

Appendix A

Covenants prescribed by the Corporations Law

**COVENANT
PRESCRIBED BY**

**PROVISION IN DRAFT LEGISLATION IN
VOLUME 2**

Covenants prescribed by s 1069

| | |
|-------------------|---|
| s 1069(1)(a) | unnecessary to reproduce |
| s 1069(1)(b)(i) | unnecessary to reproduce |
| s 1069(1)(b)(ii) | Corporations Law proposed s 216AB |
| s 1069(1)(b)(iii) | unnecessary to reproduce |
| s 1069(1)(c) | unnecessary to reproduce |
| s 1069(1)(d) | unnecessary to reproduce |
| s 1069(1)(e)(i) | closest equivalent Corporations Law proposed s 232AA |
| s 1069(1)(e)(ii) | unnecessary to reproduce |
| s 1069(1)(e)(iii) | Corporations Law s 289 as proposed to be amended |
| s 1069(1)(e)(iv) | Corporations Law s 323H |
| s 1069(1)(f)(i) | Corporations Law proposed s 323KA |
| s 1069(1)(f)(ii) | Corporations Law proposed s 323J |
| s 1069(1)(f)(iii) | Corporations Law proposed s 323KA |
| s 1069(1)(g) | Corporations Law proposed s 243HA |
| s 1069(1)(h)(i) | closest equivalent Corporations Law proposed s 323KC |
| s 1069(1)(h)(ii) | unnecessary to reproduce |
| s 1069(1)(j) | unnecessary to reproduce |
| s 1069(1)(k) | covered by Corporations Law proposed s 260BG |
| s 1069(1)(m) | procedures for calling meetings dealt with in Corporations Law proposed Division 2 of Part 3.4A; see proposed s 260BC |

Covenants prescribed by reg 7.12.15

| | |
|----------------------|--|
| reg 7.12.15(1)(a) | unnecessary to reproduce |
| reg 7.12.15(1)(b) | unnecessary to reproduce — already covered by Corporations Law s 1040 |
| reg 7.12.15(1)(c) | nearest equivalent Corporations Law proposed s 260AM |
| reg 7.12.15(1)(d) | Corporations Law proposed s 260AO |
| reg 7.12.15(1)(e) | unnecessary to reproduce |
| reg 7.12.15(1)(f)(i) | Corporations Law proposed s 260AE, 260AH |

| | |
|---|--|
| reg 7.12.15(1)(f)(ii) | Corporations Law proposed s 260AF, 260AH |
| reg 7.12.15(1)(g) | Corporations Law proposed s 260BE |
| reg 7.12.15(2)(a) | Corporations Law proposed s 113C |
| reg 7.12.15(2)(b) | covered by related party provisions |
| reg 7.12.15(2)(c) | unnecessary to reproduce |
| reg 7.12.15(2)(e), reg 7.12.15(8) | Corporations Law proposed s 158Q, 158R, 183C, 183D |
| reg 7.12.15(2)(f) | unnecessary to reproduce |
| reg 7.12.15(2)(g) | unnecessary to reproduce |
| reg 7.12.15(2)(h) | unnecessary to reproduce |
| reg 7.12.15(3),(4),(9) | Corporations Law proposed s 260BG |
| reg 7.12.15(5)(a) | Corporations Law proposed s 260AN |
| reg 7.12.15(5)(b) | Corporations Law proposed s 260AN |
| reg 7.12.15(5)(c) | Corporations Law proposed s 260AN |
| reg 7.12.15(5)(d) | best reproduced in regulations |
| reg 7.12.15(5)(e) | best reproduced in regulations |
| reg 7.12.15(5)(f) | Corporations Law proposed s 260AN |
| reg 7.12.15(5)(g) | Corporations Law proposed s 260AN |
| reg 7.12.15(5)(ga) | unnecessary to reproduce |
| reg 7.12.15(5)(gb) | unnecessary to reproduce |
| reg 7.12.15(5)(gc) | Corporations Law proposed s 323J |
| reg 7.12.15(5)(h) | unnecessary to reproduce |
| reg 7.12.15(5)(j) | unnecessary to reproduce |
| reg 7.12.15(5)(k) | unnecessary to reproduce |
| reg 7.12.15(5)(l) | unnecessary to reproduce; but see related party provisions and proposed s 183A |
| reg 7.12.15(5)(m) | unnecessary to reproduce |
| reg 7.12.15(5)(n) | unnecessary to reproduce |
| reg 7.12.15(5)(o) | Corporations Law proposed s 323KA |
| reg 7.12.15(5)(p) | best reproduced in regulations |
| reg 7.12.15(5)(q),(r) | dealt with by Corporations Law proposed s 260AJ |
| reg 7.12.15(5)(s) | unnecessary to reproduce |
| reg 7.12.15(5A) | unnecessary to reproduce |
| reg 7.12.15(5B) | unnecessary to reproduce |
| reg 7.12.15(6)(a) | Corporations Law proposed s 216BA |
| reg 7.12.15(6)(b) | unnecessary to reproduce |
| reg 7.12.15(6)(ba) | unnecessary to reproduce |
| reg 7.12.15(6)(bb) | Corporations Law proposed s 1020(2) |
| reg 7.12.15(6)(c) | nearest equivalent Corporations Law s 323H |
| reg 7.12.15(6)(d), reg 7.12.15(6)(e) | covered by enhanced disclosure provisions |
| reg 7.12.15(6)(f), reg 7.12.15(9) | Corporations Law proposed s 260BG |
| reg 7.12.15(6)(g), reg 7.12.15(10) | nearest equivalent Corporations Law proposed s 158Q, 158R, 183C, 183D |
| reg 7.12.15(6)(h) | unnecessary to reproduce |
| reg 7.12.15(6)(j) | unnecessary to reproduce |
| reg 7.12.15(6)(k) | unnecessary to reproduce |
| reg 7.12.15(6)(l) | unnecessary to reproduce |
| reg 7.12.15(6)(m) | nearest equivalent Corporations Law proposed s 232AA |

| | |
|-------------------|--|
| reg 7.12.15(6)(n) | unnecessary to reproduce |
| reg 7.12.15(7)(a) | Corporations Law proposed s 323KA |
| reg 7.12.15(7)(b) | Corporations Law proposed s 323J |
| reg 7.12.15(7)(c) | covered by related party provisions |
| reg 7.12.15(7)(d) | Corporations Law proposed s 323J |
| reg 7.12.15(7)(e) | Corporations Law proposed s 260AJ |
| reg 7.12.15(7)(f) | Corporations Law proposed s 260AN |
| reg 7.12.15(7)(g) | unnecessary to reproduce |
| reg 7.12.15(7)(h) | Corporations Law proposed s 158K; 158L |
| reg 7.12.15(7)(j) | Corporations Law proposed s 158L |
| reg 7.12.15A | Corporations Law proposed Part 2.5 |

Appendix B

List of submissions

List of submissions to Issues Paper 10

| | |
|---|-------------------|
| Arnold RW | 31 September 1991 |
| ASGARD Capital Management Limited | 13 November 1991 |
| Association of Superannuation Funds of Australia Limited | 18 November 1991 |
| Attorney-General's Department (ACT) | 19 November 1991 |
| Australian Friendly Societies Association | 1 November 1991 |
| Australian Society of Certified Practising Accountants & The Institute of Chartered Accountants in Australia | 24 December 1991 |
| ANZ Funds Management Limited | 29 October 1991 |
| Australian Property Alliance | 11 October 1991 |
| Axtens JM | 9 October 1991 |
| Bankers Trust Australia Limited | 1 December 1991 |
| Baysys International (Aust) Pty Ltd | 1 November 1991 |
| Bowden RJ, National Centre for Banking and Capital Markets | 22 October 1991 |
| Boyle PJ | 22 November 1991 |
| Chamen P | 8 October 1991 |
| Eagle Star Trustees Limited | 8 November 1991 |
| Edwards A, Compliance Advisors | 31 October 1991 |
| Financial Wisdom Limited | 5 December 1991 |
| First State Fund Managers Limited | 8 October 1991 |
| Foley JF | 8 November 1991 |
| Freehill Hollingdale & Page | 10 February 1992 |
| Howard Financial Holdings Limited | 28 April 1992 |
| International Association for Financial Planning (Australia) | 1 November 1991 |
| Investment Funds Association of Australia | 8 April 1992 |
| KPMG Peat Marwick Chartered Accountants | 6 December 1991 |
| Law Council of Australia | 21 February 1992 |
| Life Insurance Federation of Australia Incorporated | 25 November 1991 |
| Macquarie Investment Management Limited | 29 May 1992 |
| MLC Investments Limited | 22 November 1991 |
| MLC Life Limited | 13 November 1991 |
| | 2 March 1992 |
| National Mutual Life Association of Australasia Limited | 1 November 1991 |
| | 30 December 1991 |
| Nipper MRG & Weeks PL | 31 October 1991 |
| Perpetual Trustees Australia Limited | 1 November 1991 |
| | 15 November 1991 |
| Premier and Cabinet, Dept of the (SA) | 1 November 1991 |
| Purvis, van Eyk & Company Limited | 12 November 1991 |
| Real Estate Institute of Australia | 21 February 1992 |
| Roach Retirement & Financial Planning Services Pty Ltd | 21 October 1991 |
| R Garton Smith & Co | 2 January 1992 |
| Skully MT, University of New South Wales | 30 October 1991 |
| Stokes & Company (Securities) Pty Ltd | 31 October 1991 |

| | |
|---|------------------|
| Trust Company of Australia Limited | 4 October 1991 |
| Trustee Companies Association of Australia | 7 November 1991 |
| Wells EM | 28 October 1991 |
| Westpac Banking Corporation, Westpac Financial Services | 19 December 1991 |

List of submissions to Discussion Paper 53

| | |
|---|------------------|
| ANZ Funds Management | 7 December 1992 |
| | 21 December 1992 |
| Arthur Robinson & Hedderwicks | 10 December 1992 |
| | 16 December 1992 |
| Attorney-General's Department, Business Law Division (Cth) | 21 December 1992 |
| Australian Copyright Council | 23 December 1992 |
| Australian Film Commission | 7 January 1993 |
| Australian Film Finance Corporation Pty Limited | 8 December 1992 |
| Australian Friendly Societies Association | 22 December 1992 |
| Australian Institute of Valuers and Land Economists (Inc) | 8 December 1992 |
| Australian Investors Association Ltd | 16 December 1992 |
| Australian Mutual Provident Society | 30 November 1992 |
| Australian Securities Commission | 3 December 1992 |
| Australian Society of Certified Practising Accountants & The Institute of Chartered Accountants in Australia | 15 February 1993 |
| Australian Stock Exchange Limited | 22 December 1992 |
| Baker H | 26 November 1992 |
| Bankers Trust Australia Limited | 15 December 1992 |
| Commercial Law Association of Australia Ltd | 18 December 1992 |
| Condell Vann & Co Australia Limited | 12 November 1992 |
| County NatWest Australia Investment Management Limited | 18 December 1992 |
| Credit Union Services Corporation (Australia) Limited | 27 November 1992 |
| Denyer JK | 3 November 1992 |
| Financial Planning Association of Australia Limited | 7 December 1992 |
| Finlayson R | 18 December 1992 |
| Freehill Hollingdale & Page | 8 December 1992 |
| Hall Chadwick Chartered Accountants | 21 December 1992 |
| Industry, Technology & Commerce, Dept of | 21 December 1992 |
| Institute of Actuaries of Australia | 9 December 1992 |
| Institute of Chartered Accountants in Australia | 30 March 1993 |
| Insurance and Superannuation Commission | 12 November 1992 |
| | 16 December 1992 |
| Investment Funds Association of Australia Limited | 1 December 1992 |
| Law Council of Australia | 16 December 1992 |
| Legal Services Commission of South Australia | 15 December 1992 |
| Lend Lease Property Funds Management | 18 December 1992 |
| Life Insurance Federation of Australia Incorporated | 18 December 1992 |
| Lismore Management Corporation Limited | 10 March 1993 |
| Little DJ | 10 December 1992 |
| Macquarie Investment Management Limited | 24 November 1992 |
| Mercantile Mutual Holdings Limited | 16 December 1992 |
| McAuley JP | 23 November 1992 |
| McMahon M | 28 December 1992 |

| | |
|--|------------------|
| Minter Ellison Morris Fletcher | 19 November 1992 |
| | 24 November 1992 |
| MLC Investments Limited | 17 December 1992 |
| MLC Life Limited | 18 December 1992 |
| National Information Centre on Retirement Investments | 24 November 1992 |
| National Mutual Life Association of Australasia Limited | 30 June 1992 |
| | 6 November 1992 |
| | 3 December 1992 |
| Permanent Trustee Company Limited | 12 November 1992 |
| | 25 November 1992 |
| | 18 December 1992 |
| Perpetual Trustees Australia Limited | 10 December 1992 |
| Property Resources | 20 November 1992 |
| Redfern Legal Centre | 2 December 1992 |
| Renton NE | 3 December 1992 |
| Reserve Bank of Australia | 15 December 1992 |
| Robinson WJ | 14 October 1992 |
| Roseman EM | 17 February 1993 |
| St George Funds Manager Limited | 18 December 1992 |
| Starr M | 12 November 1992 |
| Stokes & Company (Securities) Pty Ltd | 26 November 1992 |
| Sydney Futures Exchange Limited | 11 December 1992 |
| Treasury (Cth) | 24 December 1992 |
| Trust Company of Australia Limited | 7 December 1992 |
| Trustee Companies Association of Australia | 10 December 1992 |
| | 17 December 1992 |
| Tyndall Investment Management (Australia) Limited | 26 November 1992 |
| Valentine T | 5 November 1992 |
| Victorian Financial Institutions Commission | 15 January 1993 |
| Wessex Fund Management Limited | 26 November 1992 |
| Westpac Banking Corporation, Personal Investment Centres | 3 December 1992 |
| Westpac Banking Corporation, Westpac Financial Services | 2 December 1992 |