

# SECURITIES EXCHANGES GUARANTEE CORPORATION LTD

ABN 19 008 626 793

Trustee of the National Guarantee Fund

ABN 69 546 559 493

Level 21, Australia Square, 264 George Street

Sydney NSW 2000

## UNAUTHORISED TRANSFER TRANSFEROR CLAIM

(Regulation 7.5.54 Corporations Regulations 2001)

(Subdivision 4.7)

## CLAIM FORM

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### WHERE TO SEND YOUR CLAIM FORM

**Post it to:** Securities Exchanges Guarantee  
Corporation Ltd  
GPO Box 3973  
SYDNEY NSW 2001

**OR**

**Deliver it to:** Securities Exchanges Guarantee  
Corporation Ltd  
Level 21, Australia Square  
264 George Street  
Sydney NSW 2000

**Enquiries Phone:** (02) 8216 0231

## GUIDE TO COMPLETING THIS FORM

**\*\*Please read carefully\*\***

### WHAT YOU NEED TO DO

- Use this form if you have suffered loss in respect of securities owned by you which have been transferred without your authority by a dealer purportedly on your behalf.
- You should lodge your claim as soon as possible after you become aware of having suffered loss as a result of the transfer.
- There is a statutory time limit for lodging claims on SEGC. A claim should be lodged within 6 months after you become aware of your loss as a result of the transfer. The Board of Securities Exchanges Guarantee Corporation Ltd (SEGC) (who will consider your claim) has a discretion to waive the time bar in appropriate cases, but the onus is on you to establish that it is appropriate for the Board to exercise its discretion.
- Keep a copy of the completed claim form and any other papers attached to the form so that you have your own record.

### STEPS FOR COMPLETION AND LODGEMENT OF CLAIM FORM

#### STEP 1

- When completing the claim form, please print clearly. Follow the "go to" instructions on the form and attach further information on separate pages if there is not enough space on the form.

The person completing the form must sign the Statutory Declaration in the presence of a prescribed person (see attached list), who will also sign the form as a witness. Before you sign the Declaration read it carefully.

The onus is on you to prove your claim so ensure you include all relevant information or documentation which goes towards proving your claim, for example, any receipt or other documentation showing that the property was delivered to the dealer, or in the case of a CHESS sponsored holding a holding statement.

- If your claim is outside the time limit, you also need to provide information which is relevant to the SEGC Board's consideration of whether it is appropriate to waive the time restriction. Factors which the Board may take into account include:
  - the extent of the delay in lodging a claim;
  - any reason or excuse for the delay;
  - the degree of your commercial experience or inexperience;
  - whether any particular hardship will be caused to you;
  - any other matter which you consider relevant for the Board's consideration.

The Board may also consider general policy issues, including the efficient administration of the National Guarantee Fund and any prejudice which may be suffered by SEGC by reason of the delay in lodging the claim.

- Certain persons are excluded by the Corporations Regulations 2001 from lodging a claim in relation to an unauthorised transfer. These include such persons as the dealer (and the officers of the company which is a dealer), a spouse or relative of the dealer (or company officer), companies which those persons control, and trustees of trusts under which those persons may benefit.

## STEP 2

- Post or deliver your claim form and any attachments to SEGC at the address on the coversheet.

<p><b>WHAT WILL HAPPEN AFTER YOU SEND YOUR CLAIM TO SECURITIES EXCHANGES GUARANTEE CORPORATION LTD</b></p>
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- You will get a letter from SEGC advising that your claim has been received.
- SEGC management must check that the claim is valid and may decide to seek further information from you, your dealer or other sources, if necessary. You must be prepared to assist SEGC with this, if required.

In some cases it may be that the property is available for return to you. Where this happens, you will be advised when to expect receipt of the property and further consideration of the claim may not be necessary.

- SEGC management will present the claim to the SEGC Board of Directors, who after reviewing the claim, will determine whether or not to allow the claim.
- SEGC will advise you of the Board's decision.

If your claim is allowed, SEGC will supply the equivalent securities to you. If this is not practicable, a cash settlement will be made. SEGC will also provide the amount of any lost dividends.

**CLAIM FORM**

**1 CLIENT'S PERSONAL DETAILS**

**CLIENT'S PERSONAL DETAILS**

\*(please see note below)

Surname / Family name or Company Name

Surname / Family name or Company Name

Given name(s) or Company ABN or ACN

Given name(s) or Company ABN or ACN

Mr  Ms  Other (Title)

Mr  Ms  Other (Title)

Mrs  Miss  .....

Mrs  Miss  .....

Email Address

Email Address

Home address / Company business address

.....  
.....  
.....  
.....Post Code .....

Home address / Company business address

.....  
.....  
.....  
.....Post Code .....

Postal address (or "as above")

.....  
.....  
.....  
.....Post Code .....

Postal address (or "as above")

.....  
.....  
.....  
.....Post Code .....

Home telephone number

( )

Home telephone number

( )

Work telephone number

( )

Work telephone number

( )

Occupation

Occupation

\* Complete if more than one claimant

**2 AGENCY**

Are you lodging this claim form on behalf of another person?

No. Go to 3.

Yes\*. What is the basis of you doing so ?

Power of Attorney

Other. Please specify .....

\* *If you are making this claim on behalf of another person (including a company), please provide a copy of the power of attorney, resolution or other evidence of your authority to make this claim.*

**PERSONAL DETAILS OF AGENT**

Surname / Family name / Company or Firm name

Given name(s) / Company ABN or ACN

Mr       Ms       Other (Title)   
Mrs       Miss       .....

Postal address

.....
.....
.....
.....Post Code .....

Home telephone number

Work telephone number

Occupation

**3. DETAILS OF TRANSACTION**

**Name and address of dealer who effected transfer of securities:**

Name of Dealer: .....
Address: .....
.....
Adviser's name (if known).....

**Further details of transaction:** (attach information if there is insufficient space)

- (a) Name of company that issued the securities .....
- (b) Type of security (e.g. ordinary shares, convertible notes). .....
- (c) Number of securities .....
- (d) Date of transfer (if known) .....
- (e) Details of transferee (if known) .....
- (f) CHESSE Holder Identification Number (if broker sponsored) .....
- (g) Shareholder Reference Number/ Personal Identification Number (if issuer sponsored) .....
- (h) Share Certificate Identification Number (if certificated holding) .....

**4 IS/ARE THERE ANY OUTSTANDING LIABILITY/AMOUNTS OWING BY YOU/THE CLIENT TO THE DEALER?**

- No.
- Yes. Please supply details (attach information if there is insufficient space).

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**5 OTHER INFORMATION** (attach information if there is insufficient space)

Please provide any further information and attach any documents that may be relevant to your claim (for example, client agreements; sponsorship agreements; holding statements; correspondence with the dealer or the registry). Please include details of your relationship with the dealer and any attempts made to resolve the claim directly with the dealer. If no such attempts have been made, please explain why.

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**6 TIME LIMIT** (attach information if there is insufficient space)

If it is more than six months since you/the client became aware of the transfer of the securities, please supply any information and attach any documents you believe may be relevant to the SEGC Board in deciding whether to waive the time limit for making this claim.

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**7 REPORTING TO OTHER AGENCIES** (attach information if there is insufficient space)

Have you reported the circumstances of your claim to any of the following? If so, please provide details. If not, please explain why.

(a) Police	Yes	No
(b) Australian Securities and Investments Commission	Yes	No
(c) Australian Stock Exchange Limited	Yes	No
(d) Financial Services Complaints Resolution Scheme	Yes	No
(e) Any other law enforcement body or dispute resolution scheme	Yes	No

## STATUTORY DECLARATION

You/the client must sign this Statutory Declaration and it must be witnessed by a prescribed person (see attached list)

### ***STATUTORY DECLARATION*** *Statutory Declarations Act 1959 (Cth)*

I, .....

.....  
[Name, address and occupation of person making the declaration]

make the following declaration under the *Statutory Declarations Act 1959*:

I/We state:

- (1) All the information given in this claim form and any attachments to it is true and correct in every respect.
- (2) I/we/the client did not authorise the dealer to effect the transfer.
- (3) Neither the dealer nor the company which issued the securities has transferred the securities to me/us/the client for the purposes of remedying the unauthorised transfer and no notice of any such proposal has been given.
- (4) To the best of my knowledge and belief I am/we are/the client is not an excluded person as defined in regulation 7.5.04 of the Corporations Regulations 2001 in relation to the dealer.
- (5) Full details of any attempt to resolve this claim directly with the dealer or of any complaint lodged with the Financial Ombudsman Service Limited in relation to the circumstances giving rise to any claim on the NGF are provided in this claim form.
- (6) I/we/the client have been provided with a copy, and read, SEGC's Privacy Policy Statement.
- (7) I/we/the client acknowledge that SEGC may, before or after determining this claim, disclose to or obtain information and documentation from the dealer/s concerned, State or Federal police, ASIC, ASX or its subsidiaries, the share registry/ies concerned or any other person involved in the circumstances leading to this claim. This includes information and documentation provided in support of the claim (unless legal professional privilege has been expressly preserved in relation to that information or documents) and personal information within the meaning of the Privacy Act 1988 (Cth).



I UNDERSTAND THAT A PERSON WHO INTENTIONALLY MAKES A FALSE STATEMENT IN A STATUTORY DECLARATION IS GUILTY OF AN OFFENCE UNDER SECTION 11 OF THE *STATUTORY DECLARATIONS ACT 1959*, AND I BELIEVE THAT THE STATEMENTS IN THIS DECLARATION ARE TRUE IN EVERY PARTICULAR.

Signature/s of Claimant/s or Agent

Declared at

.....  
(place)

on ..... of .....20.....  
(day) (month) (year)

Before me,

.....  
*[Signature of person before whom the declaration is made]*

.....  
.....

.....  
*Full name, qualification and address of person before whom the declaration is made (in printed letters)*

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.

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**List of Prescribed Persons who may witness a statutory declaration**  
(*Statutory Declarations Regulations 1993, Schedule 2 (Regulation 4)*)

**Part 1 Occupations**

<b>Item</b>	<b>Occupation</b>
101	Chiropractor
102	Dentist
103	Legal practitioner
104	Medical practitioner
105	Nurse
106	Optometrist
107	Patent attorney
108	Pharmacist
109	Physiotherapist
110	Psychologist
111	Trade marks attorney
112	Veterinary surgeon

**Part 2 Other persons**

201	Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public
202	Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the <i>Consular Fees Act 1955</i> )
203	Bailiff
204	Bank officer with 5 or more continuous years of service
205	Building society officer with 5 or more years of continuous service
206	Chief executive officer of a Commonwealth court
207	Clerk of a court
208	Commissioner for Affidavits
209	Commissioner for Declarations
210	Credit union officer with 5 or more years of continuous service
211	Employee of the Australian Trade Commission who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (d) of the <i>Consular Fees Act 1955</i> ; and (c) exercising his or her function in that place
212	Employee of the Commonwealth who is: (a) in a country or place outside Australia; and (b) authorised under paragraph 3 (c) of the <i>Consular Fees Act 1955</i> ; and (c) exercising his or her function in that place

- 213 Fellow of the National Tax Accountants' Association
- 214 Finance company officer with 5 or more years of continuous service
- 215 Holder of a statutory office not specified in another item in this Part
- 216 Judge of a court
- 217 Justice of the Peace
- 218 Magistrate
- 219 Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*
- 220 Master of a court
- 221 Member of Chartered Secretaries Australia
- 222 Member of Engineers Australia, other than at the grade of student
- 223 Member of the Association of Taxation and Management Accountants
- 224 Member of the Australian Defence Force who is:
- (a) an officer; or
  - (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
  - (c) a warrant officer within the meaning of that Act
- 225 Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants
- 226 Member of:
- (a) the Parliament of the Commonwealth; or
  - (b) the Parliament of a State; or
  - (c) a Territory legislature; or
  - (d) a local government authority of a State or Territory
- 227 Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*
- 228 Notary public
- 229 Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public
- 230 Permanent employee of:
- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority; or
  - (c) a local government authority;
- with 5 or more years of continuous service who is not specified in another item in this Part
- 231 Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made
- 232 Police officer
- 233 Registrar, or Deputy Registrar, of a court
- 234 Senior Executive Service employee of:
- (a) the Commonwealth or a Commonwealth authority; or
  - (b) a State or Territory or a State or Territory authority
- 235 Sheriff
- 236 Sheriff's officer
- 237 Teacher employed on a full-time basis at a school or tertiary education institution
- 238 Member of the Australasian Institute of Mining and Metallurgy
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