



## **Register of ASX Listing Rule Waivers**

**16 to 28 February 2010**

**The purpose of this register is to record when ASX has exercised its discretion and granted a waiver from the ASX Listing rules. Waivers are published bi-monthly and include information such as:**

- Organisation**
- Rule Number**
- Decision Details**
- Basis for Decision**

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<b>Rule Number</b>	1.1 condition 7
<b>Date</b>	25/02/2010
<b>ASX Code</b>	KBL
<b>Listed Company</b>	KIMBERLEY METALS LIMITED
<b>Waiver Number</b>	WLC100051-001
<b>Decision</b>	The Company be granted a waiver from listing rule 1.1 condition 7 to the extent necessary to permit the Company to include up to 200 shareholders (excluding related parties and promoters of the Company and CBH Resources Limited ("CBH") and their respective associates) who hold a parcel of ordinary shares with a value of at least \$2,000 by reason of an in specie distribution of shares held by CBH ("In Specie Distribution") in the calculation of spread, on condition that there are no fewer than 200 subscribers subscribing for ordinary shares with a value of at least \$2,000 each under the Company's initial public offer.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Requirement for minimum of 400 holders with parcel of at least \$2,000 - demonstrates quality - demonstrates investor interest.</p> <p><b>Present Application</b> Entity seeking listing is a spin off from a listed entity - in specie distribution undertaken on pro rata basis and approved by shareholders prior to distribution -large number of holdings of sufficient size created by the distribution -spun off entity to conduct an IPO - spun off entity only incorporated shortly prior to in specie distribution - however assets held by spun off entity have been subject to considerable continuous disclosure by former parent listed entities - waiver to permit spun off entity to count up to 200 holders who receive shares pursuant to the in specie distribution (excluding related parties and promoters of the spun-off company and previous holding entity and their respective associates) for spread purposes, on condition there are at least 200 subscribers for \$2,000 under the IPO prospectus.</p>

<b>Rule Number</b>	2.1 condition 3
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-001
<b>Decision</b>	ASX grants the Issuer a waiver from condition 3 of listing rule 2.1 to the extent necessary that the Trust's securities need not satisfy CHES requirements on condition that ASX is satisfied with the settlement arrangements that exist in relation to the Notes to be quoted on ASX.
<b>Basis For Decision</b>	<p>Underlying Policy CHES requirements relating to an entity's securities must be satisfied, except in jurisdiction where entity's securities cannot be CHES approved - supports integrity of ASX market.</p> <p>Present Application Securities of entity to be settled outside of CHES - waiver granted on condition that ASX is satisfied with the settlement arrangements that exist in relation to the Notes to be quoted on ASX.</p>

<b>Rule Number</b>	3.10.5
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-002
<b>Decision</b>	ASX grants the Issuer a waiver from listing rule 3.10.5 to the extent necessary to permit the Issuer, in respect of an issue of Notes that are not to be quoted on ASX, to tell ASX but need not lodge an Appendix 3B.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Entity must tell ASX of issue of securities - if issue is not a bonus issue or pro rata issue entity must give ASX an Appendix 3B - entity must tell ASX if any securities are restricted securities or subject to voluntary escrow - maintains informed market.</p> <p><b>Present Application</b> With respect to an issue of Notes not quoted on ASX entity must tell ASX but does not have to lodge Appendix 3B - entity must notify ASX of an issue of Notes quoted on ASX and lodge Appendix 3B - maintains informed market.</p>

<b>Rule Number</b>	3.20.2
<b>Date</b>	23/02/2010
<b>ASX Code</b>	LLC
<b>Listed Company</b>	LEND LEASE GROUP
<b>Waiver Number</b>	WLC100064-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Lend Lease Corporation Limited, and Lend Lease Trust, together stapled and trading as Lend Lease Group (the "Group"), waivers from the following listing rules, and gives the following confirmations, to the extent necessary to permit the Group to undertake a capital raising to raise approximately \$1,000 million by way of an institutional placement (the "Placement") in conjunction with an accelerated renounceable pro rata entitlement offer of the Group's stapled securities (the "Stapled Securities") (the "Entitlement Offer"), without securityholder approval and according to the timetable submitted to ASX.</p> <p>1. In respect of the Entitlement Offer:</p> <p>1.1. Listing rules 3.20.2 and 7.40 to permit the record date for the Entitlement Offer not to be 7 business days after the announcement of the Entitlement Offer but in accordance with a timetable submitted by the Group, on the condition that the record date for the Entitlement Offer is no earlier than the fourth business day after the date the trading halt for the Entitlement Offer commences, including that date, provided that the trading halt commences before the open of trading on that day, and all other aspects of the timetable for the Entitlement Offer are acceptable to ASX.</p> <p>1.2. In resolution 1.1, the Group may ignore changes in securityholdings which occur after the imposition of the trading halt in the Group's Stapled Securities (other than registrations of transactions which were effected through ITS before the commencement of the trading halt).</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Entity must give ASX at least seven business days notice of record date and must comply with Appendix 3A timetable - maintains orderly market.</p> <p><b>Present Application</b> Accelerated renounceable entitlement offer - functionally equivalent to renounceable pro rata offer - waiver granted on condition that the timetable is acceptable to ASX.</p>

<b>Rule Number</b>	4.2A
<b>Date</b>	23/02/2010
<b>ASX Code</b>	SUH
<b>Listed Company</b>	SOUTHERN HEMISPHERE MINING LIMITED
<b>Waiver Number</b>	WLC100066-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Southern Hemisphere Mining Limited (the "Company") a waiver from the following listing rules.</p> <p>1. Listing rules 4.2A and 4.2B to the extent necessary to permit the Company not to lodge an Appendix 4D - Half Year Report for each half year on condition that the Company lodges with ASX the half-year financial statements and interim Management's Decision and Analysis ("MD&amp;A") that the Company is required to lodge with the Canadian securities regulatory authorities in accordance with its obligations under the TSX Company Manual, the Securities Act (Ontario) and other relevant Provincial securities acts ("Canadian Reporting Requirements") at the same time that the Company lodges those documents with those Canadian securities regulatory authorities.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Half year report - information substantially similar to Corporations Act requirements for listed Australian entities - information in prescribed format - prescribed format intended to facilitate ready understanding of information and comparison of information provided by different entities.</p> <p><b>Present Application</b>  Foreign incorporated company - primary listing on TSXV - majority of shareholders hold their securities on the TSXV - Company's operations are based outside Australia - listing rule would require company to lodge Appendix 4D and half-year report with ASX within 2 months of end of half year accounting period - Canadian reporting requirements require the lodgement of half-year financial statements and interim management discussion and analysis within 45 days of the half year - shareholders will receive half-year reports 15 days earlier than under the ASX listing rules - shareholders unlikely to be adversely affected by a waiver - no additional benefit gained by the preparation of an Appendix 4D - waiver granted.</p>

<b>Rule Number</b>	4.2B
<b>Date</b>	23/02/2010
<b>ASX Code</b>	SUH
<b>Listed Company</b>	SOUTHERN HEMISPHERE MINING LIMITED
<b>Waiver Number</b>	WLC100066-002
<b>Decision</b>	<p>1. Based solely on the information provided, ASX Limited ("ASX") grants Southern Hemisphere Mining Limited (the "Company") a waiver from listing rules 4.2A and 4.2B to the extent necessary to permit the Company not to lodge an Appendix 4D - Half Year Report for each half year on condition that the Company lodges with ASX the half-year financial statements and interim Management's Decision and Analysis ("MD&amp;A") that the Company is required to lodge with the Canadian securities regulatory authorities in accordance with its obligations under the TSX Company Manual, the Securities Act (Ontario) and other relevant Provincial securities acts ("Canadian Reporting Requirements") at the same time that the Company lodges those documents with those Canadian securities regulatory authorities.</p> <p>2. The waiver in resolution 1 is granted on the condition that the terms of the waiver are immediately announced to the market.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Half year report - information substantially similar to Corporations Act requirements for listed Australian entities - information in prescribed format - prescribed format intended to facilitate ready understanding of information and comparison of information provided by different entities.</p> <p><b>Present Application</b>  Foreign incorporated company - primary listing on TSXV - majority of shareholders hold their securities on the TSXV - Company's operations are based outside Australia - listing rule would require company to lodge Appendix 4D and half-year report with ASX within 2 months of end of half year accounting period - Canadian reporting requirements require the lodgement of half-year financial statements and interim management discussion and analysis within 45 days of the half year - shareholders will receive half-year reports 15 days earlier than under the ASX listing rules - shareholders unlikely to be adversely affected by a waiver - no additional benefit gained by the preparation of an Appendix 4D - waiver granted.</p>

<b>Rule Number</b>	4.3A
<b>Date</b>	23/02/2010
<b>ASX Code</b>	SUH
<b>Listed Company</b>	SOUTHERN HEMISPHERE MINING LIMITED
<b>Waiver Number</b>	WLC100066-003
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Southern Hemisphere Mining Limited (the "Company") a waiver from listing rules 4.3A and 4.3B to the extent necessary to permit the Company not to lodge an Appendix 4E - Preliminary Final Report for each year on condition that the Company lodges with ASX the annual Financial Statements and annual MD&A that the Company is required to lodge with the Canadian securities regulatory authorities in accordance with Canadian Reporting Requirements at the same time that the Company lodges those documents with those Canadian securities regulatory authorities.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Preliminary final report - enhances continuous disclosure regime by requiring disclosure of summary full year financial information in advance of full annual report - information in prescribed format - prescribed format intended to facilitate ready understanding of information and comparison of information provided by different entities.</p> <p><b>Present Application</b>  Foreign incorporated company - primary listing on TSXV - majority of shares on the TSXV - Company's operations are based outside Australia - Canadian reporting requirements require the lodgement of preliminary final report equivalent within 90 days of year end - listing rules require lodgement within 2 months of year end - Company prepares its report in accordance with Canadian accounting standards - the majority of Company shares will rely on the Canadian accounts - considerable cost and inconvenience in preparing accounts to comply with ASX requirements, and to meet the earlier deadline under ASX listing rule, outweighing the benefit derived by the relatively small Australian shareholder base - under waiver, Company will have up to 90 days after year end within which to lodge financial information equivalent to the preliminary final report under listing rules - extension of approximately 1 month - Company considered to satisfy criteria for relief outlined in Guidance Note 4, in relation to this particular obligation.</p>



<b>Rule Number</b>	4.3B
<b>Date</b>	23/02/2010
<b>ASX Code</b>	SUH
<b>Listed Company</b>	SOUTHERN HEMISPHERE MINING LIMITED
<b>Waiver Number</b>	WLC100066-004
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Southern Hemisphere Mining Limited (the "Company") a waiver from listing rules 4.3A and 4.3B to the extent necessary to permit the Company not to lodge an Appendix 4E - Preliminary Final Report for each year on condition that the Company lodges with ASX the annual Financial Statements and annual MD&A that the Company is required to lodge with the Canadian securities regulatory authorities in accordance with Canadian Reporting Requirements at the same time that the Company lodges those documents with those Canadian securities regulatory authorities.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Preliminary final report - enhances continuous disclosure regime by requiring disclosure of summary full year financial information in advance of full annual report - information in prescribed format - prescribed format intended to facilitate ready understanding of information and comparison of information provided by different entities.</p> <p><b>Present Application</b>  Foreign incorporated company - primary listing on TSXV - majority of shares on the TSXV - Company's operations are based outside Australia - Canadian reporting requirements require the lodgement of preliminary final report equivalent within 90 days of year end - listing rules require lodgement within 2 months of year end - Company prepares its report in accordance with Canadian accounting standards - the majority of Company shares will rely on the Canadian accounts - considerable cost and inconvenience in preparing accounts to comply with ASX requirements, and to meet the earlier deadline under ASX listing rule, outweighing the benefit derived by the relatively small Australian shareholder base - under waiver, Company will have up to 90 days after year end within which to lodge financial information equivalent to the preliminary final report under listing rules - extension of approximately 1 month - Company considered to satisfy criteria for relief outlined in Guidance Note 4, in relation to this particular obligation.</p>

<b>Rule Number</b>	6.23.3
<b>Date</b>	25/02/2010
<b>ASX Code</b>	PLA
<b>Listed Company</b>	PLATINUM AUSTRALIA LIMITED
<b>Waiver Number</b>	WLC100065-001
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Platinum Australia Limited (the "Company") a waiver from listing rule 6.23.3 to the extent necessary to permit the Company to seek shareholder approval at its next general meeting to amend the terms of up to 3,000,000 options issued to John Lewins so as to extend the period for exercise of the options from 21 December 2011 to 31 December 2013.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Sets out rules for when option terms can be changed - some terms cannot be changed even with approval of holders of issued ordinary securities - maintains integrity of ASX market.</p> <p><b>Present Application</b> Unquoted options issued to directors and employees - number of options not significant in context of entity's capital structure - options remain incapable of vesting until milestones reached and will have no substantive effect on market for quoted securities -- waiver granted.</p>

<b>Rule Number</b>	6.23.4
<b>Date</b>	22/02/2010
<b>ASX Code</b>	BFG
<b>Listed Company</b>	BELL FINANCIAL GROUP LIMITED
<b>Waiver Number</b>	WLC100058-001
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Bell Financial Group Limited (the "Company") a waiver from listing rule 6.23.4 to the extent necessary to permit the Company to amend the terms of existing options issued under the Company's Long Term Incentive Plan, to enable the Company to utilise an employee share trust under which the trustee would either subscribe for new shares, or purchase existing shares on-market, for the benefit of the participant to satisfy the Company's delivery obligations on the exercise of performance rights or options, without obtaining shareholder approval.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Sets out rules for when option terms can be changed - some terms can be changed with approval of holders of issued ordinary securities - maintains balance between rights of holders of issued ordinary securities and holders of options.</p> <p><b>Present Application</b> Performance rights and options issued under employee incentive schemes - waiver granted to permit listed entity to amend the terms of existing options issued under employee incentive schemes, to enable the entity to utilise an employee share trust under which the trustee would either subscribe for new shares, or purchase existing shares on-market, for the benefit of the participant to satisfy the Company's delivery obligations on the exercise of options - no dilution suffered by ordinary security holders - does not increase the rights of the holders of the options or diminish the rights of shareholders - insignificant effect on market for quoted securities.</p>

<b>Rule Number</b>	6.23.4
<b>Date</b>	27/07/2009
<b>ASX Code</b>	TNE
<b>Listed Company</b>	TECHNOLOGY ONE LIMITED
<b>Waiver Number</b>	WLC100067-001
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Technology One Limited (the "Company") a waiver from listing rule 6.23.4 to the extent necessary to permit the Company to amend the terms of the share options granted to eligible employees under its employee share option plan to provide the Company with the ability to purchase shares on market, as an alternative to the current requirement to issue new shares, to satisfy its delivery obligations on the exercise of those options, without obtaining shareholder approval.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Sets out rules for when option terms can be changed - some terms can be changed with approval of holders of issued ordinary securities - maintains balance between rights of holders of issued ordinary securities and holders of options.</p> <p><b>Present Application</b> Share options issued under employee incentive scheme - waiver granted to permit listed entity an alternative to elect to settle exercise of share options by transferring shares rather than issuing shares - no dilution suffered by ordinary security holders - does not increase the rights of the holders of the options or diminish the rights of shareholders - insignificant effect on market for quoted securities.</p>

<b>Rule Number</b>	7.1
<b>Date</b>	24/02/2010
<b>ASX Code</b>	ALR
<b>Listed Company</b>	ABERDEEN LEADERS LIMITED
<b>Waiver Number</b>	WLC100057-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Aberdeen Leaders Limited (the "Company") a waiver from listing rules 7.1 and 10.11 to the extent necessary to permit the Company to issue shares under a share purchase plan in accordance with Australian Securities and Investments Commission ("ASIC") Class Order 09/425 pursuant to which each shareholder (including related parties) will be offered up to \$7,500 worth of shares (the "SPP") on the following conditions.</p> <p>1. The discount offered under the SPP is no greater than 20% of the Company's average share price over the last 5 trading days on which sales in the Company's shares were recorded either before the day on which the issue was first announced or before the day on which the issue is made.</p> <p>2. The total number of shares that may be issued in reliance on this waiver under all share purchase plans undertaken by the Company during the 12 months after the record date for the share purchase plan undertaken in May 2009 (the "May 2009 SPP") must not be greater than 30% of the number of fully paid shares on issue as at the record date of the May 2009 SPP, being 1 May 2009.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Dilution of holdings - approval of existing security holders required where further issues of securities will significantly dilute their holdings - practical operation is to provide greater protection to smaller holders against dilution-limit on securities that may be issued without security holder approval fixed at 15% of the securities on issue 12 months earlier.</p> <p><b>Present Application</b> ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a security purchase plan without a prospectus - all shareholders able to participate on equal terms - pricing in accordance with exception 15 of listing rule 7.2 in being no lower than 80% of the Company's average share price over the last five trading days before the day on which the issue is announced or before the day on which the issue is made under the SPP - overall cap of 30% of issued capital must be observed to limit dilution - 30% limit based on the number of shares on issue at the record date of the previous SPP during the 12 month period - proposed SPP within spirit of exception 15 of listing rule 7.2.</p>

<b>Rule Number</b>	7.1
<b>Date</b>	17/02/2010
<b>ASX Code</b>	FAS
<b>Listed Company</b>	FAIRSTAR RESOURCES LIMITED
<b>Waiver Number</b>	WLC100060-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Fairstar Resources Limited (the "Company") a waiver from listing rules 7.1 and 10.11 to the extent necessary to permit the Company, without obtaining shareholder approval, to issue up to \$15,000 worth of shares to each shareholder, including related parties, who subscribe under a share purchase plan in accordance with Australian Securities and Investments Commission Class Order 09/425 (the "SPP Offer"), on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The discount offered under the SPP Offer is no greater than 20% of the Company's average share price over the last 5 days on which sales in the Company's shares were recorded before the day on which the issue was made.</li> <li>2. The number of securities to be issued under the Plan is not greater than 30% of the number of fully paid ordinary securities already on issue.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Dilution of holdings - approval of existing security holders required where further issues of securities will significantly dilute their holdings - practical operation is to provide greater protection to smaller holders against dilution - limit on securities that may be issued without security holder approval fixed at 15% of the securities on issue 12 months earlier.</p> <p><b>Present Application</b>  ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a share purchase plan without a prospectus - all securityholders able to participate on equal terms - Company's proposed SPP within spirit of exception 15 of listing rule 7.2 - offer price is lower than 80% of the Company's average share price over the last 5 trading days before the day on which the issue is announced - waiver granted on condition that the offer price is not lower than 80% of the Company's average share price over the last 5 trading days before the day on which the issue was made.</p>

<b>Rule Number</b>	7.1
<b>Date</b>	23/02/2010
<b>ASX Code</b>	LLC
<b>Listed Company</b>	LEND LEASE GROUP
<b>Waiver Number</b>	WLC100064-003
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Lend Lease Corporation Limited, and Lend Lease Trust, together stapled and trading as Lend Lease Group (the "Group"), waivers from the following listing rules, and gives the following confirmations, to the extent necessary to permit the Group to undertake a capital raising to raise approximately \$1,000 million by way of an institutional placement (the "Placement") in conjunction with an accelerated renounceable pro rata entitlement offer of the Group's stapled securities (the "Stapled Securities") (the "Entitlement Offer"), without securityholder approval and according to the timetable submitted to ASX.</p> <p>1. Listing rules 7.1 and 10.11 to the extent necessary to permit the Group to conduct the Entitlement Offer without securityholder approval, on condition that the Entitlement Offer complies with the following.</p> <p>(a) On or before the record date, securityholders who are believed by the Group or the underwriters to the Entitlement Offer to be persons to whom offers of Stapled Securities may be made without a prospectus or product disclosure statement in accordance with Chapter 6D and Part 7.9 of the Corporations Act 2001 ("Institutional Securityholder") may be invited by the Group to subscribe for a number of Stapled Securities equal to their pro rata allocation of the Entitlement Offer ("Institutional Entitlement Offer"), unless listing rule 7.7.1 would permit the holder not to be included in the pro rata offer.</p> <p>(b) Institutional Securityholders and holders excluded under listing rule 7.7.1 ("Foreign Excluded Investors") who sell down their holdings before the record date have their pro rata allocations reduced accordingly.</p> <p>(c) All securityholders, other than securityholders who received an offer in the Institutional Entitlement Offer and Foreign Excluded Investors, are offered a number of Stapled Securities equal to their pro rata allocations of the Entitlement Offer ("Retail Entitlement Offer"), unless listing rule 7.7.1 would permit the holder not to be included in the pro rata offer ("Retail Foreign Excluded Investors").</p> <p>(d) Entitlements not taken up in the Institutional Entitlement Offer and Retail Entitlement Offer, and, if the underwriters determine, entitlements which would have been offered to Foreign Excluded Investors are offered to Institutional Securityholders (including such investors who are not securityholders as at the record date) through a bookbuild process conducted and completed immediately following the close of the Retail Offer.</p> <p>(e) Stapled Securities are offered under the Institutional Entitlement Offer and Retail Entitlement Offer at the same price.</p> <p>(f) Related parties do not participate beyond their pro rata entitlement unless they do so pursuant to bona fide underwriting arrangements and the terms of the underwriting are included in the offer documents to be sent to all securityholders.</p>

## Register of ASX Listing Rule Waivers

<b>Basis For Decision</b>	<p>Underlying Policy Dilution of holdings - approval of existing securityholders required where further issues of securities will significantly dilute their holdings - practical operation is to provide greater protection to smaller holders against dilution - limit on securities that may be issued without securityholder approval fixed at 15% of the securities on issue 12 months earlier.</p> <p>Present Application Accelerated entitlement offer - functionally equivalent to renounceable pro rata offer - first round offer to institutional holders - second round offer to retail holders - all offers at the same price.</p>
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<b>Rule Number</b>	7.1
<b>Date</b>	17/02/2010
<b>ASX Code</b>	TXN
<b>Listed Company</b>	TEXON PETROLEUM LTD
<b>Waiver Number</b>	WLC100068-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Texon Petroleum Ltd. (the "Company") waivers from listing rules 7.1 and 10.11 to the extent necessary to permit the Company, without obtaining shareholder approval, to issue up to \$15,000 worth of shares to each shareholder, including related parties, who subscribes under a share purchase plan in accordance with the Australian Securities and Investments Commission Class Order 09/425 to permit the making of such offers without a disclosure document (the "SPP Offer"), on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The discount offered under the SPP Offer is no greater than 20% of the Company's average share price over the last five days on which sales in the Company's shares were recorded either before the day on which the issue was first announced or before the day on which the issue was made.</li> <li>2. The number of securities to be issued under the SPP Offer is not greater than 30% of the number of fully paid ordinary shares already on issue.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Dilution of holdings - approval of existing security holders required where further issues of securities will significantly dilute their holdings - practical operation is to provide greater protection to smaller holders against dilution - limit on securities that may be issued without security holder approval fixed at 15% of the securities on issue 12 months earlier.</p> <p><b>Present Application</b> ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a share purchase plan without a prospectus - all securityholders able to participate on equal terms - Company's proposed SPP within spirit of exception 15 of listing rule 7.2 - pricing of SPP in accordance with exception 15 of listing rule 7.2, no lower than 80% of the Company's average share price over the last 5 trading days before the day on which the issue is announced or made under the SPP Offer.</p>

<b>Rule Number</b>	7.3.2
<b>Date</b>	24/02/2010
<b>ASX Code</b>	TZN
<b>Listed Company</b>	TERRAMIN AUSTRALIA LIMITED.
<b>Waiver Number</b>	WLC100069-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Terramin Australia Limited (the "Company") a waiver from listing rule 7.3.2 to the extent necessary to permit the notice of annual general meeting ("Notice") seeking shareholder approval for the issue of a placement of fully paid ordinary shares to the value of US\$2,500,000 ("Placement Shares") in the Company to Transamine and convertible notes to the value of \$US7,500,000 ("Convertible Notes") in the Company to Transamine, to state that the Placement Shares and Convertible Notes will be issued more than three months after the date of the meeting on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The Notice discloses the terms and conditions of the issue of the Placement Shares and the Convertible Notes.</li> <li>2. The Notice states that no Placement Shares or Convertible Notes will be issued later than 31 May 2011.</li> <li>3. The Company releases the terms of the waiver to the market no later than the time of the release of the Notice to approve the issue</li> <li>4. For the periods in which any Placement Shares and Convertible Notes are issued or remain to be issued, the Company's annual reports set out in reasonable detail the Placement Shares and Convertible Notes that have been issued in the relevant period and that may be issued in the future.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Notice of meeting requirement - approval of an issue of securities for listing rule 7.1 purposes - statement that securities will be issued within three months of meeting - securities must be issued before approval is stale - approval not vitiated by change in entity's circumstances - provides certainty to security holders.</p> <p><b>Present Application</b>  Issue of securities to strategic partner to be structured in tranches - timing and structure for issue of securities to be outlined in notice of meeting - reasonable for Company to be able to seek shareholder approval for the issue of the remaining tranches to the strategic partner at one meeting - final tranche of securities comprising convertible notes and fully paid ordinary shares to be issued no later than 31 May 2011 - issue of final tranche coincides with decision to commence mining - waiver granted on conditions that terms of the waiver are released to the market and no securities will be issued later than 31 May 2011.</p>

<b>Rule Number</b>	7.11.3
<b>Date</b>	19/02/2010
<b>ASX Code</b>	GBM
<b>Listed Company</b>	GREATER BENDIGO GOLD MINES LIMITED
<b>Waiver Number</b>	WLC100062-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Greater Bendigo Gold Mines Limited (the "Company") a waiver from listing rule 7.11.3 to the extent necessary to permit the Company to undertake a non-renounceable entitlement offer whereby the Company will offer 5 ordinary fully paid shares at \$0.025 per share for every 4 shares held at the record date together with 1 free attaching unquoted option for every 3 shares acquired under the entitlement offer (the "Entitlement Offer"), on the following conditions.</p> <ol style="list-style-type: none"> <li>1. Shareholders of the Company approve the Entitlement Offer.</li> <li>2. The notice of meeting seeking approval of the Entitlement Offer contains a voting exclusion statement that excludes the votes of any substantial shareholders and any proposed underwriter or sub-underwriter to the Entitlement Offer, and their respective associates.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Entity must not make a pro-rata offer at a ratio greater than 1:1 - exception where offer is renounceable and issue price is not more than average price for securities in that class - enables smaller holders to either maintain their proportionate holding in entity without requiring excessive outlay of funds or being significantly diluted, or realise value by selling renounceable rights.</p> <p><b>Present Application</b> Proposed non-renounceable pro rata offer of new shares to existing shareholders on the basis of 5 shares for every 4 shares held with a 1:3 attaching option - waiver to permit issue subject to shareholder approval - voting exclusion statement to exclude any substantial shareholders and any proposed underwriters and sub-underwriters.</p>

<b>Rule Number</b>	7.40
<b>Date</b>	17/02/2010
<b>ASX Code</b>	GBM
<b>Listed Company</b>	GREATER BENDIGO GOLD MINES LIMITED
<b>Waiver Number</b>	WLC100063-001
<b>Decision</b>	Based solely on the information provided, ASX Limited ("ASX") grants Greater Bendigo Gold Mines Limited (the "Company") a waiver from listing rule 7.40 to the extent necessary to permit the Company to allow day 0 of the timetable of the proposed entitlement issue to begin prior to the date on which security holder approval is obtained.
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Prescribes timetable for corporate actions, including non renounceable pro rata issue - maintains an orderly market.</p> <p><b>Present Application</b>  Entity proposing to conduct an entitlements issue - security holder approval to be obtained - Day 0 of the timetable to be begin prior to date on which security holder approval is obtained. - no market integrity or trading issues as entity's securities are currently suspended from quotation and will remain so until after the completion of the corporate action - as entity's securities remain suspended, no effective trading on ASX on a 'cum' or 'ex' basis prior to any record date.</p>

<b>Rule Number</b>	7.40
<b>Date</b>	23/02/2010
<b>ASX Code</b>	LLC
<b>Listed Company</b>	LEND LEASE GROUP
<b>Waiver Number</b>	WLC100064-002
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Lend Lease Corporation Limited, and Lend Lease Trust, together stapled and trading as Lend Lease Group (the "Group"), waivers from the following listing rules, and gives the following confirmations, to the extent necessary to permit the Group to undertake a capital raising to raise approximately \$1,000 million by way of an institutional placement (the "Placement") in conjunction with an accelerated renounceable pro rata entitlement offer of the Group's stapled securities (the "Stapled Securities") (the "Entitlement Offer"), without securityholder approval and according to the timetable submitted to ASX.</p> <p>1. In respect of the Entitlement Offer:</p> <p>1.1. Listing rules 3.20.2 and 7.40 to permit the record date for the Entitlement Offer not to be 7 business days after the announcement of the Entitlement Offer but in accordance with a timetable submitted by the Group, on the condition that the record date for the Entitlement Offer is no earlier than the fourth business day after the date the trading halt for the Entitlement Offer commences, including that date, provided that the trading halt commences before the open of trading on that day, and all other aspects of the timetable for the Entitlement Offer are acceptable to ASX.</p> <p>1.2. In resolution 1.1, the Group may ignore changes in securityholdings which occur after the imposition of the trading halt in the Group's Stapled Securities (other than registrations of transactions which were effected through ITS before the commencement of the trading halt).</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Prescribes the timetable for various corporate actions including pro rata issue (Appendix 7A, paragraph 3) - maintains orderly market.</p> <p><b>Present Application</b> Accelerated renounceable entitlement offer - functionally equivalent to renounceable pro rata offer - waiver granted on condition that the timetable is acceptable to ASX.</p>

<b>Rule Number</b>	8.2
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-003
<b>Decision</b>	ASX grants the Issuer a waiver from listing rule 8.2 to the extent necessary that the Issuer need not provide an issuer sponsored subregister as long as the waiver of listing rule 2.1 condition 3 operates.
<b>Basis For Decision</b>	<p>Underlying Policy Entity to provide issuer sponsored subregister for securities except where listing rule 8.2.1 allows for certificated subregister - supports ASX market.</p> <p>Present Application Companion waiver to listing rule 2.1 condition 3.</p>

<b>Rule Number</b>	8.10
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-004
<b>Decision</b>	<p>ASX grants the Issuer a waiver from listing rule 8.10 to the extent necessary to allow the Issuer to refuse to register transfers of Notes:</p> <ol style="list-style-type: none"> <li>1. from the date which is 2 business days before each distribution payment date in relation to the Notes until that interest payment date; and</li> <li>2. if in contravention of clause 4.10 of the Series Supplement or clause 10 of the Master Trust Deed,</li> </ol> <p>on condition that ASX is satisfied with the settlement arrangements that exist in relation to the Notes to be quoted on ASX.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Entity must not interfere with transfer document relating to quoted securities -protects integrity of ASX market.</p> <p><b>Present Application</b> Entity required to close register of a series of Notes from the close of business 2 business days prior to each distribution date and maturity date - enables register to be up to date on distribution date and maturity date for that series of Notes - common arrangements for these types of securities.</p>

<b>Rule Number</b>	8.21
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-005
<b>Decision</b>	<p>ASX grants the Issuer a waiver from listing rule 8.21 to the extent that the Issuer need not do the following.</p> <ol style="list-style-type: none"> <li>1. In respect of transactions that are settled outside of CHESSE, mark transfer forms as required by Appendix 8A.</li> <li>2. In respect of transactions that are settled within the Austraclear system, send confirmation of a change of address to a security holder at the holder's old address.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Entity must comply with Appendix 8A - time limits for CHESSE requirements - maintains orderly market - supports ASTC Settlement Rules - supports integrity of ASX market.</p> <p><b>Present Application</b>  Transaction in entity's securities settled outside CHESSE - institutional nature of the likely holders - waiver granted to the extent that transactions are settled outside CHESSE.</p>



<b>Rule Number</b>	9.1
<b>Date</b>	25/02/2010
<b>ASX Code</b>	KBL
<b>Listed Company</b>	KIMBERLEY METALS LIMITED
<b>Waiver Number</b>	WLC100051-002
<b>Decision</b>	<p>The Company be granted a waiver from listing rule 9.1 to the extent necessary to permit the Company not to apply the restrictions in Appendix 9B to ordinary shares in the Company issued to CBH and distributed in specie to shareholders of CBH that are not related parties or promoters of the Company or CBH or their associates, and that no restriction agreements be entered into in relation to these shares on condition that any securities distributed to related parties or promoters of the Company or CBH, or their respective associates are held in escrow from the effective date of the In Specie Distribution until the end of the restriction period decided by ASX.</p>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Holder of restricted securities is not permitted to realise a benefit from restricted securities during escrow period - holder and controllers must enter into restriction agreement - security certificates must be held by bank or trustee or securities must be subject to holding lock - protects integrity of ASX market - ensures that promoters, vendors, etc do not receive benefit until value of the entity's business, services provided, or asset vended to entity has become apparent and is reflected in the market price of entity's securities.</p> <p><b>Present Application</b>  Spin-off of assets of listed entity's business - shares in spin-off entity distributed in specie to shareholders of listed entity and approved by shareholders prior to distribution - assets are classified assets but have been held in a listed entity and subject to continuous disclosure regime - listed entity security holders exchanging indirect interest in assets for direct interest - restricted securities distributed to related party/promoter shareholders continue to be subject to escrow - waiver to permit securities in the spin-off entity to be distributed to non-related/non-promoter shareholders not subject to escrow.</p>

<b>Rule Number</b>	10.1
<b>Date</b>	23/02/2010
<b>ASX Code</b>	CGR
<b>Listed Company</b>	CAREERS MULTILIST LIMITED
<b>Waiver Number</b>	WLC100027-001
<b>Decision</b>	<p>The Company be granted a waiver from listing rule 10.1 to the extent necessary to permit the Company not to seek shareholder approval following listing in relation to the lease agreement entered into between the Company and Stephens Consultancy Pty Limited ("Stephens"), an entity controlled by Daniel Riley, director of the Company, in respect of the premises located at 13/726 Pitt Street Sydney, on the following conditions.</p> <ol style="list-style-type: none"> <li>1. A summary of the material terms of the lease agreement is made in each annual report of the Company during the terms of the lease.</li> <li>2. Any variation to the terms of the lease agreement is subject to shareholder approval.</li> <li>3. Renewal of the lease in May 2012 will be subject to shareholder approval, should listing rule 10.1 apply to the lease at that time.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Requirement to obtain approval of security holders to an acquisition or disposal of a substantial asset from person in position to exercise influence - only unassociated security holders' votes are counted - independent expert's report on fairness and reasonableness of the transaction must be obtained - protects security holders' interests by supplementing the related party provisions of the Corporations Act (and whatever related party provisions apply to foreign entities).</p> <p><b>Present Application</b>  Entity entered into a related party transaction prior to IPO - related party nature of the transaction was disclosed in the prospectus - material terms of related party agreement were included in the prospectus - decision to subscribe for securities takes place of shareholder approval of transaction.</p>

<b>Rule Number</b>	10.11
<b>Date</b>	24/02/2010
<b>ASX Code</b>	ALR
<b>Listed Company</b>	ABERDEEN LEADERS LIMITED
<b>Waiver Number</b>	WLC100057-002
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Aberdeen Leaders Limited (the "Company") a waiver from listing rules 7.1 and 10.11 to the extent necessary to permit the Company to issue shares under a share purchase plan in accordance with Australian Securities and Investments Commission ("ASIC") Class Order 09/425 pursuant to which each shareholder (including related parties) will be offered up to \$7,500 worth of shares (the "SPP") on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The discount offered under the SPP is no greater than 20% of the Company's average share price over the last 5 trading days on which sales in the Company's shares were recorded either before the day on which the issue was first announced or before the day on which the issue is made.</li> <li>2. The total number of shares that may be issued in reliance on this waiver under all share purchase plans undertaken by the Company during the 12 months after the record date for the share purchase plan undertaken in May 2009 (the "May 2009 SPP") must not be greater than 30% of the number of fully paid shares on issue as at the record date of the May 2009 SPP, being 1 May 2009.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Requirement to obtain approval of security holders to an issue of securities to related parties - directed at preventing related parties obtaining securities on advantageous terms and increasing their holding proportionate to other holdings - only un-associated security holders' votes are counted - protect security holders' interests by supplementing the related party provisions of the Corporations Act (and whatever related party provisions apply to foreign entities).</p> <p><b>Present Application</b> ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a security purchase plan without a prospectus - all shareholders able to participate on equal terms - pricing in accordance with exception 8 of listing rule 10.12 in being no lower than 80% of the Company's average share price over the last five trading days before the day on which the issue was announced or before the day on which the issue is made under the SPP - overall cap of 30% of issued capital must be observed to limit dilution - 30% limit based on the number of shares on issue at the record date of the previous SPP during the 12 month period - exception 8 of listing rule 10.12 intended to permit director participation in share purchase plans - SPP within spirit of exception 8 of listing rule 10.12.</p>

<b>Rule Number</b>	10.11
<b>Date</b>	17/02/2010
<b>ASX Code</b>	FAS
<b>Listed Company</b>	FAIRSTAR RESOURCES LIMITED
<b>Waiver Number</b>	WLC100060-002
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Fairstar Resources Limited (the "Company") a waiver from listing rules 7.1 and 10.11 to the extent necessary to permit the Company, without obtaining shareholder approval, to issue up to \$15,000 worth of shares to each shareholder, including related parties, who subscribe under a share purchase plan in accordance with Australian Securities and Investments Commission Class Order 09/425 (the "SPP Offer"), on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The discount offered under the SPP Offer is no greater than 20% of the Company's average share price over the last 5 days on which sales in the Company's shares were recorded before the day on which the issue was made.</li> <li>2. The number of securities to be issued under the Plan is not greater than 30% of the number of fully paid ordinary securities already on issue.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Requirement to obtain approval of securityholders to an issue of securities to related parties - directed at preventing related parties obtaining securities on advantageous terms and increasing their holding proportionate to other holdings - only unassociated securityholders' votes are counted - protect securityholders' interests by supplementing the related party provisions of the Corporations Act (and whatever related party provisions apply to foreign entities).</p> <p><b>Present Application</b> ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a share purchase plan without a prospectus - all shareholders able to participate on equal terms - exception 8 of listing rule 10.12 intended to permit director participation in share purchase plans - SPP within spirit of exception 8 of listing rule 10.12.</p>

<b>Rule Number</b>	10.11
<b>Date</b>	23/02/2010
<b>ASX Code</b>	LLC
<b>Listed Company</b>	LEND LEASE GROUP
<b>Waiver Number</b>	WLC100064-004
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Lend Lease Corporation Limited, and Lend Lease Trust, together stapled and trading as Lend Lease Group (the "Group"), waivers from the following listing rules, and gives the following confirmations, to the extent necessary to permit the Group to undertake a capital raising to raise approximately \$1,000 million by way of an institutional placement (the "Placement") in conjunction with an accelerated renounceable pro rata entitlement offer of the Group's stapled securities (the "Stapled Securities") (the "Entitlement Offer"), without securityholder approval and according to the timetable submitted to ASX.</p> <p>1. Listing rules 7.1 and 10.11 to the extent necessary to permit the Group to conduct the Entitlement Offer without securityholder approval, on condition that the Entitlement Offer complies with the following.</p> <p>(a) On or before the record date, securityholders who are believed by the Group or the underwriters to the Entitlement Offer to be persons to whom offers of Stapled Securities may be made without a prospectus or product disclosure statement in accordance with Chapter 6D and Part 7.9 of the Corporations Act 2001 ("Institutional Securityholder") may be invited by the Group to subscribe for a number of Stapled Securities equal to their pro rata allocation of the Entitlement Offer ("Institutional Entitlement Offer"), unless listing rule 7.7.1 would permit the holder not to be included in the pro rata offer.</p> <p>(b) Institutional Securityholders and holders excluded under listing rule 7.7.1 ("Foreign Excluded Investors") who sell down their holdings before the record date have their pro rata allocations reduced accordingly.</p> <p>(c) All securityholders, other than securityholders who received an offer in the Institutional Entitlement Offer and Foreign Excluded Investors, are offered a number of Stapled Securities equal to their pro rata allocations of the Entitlement Offer ("Retail Entitlement Offer"), unless listing rule 7.7.1 would permit the holder not to be included in the pro rata offer ("Retail Foreign Excluded Investors").</p> <p>(d) Entitlements not taken up in the Institutional Entitlement Offer and Retail Entitlement Offer, and, if the underwriters determine, entitlements which would have been offered to Foreign Excluded Investors are offered to Institutional Securityholders (including such investors who are not securityholders as at the record date) through a bookbuild process conducted and completed immediately following the close of the Retail Offer.</p> <p>(e) Stapled Securities are offered under the Institutional Entitlement Offer and Retail Entitlement Offer at the same price.</p> <p>(f) Related parties do not participate beyond their pro rata entitlement unless they do so pursuant to bona fide underwriting arrangements and the terms of the underwriting are included in the offer documents to be sent to all securityholders.</p>

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<b>Basis For Decision</b>	<p>Underlying Policy Requirement to obtain approval of securityholders to an issue of securities to related parties - directed at preventing related parties obtaining securities on advantageous terms and increasing their holding proportionate to other holdings - only unassociated securityholders' votes are counted - protect securityholders' interests by supplementing the related party provisions of the Corporations Act.</p> <p>Present Application Accelerated entitlement offer - functionally equivalent to renounceable pro rata offer - first round offer to institutional holders - second round offer to retail holders - all offers at the same price - related parties do not participate beyond pro rata allocations except as nominee.</p>
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<b>Rule Number</b>	10.11
<b>Date</b>	17/02/2010
<b>ASX Code</b>	TXN
<b>Listed Company</b>	TEXON PETROLEUM LTD
<b>Waiver Number</b>	WLC100068-002
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Texon Petroleum Ltd. (the "Company") waivers from listing rules 7.1 and 10.11 to the extent necessary to permit the Company, without obtaining shareholder approval, to issue up to \$15,000 worth of shares to each shareholder, including related parties, who subscribes under a share purchase plan in accordance with the Australian Securities and Investments Commission Class Order 09/425 to permit the making of such offers without a disclosure document (the "SPP Offer"), on the following conditions.</p> <ol style="list-style-type: none"> <li>1. The discount offered under the SPP Offer is no greater than 20% of the Company's average share price over the last five days on which sales in the Company's shares were recorded either before the day on which the issue was first announced or before the day on which the issue was made.</li> <li>2. The number of securities to be issued under the SPP Offer is not greater than 30% of the number of fully paid ordinary shares already on issue.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Requirement to obtain approval of security holders to an issue of securities to related parties - directed at preventing related parties obtaining securities on advantageous terms and increasing their holding proportionate to other holdings - only unassociated security holders' votes are counted - protect security holders' interests by supplementing the related party provisions of the Corporations Act (and whatever related party provisions apply to foreign entities).</p> <p><b>Present Application</b> ASIC Class Order 09/425 contemplates issue of not more than \$15,000 worth of securities under a share purchase plan without a prospectus - all securityholders able to participate on equal terms - exception 8 of listing rule 10.12 intended to permit director participation in share purchase plans - SPP Offer within spirit of exception 8 of listing rule 10.12.</p>

<b>Rule Number</b>	10.13.3
<b>Date</b>	16/02/2010
<b>ASX Code</b>	CPA
<b>Listed Company</b>	COMMONWEALTH PROPERTY OFFICE FUND
<b>Waiver Number</b>	WLC100059-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Commonwealth Property Office Fund (the "Fund") a waiver from listing rule 10.13.3 to the extent necessary to permit the notice of meeting (the "Notice") seeking unit holder approval for the issue of units in lieu of performance fees payable to Commonwealth Managed Investments Limited ("CMIL"), as responsible entity of the Fund, and in accordance with the Fund's constitution (the "Constitution"), not to state that the units will be issued within one month of the date of the meeting, on the following conditions:</p> <ol style="list-style-type: none"> <li>1. The Notice clearly discloses the provisions in the Constitution that set out the formula for calculating the number of units to be issued to CMIL and when the units will be issued (the "Provisions").</li> <li>2. The units are issued in accordance with the Provisions.</li> <li>3. The Fund releases the terms of the waiver to the market no later than when the Notice is released to the market.</li> <li>4. Details of the units issued in lieu of performance fees are disclosed in the Fund's annual report for each year in which the units are issued.</li> <li>5. An Appendix 3B is lodged for release to the market for each issue of units in lieu of performance fees.</li> <li>6. Unit holder approval is sought every third year for the issue of units to CMIL in lieu of performance fees payable under the Constitution.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b>  Notice of meeting requirement - approval of an issue of securities for listing rule 10.11 purposes - statement that securities will be issued within one month of meeting - securities must be issued before approval is stale - approval not vitiated by change in the entity's circumstances - provides certainty to security holders.</p> <p><b>Present Application</b>  Arrangement between listed fund and responsible entity - provisions to pay performance fee to responsible entity under fund's constitution - performance fee must, under constitution, be satisfied by the issue of units in the fund - number of units to be issued determined by reference to the performance fee divided by the 10-day VWAP up to and including the distribution record date for the relevant performance period, or the Fund's NTA as at the final day of that performance period, whichever is higher - waiver granted on condition that details of the units issued in lieu of performance fees adequately disclosed in notice of meeting and any annual report - unit holder approval required every 3 years.</p>



<b>Rule Number</b>	14.11
<b>Date</b>	23/11/2009
<b>ASX Code</b>	GMG
<b>Listed Company</b>	GOODMAN GROUP
<b>Waiver Number</b>	WLC100061-001
<b>Decision</b>	<p>Based solely on the information provided, ASX Limited ("ASX") grants Goodman Limited and Goodman Industrial Trust collectively forming a stapled structure named Goodman Group (the "Group") a waiver from listing rule 14.11 to the extent necessary to permit votes cast on a resolution to ratify the issue of stapled securities issued pursuant to the placement of 416,947,757 stapled securities issued at \$0.40 per stapled security on 26 August 2009 (the "Placement") at the Group's 2009 annual general meetings, by holders of the Group's stapled securities who are acting solely in a fiduciary, nominee, or custodial capacity on behalf of beneficiaries who would not otherwise be excluded from voting (the "Nominee Holders"), to be counted, subject to the following conditions.</p> <ol style="list-style-type: none"> <li>1. The beneficiaries provide written confirmation to the Nominee Holders that they did not participate in the Placement, nor are they an associate of a person who participated in the Placement, whether directly or indirectly.</li> <li>2. The beneficiaries direct the Nominee Holders to vote for or against the resolution ratifying the issue of stapled securities under the Placement.</li> <li>3. The Nominee Holders do not exercise discretion in casting a vote on behalf of the beneficiaries.</li> <li>4. The terms of this waiver are released to the market no later than the time at which the notices of meetings for the Group's 2009 annual general meetings are given to ASX.</li> </ol>
<b>Basis For Decision</b>	<p>Underlying Policy            Notice of meeting requirement - approval of an issue of securities for listing rule 7.4 purposes - voting exclusion statement required to exclude votes of security holders who participated in the issue - security holders who participate in issue may receive a benefit over and above other security holders that do not participate in the issue.</p>

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### Present Application

Resolution to be put to security holders to ratify a completed placement - notice of meetings will contain voting exclusion statement in accordance with listing rule 7.5.6 - voting exclusion statement precludes any votes of nominee from being counted on resolution to ratify placement of securities if nominee holds securities on behalf of any underlying beneficiary who participated in the placement - purpose of rule is to exclude voting by persons with an interest in the outcome of the resolution - in case of ratification of placements, persons who participated in placement are excluded from voting - nominees hold shares on behalf of beneficial holders, some of whom participated in placement and some of whom did not - not intention of rule that the votes attributable to beneficial holders who did not participate in a placement should be excluded along with the votes attributable to beneficial holders who did participate in the placement - waiver permits votes of nominee on behalf of underlying beneficiaries to be counted, provided beneficiary confirms to nominee that it did not participate in the placement, and beneficiary directs nominee to vote for or against the resolution.

<b>Rule Number</b>	Appendix 6A clause 2
<b>Date</b>	17/02/2010
<b>ASX Code</b>	SMQ
<b>Listed Company</b>	SMART SERIES 2009-1 TRUST
<b>Waiver Number</b>	WLC100055-006
<b>Decision</b>	<p>ASX grants the Issuer a waiver from Appendix 6A paragraph 2 to the extent necessary to permit the Trust to follow a timetable for interest payments outlined in the Information Memorandum, on condition that on the next business day after an interest payment date the Issuer tells ASX the following.</p> <ol style="list-style-type: none"> <li>1. The record date for the next interest period.</li> <li>2. The payment date for the next interest period.</li> </ol>
<b>Basis For Decision</b>	<p><b>Underlying Policy</b> Entity must comply with Appendix 6A - timetable requirements for interest payments on quoted debt securities, calls, instalments, conversion or expiry of convertible securities and despatch date - maintains informed market - supports integrity of ASX market.</p> <p><b>Present Application</b> Entity's securities to pay interest monthly and quarterly - information memorandum specifies the record date to be 2 business days prior to date of payment - waiver granted on condition that the entity tells ASX the relevant dates for the next interest period the business day after a payment has been made - maintains informed market.</p>