

Australian Securities and Investments Commission
Corporations Act 2001- Paragraphs 601QA(1)(a), 741(1)(a), 911A(2)(1), 992B(1)(a)
and 1020F(1)(a) - Revocation and Exemption

1. Under paragraphs 601QA(1)(a) and 741(1)(a) of the *Corporations Act 2001* (the "Act") the Australian Securities and Investments Commission ("ASIC") hereby revokes Class Order [00/205].
2. Under paragraphs 601QA(1)(a), 992B(1)(a) and 1020F(1)(a) of the Act, ASIC hereby exempts any person who operates a Broodmare Scheme ("Operator") from Chapter 5C, sections 992A and 992AA and Part 7.9 (other than sections 1017E, 1017F, 1020D and 1021O) of the Act in relation to:
 - (a) the operation of a managed investment scheme the principal purpose of which is to breed horses out of broodmares to which the scheme relates (a "Broodmare Scheme");
 - (b) the making of offers for issue or sale of, or recommendations to acquire, interests in a Broodmare Scheme; and
 - (c) issuing or selling interests in a Broodmare Scheme,
 where:
 - (d) each interest in the Broodmare Scheme is issued as the result of.
 - (i) an issue to which section 1477 of the Corporations Law (as continued in force by section 1408 of the Act) applies; or
 - (ii) an offer made before the Effective Date which assuming that interests in a Broodmare Scheme were securities to which Part 6D.2 of the Act applied at the time the offer was made, would not have required disclosure to investors because of a provision of section 708 of the Act; or
 - (iii) acceptance of a personal offer as defined in subsection 1012E(5) of the Act whether made before or after the Effective Date; or
 - (iv) an offer made on or after the Effective Date which does not need a Product Disclosure Statement; and
 - (e) the Operator together with any of its associates (as defined in Division 2 of Part 1.2 of the Act) have not, at the same time or during the previous 12 months, issued or sold more than 20 interests in aggregate in managed investment schemes, the principal purpose of which is to breed horses.
3. Under paragraph 911A(2)(1) of the Act, ASIC hereby exempts each person who is an Operator from the requirement to hold an Australian financial

services licence for the provision of financial services in relation to interests in a Broodmare Scheme operated on a basis which meets the requirements in paragraph 2 of this instrument.

4. Under paragraphs 911A(2)(l) and 1020F(1)(a) of the Act, ASIC hereby exempts each person other than an Operator from:

- (a) the requirement to hold an Australian financial services licence for the provision of financial services in relation to, and
- (b) Part 7.9 of the Act in relation to a recommendation that a client acquires and an offer to arrange the issue of an interest in,

a Broodmare Scheme offered on a basis which appears to meet the requirements in paragraph 2 of this instrument except where the person is aware, or reasonably ought to be aware, that those requirements have not been met.

Interpretation

For the purposes of this instrument:

"Commencement Date" means the date of the commencement of Schedule 1 to the *Financial Services Reform Act 2001*; and

"Effective Date" means:

- (a) for interests in a Broodmare Scheme in a class which were first issued on or after the Commencement Date - the Commencement Date; and
- (b) for any other interests in a Broodmare Scheme - the date on which the new product disclosure provisions (as defined in section 1438 of the Act) first apply to interests in the Broodmare Scheme.

Commencement

This instrument takes effect on the Commencement Date.

Dated the 12th day of February 2002

Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission