



Securities Act (Central Plains Water Limited) Exemption Notice 2004

Pursuant to the Securities Act 1978, the Securities Commission gives the following notice (to which is appended a statement of reasons of the Securities Commission).

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Notice

1 Title

This notice is the Securities Act (Central Plains Water Limited) Exemption Notice 2004.

2 Commencement

This notice comes into force on the day after the date of its notification in the *Gazette*.

3 Expiry

This notice expires on the close of 31 October 2009.

4 Interpretation

(1) In this notice, unless the context otherwise requires,—

Act means the Securities Act 1978

company means Central Plains Water Limited

Regulations means the Securities Regulations 1983

specified equity securities means ordinary shares in the capital of the company.

- (2) Any term or expression that is defined in the Act or the Regulations and used, but not defined, in this notice has the same meaning as in the Act or the Regulations.

5 Exemption from clause 42(2) of First Schedule of Regulations

The company and every person acting on its behalf are exempted from clause 42(2) of the First Schedule of the Regulations in respect of any specified equity securities.

6 Condition of exemption

The exemption in clause 5 is subject to the condition that the registered prospectus that contains the offer of the specified equity securities contains a copy of a report by a qualified auditor, which contains a statement in the following form:

“In our opinion, the prospective financial information set out on pp.... of this prospectus, so far as accounting policies and calculations are concerned, has been properly compiled on the footing of the assumptions made or adopted by the company set out on pp.... of this prospectus and is presented on a basis consistent with the accounting policies normally adopted by the company.”

Dated at Wellington this 2nd day of November 2004.

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

[L.S.]

F. R. S. Clouston,
Member.

Statement of reasons

This notice, which comes into force on the day after the date of its notification in the *Gazette* and expires on 31 October 2009, exempts Central Plains Water Limited from clause 42(2) of the First Schedule of the Securities Regulations 1983 in the case of an offer of ordinary shares.

The Securities Commission considers that it is appropriate to grant the exemption because—

- as a public entity in terms of the Public Audit Act 2001, Central Plains Water Limited is required to be audited by the Auditor-General. The auditor's report required in a registered prospectus must contain a statement about any prospective financial information in the prospectus. Central Plains Water Limited has been informed that it is not within the normal functions of Audit New Zealand to express an opinion on prospective financial information. Central Plains Water Limited is therefore unable to comply with the requirements of the Securities Regulations 1983 to have a single auditor's report in the registered prospectus. The exemption allows Central Plains Water Limited to comply with its statutory obligations in so far as historical financial statements are concerned, but also to prepare a prospectus containing an auditor's statement from another auditor about the prospective financial information in the form required by those regulations:
- the exemption and the condition of exemption are consistent with the policy of previous exemptions the Commission has granted from clause 42(2) of the First Schedule of the Securities Regulations 1983.

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

Date of notification in *Gazette*: 4 November 2004.

This notice is administered by the Securities Commission.
