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Australian Securities and Investments Commission
Ms Vivienne Tannock
Senior Executive Leader, Market Infrastructure
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SYDNEY NSW 2000

ASX Market Announcements Office
ASX Limited
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Market Announcement

APPLICATIONS RELATED TO STATUTORY DERIVATIVE ACTION

ASX advises that one of its shareholders, Rosherville Pty Ltd (**Rosherville**), has now filed an application for interim relief under section 241 of the *Corporations Act* 2001 (Cth) seeking to file a statement of claim (**Interim Application**) and a separate application for leave to commence a Statutory Derivative Action under ss 236 and 237 of that act in the Federal Court of Australia (**Leave Application**).

Rosherville alleges that identified directors and officers breached certain of their duties in connection with the previous CHES project. There are no allegations against ASX itself.

ASX will oppose the Interim Application. ASX will also oppose the Leave Application on the basis that it is not in the best interests of the company.

Release of market announcement authorised by:
Committee of the Board of ASX Limited

Further enquiries

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Addendum – Further information about statutory derivative actions:

A Statutory Derivative Action is a legal process whereby a shareholder or officer may bring a lawsuit on behalf of a company to seek a remedy for a wrong done to the company itself. To commence a derivative action, the person seeking leave must obtain Court approval under section 237 of the *Corporations Act* by demonstrating each of five requirements, being that the Court is satisfied that:

- it is probable that the company will not itself bring the proceedings, or properly take responsibility for them, or for the steps in them
- the applicant is acting in good faith;
- it is in the best interests of the company that the applicant be granted leave;
- if the applicant is applying for leave to bring proceedings-there is a serious question to be tried; and
- at least 14 days before making the application, the applicant gave written notice to the company of the intention to apply for leave and of the reasons for applying, or it is appropriate to grant leave even though this requirement is not satisfied.

Where any of these requirements is not satisfied, the Court must not grant leave to bring a derivative action.