Code* is kept
- (e) Set out as an annexure details of each director and secretary showing full name, residential address, date of birth, office held and date of appointment
- (f) This statement relates to the period from/...../..... to/...../.....
2. State in detail any change in the nature of the activity for which licence is held that 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 Western Australia or elsewhere?
-
(Answer "Yes" or "No")
- Using an annexure answer "Yes" or "No" for each person; if "Yes", 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 a relevant interest as determined in accordance with section 5 of the *Securities Industry (Western Australia) Code* in one or more shares in any corporation incorporated in Western Australia or elsewhere amounting to not less than 10% 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 relevant interests.

SCHEDULE 1—continued

6. (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 Western Australia under any law which requires licensing or registration to deal or trade in securities as defined in sub-section 4 (1) of the <i>Securities Industry (Western Australia) Code</i> or act as investment adviser? | |
| (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 licence, registration or other authority is required in any place? | |

7. (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 Western Australia or elsewhere or are there any proceedings now pending that may lead to such a conviction? | |
| (e) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (if "Yes", using an annexure, give full details, including whether judgment is unsatisfied.) | |
| (f) been refused a fidelity or surety bond in Western Australia or elsewhere? | |

Dated this day of 19.....

Signature of *Director/*Secretary/*Manager

*Strike out whichever is inapplicable

DIRECTIONS

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 meanings of the *Companies Act 1961*); or
 - (b) in the case of a licensee that is unable to comply with paragraph (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 2 directors of the licensee.
2. If the profit and loss account and balance sheet of the licensee are made up to a date earlier than 14 days before the date of this statement, they should be accompanied by a report signed by not less than 2 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) there has in their opinion arisen in relation to the business any circumstance adversely affecting trading or the value of the assets, or the ability to meet liabilities as they fall due;
 - (b) 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; or
 - (c) there have arisen any liabilities of a contingent nature including those arising by reason of any guarantee given by the licensee.

SCHEDULE 1—continued

FORM 12.

Regulation 24

Securities Industry (Western Australia) Code.

ANNUAL STATEMENT BY A REPRESENTATIVE.

Licensee's name	Licence number
-----------------	----------------

Address

Type of licence held:
 *Dealer's 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 *Securities Industry (Western Australia) Code* is kept:

(d) This statement relates to the period from/...../..... to/...../.....

2. (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 Western Australia under any law which requires licensing or registration to deal or trade in securities as defined in sub-section 4 (1) of the <i>Securities Industry (Western Australia) Code</i> or act as investment adviser?
(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 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 Western Australia or elsewhere or are there any proceedings now pending which may lead to such a conviction?
(g) had judgment including findings in relation to fraud, misrepresentation or dishonesty given against him in any civil proceedings in Western Australia or elsewhere? (if "Yes", using an annexure, give full details, including whether judgment is unsatisfied.)
(h) been refused a fidelity or surety bond in Western Australia or elsewhere?

Dated this day of 19.....

Signature of licensee.....

SCHEDULE 1—continued

FORM 13.

Regulation 32

Securities Industry (Western Australia) Code.

DOCUMENT TO BE FURNISHED BY A DEALER.

To..... (1)

We confirm your arrangements with us concerning the moneys owing to you in the sum of \$....., or such other balance as shall be due in your favour from time to time, which you have agreed to lend to for the purpose of investing in re-payable on at an interest rate of % per annum.

Interest payments to be made on

In lending this money to for use within its business it is acknowledged by you that your loan is not protected.

Upon receipt of the signed duplicate of this letter, we shall transfer the appropriate funds from our trust account pursuant to this arrangement.

Dated this day of 19.....

Signature of dealer.....

.....(2)

I acknowledge receipt of your letter dated and advise my agreement to the terms set out in your letter.

Dated this day of 19.....

Signature of client.....

(1) Name and address of client
(2) Address of dealer

FORM 14.

Regulation 36

Securities Industry (Western Australia) Code.

NOTICE OF RESIGNATION OR REMOVAL OF AUDITOR.

.....(1) 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.....(2)

and appointed as auditor(s) in *their *his place.

*REMOVAL

..... the auditor(s) of *were *was removed from office and

..... appointed as auditor(s) in *their *his place.

Dated this day of 19.....

Signature of dealer.....

* Strike out whichever is inapplicable
(1) Name of dealer
(2) Insert date from which resignation takes effect

SCHEDULE 1—continued

FORM 15.

Regulation 37

Securities Industry (Western Australia) Code.

ACCOUNTS TO BE PREPARED BY A DEALER WHO IS A NATURAL PERSON.

Name of dealer or name under which licence is held
 Licence number.....

DIRECTIONS.

1. In addition to the information specifically required such other information and explanations must be shown as is necessary to present a true and fair view of a person's financial position.
2. Full disclosure is required under Notes 1 to 7 and where necessary a 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 (Western Australia) Code*.
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 12 months in the ordinary course of events.
6. The term "current liability" means a liability that would, in the ordinary course of events, be payable within 12 months after the end of the financial year to which the accounts relate.
7. The term "secured amounts" includes amounts secured by equitable charges and charges whether registered or unregistered.

Balance Sheet as at 30th June, 19.....	Notes	Last year 19..... \$	This year 19..... \$
Proprietors' Funds			
Represented by:			
Current Assets—			
Govt and Semi-Govt 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		
Amount owed by—	3		
Partners			
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 in hand (excluding trust account balances)			
Trust Account—			
Cash at bank and in hand			
Deposit with stock exchange			
Sundry debtors and prepayments			
Other current assets—specify			
Total Current Assets			

SCHEDULE 1—continued

	Notes	Last year 19..... \$	This year 19..... \$
Current Liabilities—			
Bank overdraft and other bank facilities	5		
Bills of Exchange	2		
Amounts owed to—	3		
Partners			
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			

SCHEDULE 1—continued

Non-Current Assets—	Notes	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			
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			
Total Non-Current Assets			
Non-Current Liabilities—			
Bank loans	5		
Other loans and deposits	4, 5		
Partners			
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		
Total Non-Current Liabilities			
Net Non-Current Assets			
Total Net Assets			
Contingent liabilities and capital commitments	7		

SCHEDULE 1—continued

Profit and Loss Account for the year ended 30th June, 19.....	Last year 19.....	This year 19.....
	\$	\$
Revenue—		
Profits (losses) from trading in securities		
Brokerage		
Underwriting Commission		
Profits (losses) from trading other than in securities		
Dividends		
Interest		
Other—.....		
Total Revenue		
Expenses—		
Bad debts written off		
Amount provided for doubtful debts		
Interest		
Salaries (including all bonuses but excluding partners' salaries)		
Other expenses.....		
Total Expenses		
Operating Profit Before Income Tax—		
<i>Less—</i>		
Income Tax *Expense/*Provision applicable thereto		
Operating Profit		
(¹) Extraordinary Items (net of Income Tax where applicable)		
Operating Profit and Extraordinary Items for the year		

* Strike out whichever is inapplicable

(¹) Attach list detailing gains and losses separately and any income tax involvements

NOTES

- 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 assets—to mature within:			<i>Last year</i> \$
30 days			<i>This year</i> \$
90 days			
180 days			
Current assets—over 180 days			
(b) Current liabilities—to mature within:			<i>Last year</i> \$
30 days			<i>This year</i> \$
90 days			
180 days			
Current liabilities—over 180 days			

SCHEDULE 1—continued

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).

	<i>Amount</i>	<i>Nature and extent of security</i>	<i>Market value of security</i>
Partners			
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).

	<i>Amount</i>	<i>Nature and extent of security</i>	<i>Market value of security</i>
Partners			
Partners' immediate families, family companies and trusts			
Employees, employees' immediate families, family companies and trusts			
Other associated persons			

(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).

	<i>Amount</i>	<i>Nature and extent of security</i>	<i>Market value of security disclosed in Balance Sheet</i>	<i>Market value of security not owned by dealer or firm</i>
Partners				
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).

	<i>Amount</i>	<i>Nature and extent of security</i>	<i>Market value of security disclosed in Balance Sheet</i>	<i>Market value of security not owned by dealer or firm</i>
Partners				
Partners' immediate families, family companies and trusts				
Employees, employees' immediate families, family companies and trusts				
Other associated persons				

4. *Loans and deposits (full details to be given relating to whether each loan is secured or unsecured)*

Totals are to include accrued interest.

(a) *Current assets—*

		<i>Last year</i>	<i>This year</i>
At call			
Other			
Provision for doubtful debts			

(b) *Non-current assets—*

Due within 1–2 years			
Due after 2 years			
Provision for doubtful debts			

(c) *Current liabilities—*

At call			
Other			

SCHEDULE 1—continued

(d) Non-current liabilities—

Due within 1–2 years	....	....	....	....	....	<i>Last year</i>	<i>This year</i>
Due after 2 years	....	....	....	....	....	_____	_____
						_____	_____

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 liabilities—

	<i>Amount</i>	<i>Nature and extent of security</i>	<i>Market value of security disclosed in Balance Sheet</i>	<i>Market value of security not owned by dealer or firm</i>
Bank overdraft and other bank facilities		
Loans/Deposits		
Other (specify)		

(b) Non-current liabilities—

Bank facilities (not overdraft)	....	.....
Loans/Deposits	....	.....
Other (specify)	....	.....

6. *Sundry Provisions*

		<i>Last year</i>	<i>This year</i>
Holiday pay	....	_____	_____
Long service leave pay	....	_____	_____
Other (specify)	.....	_____	_____
		_____	_____

Totals to agree with balance sheet totals.

7. *Contingent liabilities and capital commitments*

		<i>Last year</i>	<i>This year</i>
Contingent liabilities—			
(a) Underwriting	....	_____	_____
Sub-underwriting	....	_____	_____
less amounts covered by sub-underwriting with other persons		_____	_____
(b) Other (specify)—			
Capital commitments (specify)—			

STATEMENT BY DEALER

The transactions conducted by *me/*us during the financial year—

(*) were without exception on *my/*our own account.

(*) included transactions on account of persons other than *me/*us.

The assets and liabilities of each company controlled by me/us or any one or more of us or any other venture in which I/we have a financial interest are/are not in *my/*our opinion such as to affect adversely my/our financial position.⁽¹⁾

*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 subsection 78 (2) of the *Securities Industry (Western Australia) Code*.

(²)

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

AUDITOR'S REPORT (³)

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 accordance with statements of accounting standards issued by the Institute of Chartered Accountants in Australia or the Australian Society of Accountants, or both.

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

(1) Strike out all the alternatives in paragraph which are inapplicable
 (2) All partners to sign
 (3) If an auditor is not satisfied as to any matter his reasons should be stated
 * Strike out whichever alternative is inapplicable

SCHEDULE 1—continued

	<i>Last year</i>	<i>This year</i>
	19.....	19.....
	\$	\$
(b) Less Expenses—		
Bad debts written off		
Amount provided for doubtful debts		
Interest		
Other Expenses		
Total Expenses		
(c) Operating Profit before Income Tax		
<i>less</i> Income Tax *Expense/*Provision applicable thereto		
Operating Profit		
Extraordinary Items (net of Income Tax where applicable) ⁽¹⁾		
Operating Profit and Extraordinary Items for the year		
 7. Contingent Liabilities and Capital Commitments—		
(a) Contingent liabilities—		
Underwriting		
Sub-underwriting		
<i>less</i> Amounts covered by sub-underwriting with other persons		
Other (specify)		
(b) Capital Commitments (specify).....		
 8. Standby 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.		
 11. 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.		
 12. The assets and liabilities of each company controlled by the dealer or any other venture in which the dealer has financial interest *are/*are not in our opinion such as to affect adversely to a material extent the dealer's financial position.		
We certify that the above information is to the best of our knowledge and belief true and correct.		
Dated this day of 19.....		
..... Director		..... Director
AUDITOR'S REPORT⁽²⁾		
*I/*We report that in *my/*our opinion the above statement relating to the accounts of		
has been properly drawn up so as to provide the information required by the Securities Industry Regulations.		
In *my/*our opinion, the attached 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 accordance with statements of accounting standards issued by the Institute of Chartered Accountants in Australia or the Australian Society of Accountants, or both.		
Dated this day of 19.....		
Signature(s) of Auditor(s).....		

⁽¹⁾ Attach list detailing gains and losses separately and any income tax involvements
⁽²⁾ If an auditor is not satisfied as to any matters his reasons should be stated
* Strike out whichever is inapplicable

SCHEDULE 1—continued

FORM 17.

Regulation 39

Securities Industry (Western Australia) Code.

AUDITOR'S REPORT⁽¹⁾.

Name of dealer or name under which licence is held.....

Name(s) of Auditor(s).....

Financial year ended.....

PART A—FOR ALL DEALERS.

1. *I/*We have inspected the dealers licence(s) and noted any conditions or restrictions thereon, and any applicable conditions or restrictions prescribed by regulations under the *Securities Industry (Western Australia) Code*.
2. After conducting, in accordance with regulation 39 of the Securities Industry Regulations, a check or test examination and making sufficient enquiries *I am/*we are of the opinion that ⁽²⁾—
 - (a) the accounting and other records kept by the dealer comply/do not comply with sections 67 and 71 of the *Securities Industry (Western Australia) Code*;
 - (b) the internal control procedures of the dealer are adequate/inadequate having regard to the nature and size of the business of the dealer;
 - (c) clients' securities have/have not been pledged by the dealer otherwise than in accordance with Section 72 of the *Securities Industry (Western Australia) Code*.
 - (d) 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;
 - (e) the trust account has/has not been maintained at all times during the year in accordance with sections 73 and 74 of the *Securities Industry (Western Australia) Code* and the accounting thereof is adequate/inadequate;
 - (f) the dealer has /has not properly held or disposed of all securities received by him;
 - (g) the internal procedures designed to ensure compliance with all the conditions or restrictions applicable to the dealers licence are adequate/inadequate;
 - (h) no matter/other matter has arisen during the year which would have required me/us to report to the Commission pursuant to section 79 of the *Securities Industry (Western Australia) Code* (reference should be made to any report made in accordance with section 79 of the *Securities Industry (Western Australia) Code* identifying the date of the report and the provisions of the *Securities Industry (Western Australia) Code* to which the report refers);
 - (i) all conditions or restrictions of a financial nature applicable to the dealers licence have/have not been complied with;
 - (j) (*For Stockbrokers*)—
 - *the deposit required by section 95 of the *Securities Industry (Western Australia) Code* has/has not been maintained by the dealer with the Stock Exchange of which he is a member.
 - *under the provisions of sub-section 96 (3) of the *Securities Industry (Western Australia) Code* the dealer was not required to maintain a deposit under section 95 of the *Securities Industry (Western Australia) Code*.
3. The checks and test examinations referred to in this report, the audit of the accompanying Balance Sheet of the dealer as at.....⁽³⁾, the 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/*did not include such tests of the accounting records and such other auditing procedures as *I/*we considered necessary.
4. *The client placed no restriction on the scope of the audit and all the information and explanations required were received./*The client restricted the scope of the audit and all the information and explanations required were not received.

PART B—FOR STOCKBROKERS

5. *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.

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

Signature(s) of Auditor(s)

(1) Where any part of this report is qualified, attach a separate comprehensive report
 (2) Strike out whichever alternative in each of paragraphs (a) to (j) is not applicable
 (3) Insert date of balance sheet
 * Strike out whichever alternative is inapplicable

SCHEDULE 1—continued

FORM 19.

Regulation 42

Securities Industry (Western Australia) Code.

NOTICE OF *PLACE/*CHANGE OF PLACE AT WHICH REGISTER TO BE KEPT.

This notice is required to be lodged:

- (1) by a financial journalist (as defined in section 87 of the *Securities Industry (Western Australia) Code*, within 14 days after he becomes a person to whom Part VII of the *Securities Industry (Western Australia) Code* applies; and
- (2) by the holder of a licence under the *Securities Industry (Western Australia) Code*, or a financial journalist, immediately, where there is a change in the place at which the Register required under Part VII of the *Securities Industry (Western Australia) Code* is kept.

1. (a) Surname	Other names

(b) Capacity in which Part VII of the *Securities Industry (Western Australia) Code* applies. (State whether as financial journalist or as holder of licence)

.....

(c) Residential address	Telephone No.
.....Postcode .....	..........

(d) Business address	Telephone No.
.....Postcode .....	..........

2. (a) Name of employer

.....

(b) Employer's address	Telephone No.
.....Postcode .....	..........

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

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

(To be completed by financial journalists)

4. Titles of newspapers or periodicals to which advice concerning securities is contributed.....

or for which analyses or reports commencing securities are prepared.....

.....

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

Signature of *financial journalist/*licensee.....

* Strike out whichever is inapplicable

SCHEDULE 1—continued

FORM 20.

Regulation 43

Securities Industry (Western Australia) Code.

NOTICE OF APPEAL.

In the Supreme Court of Western Australia

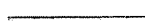
Applicant: *(Here insert full name and address of the applicant)*

Respondent: *(Here insert full name and address of the respondent)*

The applicant hereby appeals to the Supreme Court of Western Australia in pursuance of sub-section 113 (2) of the *Securities Industry (Western Australia) Code* against the determination of the fidelity fund committee of the *(Here insert name of stock exchange)*.

Date this.....day of.....19.....

Signature of the applicant.....



FORM 21.

Regulation 44

Securities Industry (Western Australia) Code.

NOTICE CALLING FOR CLAIMS AGAINST A STOCK EXCHANGE FIDELITY FUND.

In the matter of

of

in the

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 above-named, or by any of his employees or servants, in relation to any money or other property entrusted to or received by him or by any of his employees 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 114 of the *Securities Industry (Western Australia) Code*, claims not received by the Committee of the Stock Exchange on or before such date will not be admitted and no payment in respect thereof will be made from the fidelity fund.

For the

.....

.....
Date

SCHEDULE 1—continued

FORM 22.

Regulation 45

Securities Industry (Western Australia) Code.

NOTICE OF DISALLOWANCE OF CLAIM AGAINST A STOCK EXCHANGE FIDELITY FUND.

In the matter of.....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 above-named *member/*partner in a member firm of this Exchange or by any of his employees 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.

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

Signed..... for the Stock Exchange

(Further details as appropriate)

* Strike out whichever is inapplicable.

SCHEDULE 2.

Regulation 10

WITNESSES' FEES AND TRAVELLING EXPENSES.

- 1. A person who attends an examination before an inspector to give evidence because of his professional, scientific or other special skill or knowledge shall be paid a fee of not less than \$45 and not more than \$250 for each day on which he so attends.
2. A person, other than a person referred to in clause 1 of this Schedule, who attends at an examination before an inspector to give evidence or to produce documents shall be paid—
(a) if he is remunerated by wages, salary or fees—
(i) a fee equal to the amount of wages, salary or fees lost by reason of his so attending; or
(ii) a fee of \$50 for each day on which he so attends, whichever is the less; or
(b) if he is not so remunerated—a fee of \$30 for each day on which he so attends.
3. A person attending an examination before an inspector to give expert evidence shall be paid, in addition to any other fee payable to him under clause 1 or 2 of this Schedule, a reasonable amount for qualifying to give that evidence.
4. A person attending an examination before an inspector to give evidence or to produce documents shall be paid a reasonable amount—
(a) in respect of his conveyance to and from the place at which he so attends; and
(b) if he is required to be absent overnight from his usual place of residence—for meals and accommodation.

SECURITIES INDUSTRY (FEES) (WESTERN AUSTRALIA)
REGULATIONS.

- Citation 1. These regulations may be cited the *Securities Industry (Fees) (Western Australia) Regulations*.
- Commencement. 2. These regulations shall come into operation on the day on which the *Securities Industry (Application of Laws) Act 1981* comes into operation.
- Application and interpretation. 3. These regulations have effect subject to and in accordance with—
(a) the *Securities Industry (Application of Laws) Act 1981*; and
(b) the *Companies and Securities (Interpretation and Miscellaneous Provisions) (Application of Laws) Act 1981*.
- Prescribed fees. 4. The fees payable for the purposes of section 8 of the *Securities Industry (Application of Laws) Act 1981* are the fees specified in the Schedule in relation to the respective matters so specified.

SCHEDULE.

SCHEDULE.	Regulation 3
FEES.	\$
1. On making an application under section 38 of the <i>Securities Industry (Western Australia) Code</i> for approval of a body corporate as a Stock exchange	500
2. On giving notice under section 39 of the <i>Securities Industry (Western Australia) Code</i> of an amendment or amendments to the business rules or listing rules of a stock exchange	50
3. On making an application under section 47 of the <i>Securities Industry (Western Australia) Code</i> by a person other than a body corporate for a dealers licence or an investment advisers licence	50
4. On making an application under section 47 of the <i>Securities Industry (Western Australia) Code</i> by a body corporate for a dealers licence or an investment advisers licence	100
5. On making an application under section 47 of the <i>Securities Industry (Western Australia) Code</i> for a representative's licence	20
6. On making an application under section 50 of the <i>Securities Industry (Western Australia) Code</i> by a dealer's representative or an investment representative	5
7. For inspecting Register of Licence Holders under sub-section 54 (4) of the <i>Securities Industry (Western Australia) Code</i>	2
8. On giving notice under section 55 of the <i>Securities Industry (Western Australia) Code</i> of change of particulars	5
9. On lodging a statement under section 56 of the <i>Securities Industry (Western Australia) Code</i> by a dealer or investment adviser (other than a body corporate)	25
10. On lodging a statement under section 56 of the <i>Securities Industry (Western Australia) Code</i> by a body corporate	50
11. On lodging a statement under section 56 of the <i>Securities Industry (Western Australia) Code</i> by a dealer's representative or an investment representative	10
12. On lodging notice under sub-section 75 (13) of the <i>Securities Industry (Western Australia) Code</i> , or giving notice under sub-section 90 (2) or (3) of the <i>Securities Industry (Western Australia) Code</i>	10
13. On lodging notice under sub-section 76 (7) of the <i>Securities Industry (Western Australia) Code</i> of resignation or removal of an auditor	5
14. On lodging a profit and loss account and balance sheet under sub-section 78 (2) of the <i>Securities Industry (Western Australia) Code</i>	10
15. On lodging any other document with the Commission	10

The publication of this document was authorized by the Attorney General in accordance with section 11 of the *Securities Industry (Application of Laws) Act 1981* on 23 June 1981.

The several provisions set out in this document come into operation in Western Australia on the day on which the *Securities Industry (Application of Laws) Act 1981* comes into operation.

**COMPANIES AND SECURITIES (INTERPRETATION AND MISCELLANEOUS PROVISIONS)
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