



**THE SECURITIES ACT (AUSTRALIAN UNIT TRUSTS)
EXEMPTION NOTICE 1995, AMENDMENT NO. 3**

PURSUANT to the Securities Act 1978, the Securities Commission gives the following notice.

NOTICE

1. Title and commencement—(1) This notice may be cited as the Securities Act (Australian Unit Trusts) Exemption Notice 1995, Amendment No. 3, and shall be read together with and deemed part of the Securities Act (Australian Unit Trusts) Exemption Notice 1995* (hereinafter referred to as the principal notice).

(2) This notice shall come into force on the day after the date of its notification in the *Gazette*.

2. New clause relating to application of principal notice inserted—The principal notice is hereby amended by inserting, after clause 1, the following clause:

“1A. **Application**—This notice applies to specified participatory securities offered to the public for subscription by means of—

“(a) An Australian prospectus lodged or registered under the law of a State or Territory of the Commonwealth of Australia on or before the close of the 30th day of April 1996; or

“(b) An advertisement referred to in clause 4 (2) (b) of this notice that refers to an Australian prospectus described in paragraph (a) of this clause.”

3. Clause 4 (6) (a) of principal notice amended—(1) Clause 4 (6) (a) of the principal notice is hereby amended by inserting, after subparagraph (iii), the following subparagraph:

“(iiiia) Specifies in respect of each unit trust, the total amount of New Zealand raised funds under management by the Australian issuer as at the last day of that preceding calendar year; and”.

(2) Nothing in this clause applies in respect of the calendar year ending with the close of the 31st day of December 1995.

*S.R. 1995/105

Amendment No. 1: S.R. 1995/170

Amendment No. 2: S.R. 1996/7

Dated at Wellington this 17th day of April 1996.

The Common Seal of the Securities Commission was hereunto affixed in the presence of:

[L.S.]

E. H. ABERNETHY,
Chairman.

EXPLANATORY NOTE

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on the day after the date of its notification in the *Gazette*, amends the Securities Act (Australian Unit Trusts) Exemption Notice 1995.

Clause 2 inserts a new *clause 1A* into the principal notice. The new *clause 1A* limits the application of the principal notice to interests in Australian unit trusts offered to the public for subscription by means of an Australian prospectus that is lodged or registered before 1 May 1996 or by means of an advertisement that refers to such a prospectus.

The Securities Act (Australian Unit Trusts) Exemption Notice 1996, which comes into force on 1 May 1996, applies to interests in Australian unit trusts offered to the public for subscription by means of an Australian prospectus that is lodged or registered in Australia on or after 1 May 1996 or by means of an advertisement that refers to such a prospectus.

The Securities Act (Australian Unit Trusts) Exemption Notice 1995 will thus continue to apply to Australian prospectuses lodged or registered in Australia before 1 May 1996. The Securities Act (Australian Unit Trusts) Exemption Notice 1996 will apply to Australian prospectuses lodged or registered on or after that date.

Clause 3 amends *clause 4 (6) (a)* of the principal notice. *Clause 4 (6) (a)* requires Australian issuers to furnish, by 31 March in each year, a written report to the Securities Commission relating to the preceding calendar year containing the matters specified in paragraph (a). *Clause 3* will, in respect of the calendar year ending on 31 December 1996 and subsequent calendar years, require the report to state the amount of New Zealand funds under management by the Australian issuer as at the end of the calendar year.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 18 April 1996.

This notice is administered in the Securities Commission.