

ASX Circular

Date: 21 December, 2007

Key topics

1. Aequus Securities Pty Ltd

Reading List

Client Advisers
Compliance Managers
DTR Operators
Managing Directors
Office Managers
Operations Managers (back office)

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DISCIPLINARY MATTERS

The ASX Disciplinary Tribunal ("the Tribunal") has determined the following:

Aequus Securities Pty Ltd ("Aequus") has been fined a total of \$25,000.00 plus GST in respect of contravention of ASX Market Rule 16.12.3 in that it failed to report transactions covered by Market Rule 16.12 by the time and in the manner set out in the ASX Market Rule procedures.

In determining sanctions the Tribunal took into account a number of matters including the following:

- Aequus indicated at an early stage that they would not contest the proceedings;
- Aequus' good prior disciplinary record;
- The contents of the Tomato Technologies Limited ("TMO") company announcement, released to the market on the morning of 28 November 2006; and
- The contravention deprived the market of timely information relevant to the state of trading in the securities of TMO.

The circumstances of this matter are as follows:

During late September/early October 2006, a Promoter contacted Aequus to propose a transaction which involved a third party selling 22,260,000 TMO Equity Securities.

On 28 November 2006 ("the Relevant Day") the third party placed a Sell Order with Aequus to dispose of 22,260,000 TMO Equity Securities at a price of \$0.15 per share.

On the Relevant Day, at 2.45pm Aequus produced a Buy Order to purchase 22,260,000 TMO Equity Securities at a price of \$0.15. Aequus acted as Principal in this transaction.

On the Relevant Day, at 2.45pm Aequus produced a Sell Order to dispose of 22,260,000 TMO Equity Securities at a price of \$0.1575 per share. Aequus acted as Principle in this transaction.

On the Relevant Day, Aequus' buying clients placed Buy Orders to purchase TMO Equity securities at a price of \$0.1575 per share. The last of these Buy Orders was received at 4.25pm. These Buy Orders totalled 19,510,000 TMO Equity Securities. The remaining amount of 2,750,000 TMO was placed in Aequus' Compususpense Account.

On the Relevant Day, Aequus reported to ASX the following two Block Special Crossings:

- a) 22,260,000 TMO for \$0.15 at 16:46:53pm for a total consideration of \$3,339,000 (the First Transaction); and
- b) 22,260,000 TMO for \$0.1575 at 16:47:03pm for a total consideration of \$3,505,950 (the Second Transaction).

Pursuant to ASX Market Rule Procedure 18.2.1, the First Transaction and the Second Transactions were Block Special Crossings. Aequus was required to report the First Transaction and the Second Transactions immediately.

Aequus contravened ASX Market Rule 16.12.3 in that it failed to report transactions covered by Market Rule 16.12 immediately, being the time and in the manner set out in the ASX Market Rule Procedures.