

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMERCIAL COURT  
CORPORATIONS LIST

S CI 2015

IN THE MATTER OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

BETWEEN

ANTHONY GREGORY MCGRATH, JOSEPH DAVID HAYES, MATTHEW WAYNE CADDY AND ROBERT MICHAEL KIRMAN AS RECEIVERS AND MANAGERS OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

First Plaintiffs

BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

Second Plaintiff

**AFFIDAVIT OF JOSEPH DAVID HAYES "JH-9"**

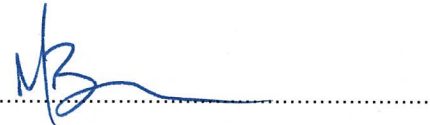
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Date sworn: 16 December 2015  
Filed on behalf of: The Plaintiffs  
Prepared by:  
**Ashurst Australia**  
Level 26  
181 William Street  
MELBOURNE VIC 3000

Solicitor's Code: 53  
DX: 388  
Tel: (03) 9679 3000  
Fax: (03) 9679 3111  
Ref: 03 3000 9288  
Attention: Ross McClymont  
Email: ross.mcclymont@ashurst.com

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This is the exhibit marked "JH-9" now produced and shown to Joseph David Hayes at the time of swearing his affidavit on 16 December 2015.



**Exhibit "JH-9"**

Letter from ASIC to Ashurst granting eligible  
applicant status dated 6 December 2012



ASIC

Australian Securities & Investments Commission

Level 5, 100 Market Street, Sydney  
GPO Box 9827 Sydney NSW 2001  
DX 653 Sydney

Telephone: (02) 9911 2000  
Facsimile: (02) 9911 2414  
ASIC website: [www.asic.gov.au](http://www.asic.gov.au)

Our reference: JW:PCS2012/27764  
Your reference: MCS\AMORR\03 3000 9288

6 December 2012

Michael Sloan  
Ashurst  
Level 26, 181 William Street  
MELBOURNE VIC 3000

By email: [michael.sloan@ashurst.com](mailto:michael.sloan@ashurst.com)

Dear Mr Sloan,

**Cherry Fund Limited (Receivers and Managers Appointed) ACN 106 274 631  
and Banksia Securities Limited (Receivers and Managers Appointed) ACN 004  
736 458 ("the Companies")  
Application for eligible applicant status under the Corporations Act 2001 ("the  
Act")**

I refer to your letter of 14 November 2012 and your emails of 22 November 2012 and 3 December 2012.

I confirm that Anthony Gregory McGrath, Joseph David Hayes, Matthew Wayne Caddy and Robert Michael Kirman, the Receivers and Managers of each of the Companies, are seeking authorisation to make applications in respect of each of the Companies under the Division of Part 5.9 of the Act in which the expression "*eligible applicant*" occurs.

ASIC authorises Anthony Gregory McGrath, Joseph David Hayes, Matthew Wayne Caddy and Robert Michael Kirman to make applications under Division 1 of Part 5.9 of the Act in relation to each of the Companies.

Yours sincerely

Carl Sibilias  
as a delegate of the Australian Securities and Investments Commission