



## PRO-FORMA APPLICATION SECTION 657EA – REVIEW OF PANEL DECISION

### How to use this pro-forma application

While an application under section 657EA does not need to be in a particular form, the Panel has approved this pro-forma application to aid an applicant in preparing its application for a review of a Panel decision.

In accordance with rule 14(1) of the *Takeover Panel Procedural Rules 2020* (Cth), the items marked in this pro-forma application with an asterisk (\*) must be included in an application under section 657EA of the *Corporations Act 2001* (Cth) to be considered a valid application.

While not essential for a valid application, applicants are encouraged to provide the other information set out in this pro-forma application (where possible) to aid the Panel in considering the application.

Where submissions are made in support of the application (i.e. the information to be provided in section 3.1 (submissions) and 4 (orders) below), the submissions in total should not exceed 10 A4 pages in minimum 10 point font.

Further information on the form of an application can also be found in the Panel's Procedural Guidelines (available on the Panel's website).

If this pro-forma application is used to prepare your application, please delete this cover page prior to submitting your application to the Panel.

## APPLICATION TO THE TAKEOVERS PANEL SECTION 657EA – REVIEW OF PANEL DECISION

**Date:** *Insert date of application*

**Applicant:** *Insert name of applicant*

**In relation to:** *Insert name of relevant Panel proceeding to which review relates*

**Other parties:** *Identify the other parties*

### 1. OVERVIEW OF REVIEW APPLICATION

Aspect	Summary
Decision(s) of review*	<p><i>Identify the relevant decision of the Panel to which the review application relates (i.e. the declaration or orders, both the declaration and orders or the decision not to make a declaration or orders).</i></p> <p><i>If you only seek a review of specific aspects of a declaration or orders, please specify.</i></p>
Interim order(s) sought	<i>Insert interim orders sought (including a stay of any orders of the initial Panel. If none, write NA)</i>

### 2. REQUEST FOR THE PRESIDENT'S CONSENT

*(If a determination by the President under section 657EA(2) is required– otherwise delete.) Note that under section 657EA(2), if the application for review is for a review of a decision not to make a declaration under section 657A or not to make an order under sections 657D or 657E, the applicant may apply for a review of the decision only with the consent of the President of the Panel.*

*A request for the President's consent may be included in the application for review. However, a request for consent should be made in a reasonably sufficient time in order for the Panel executive to obtain the President's consent, noting that an application for review of a Panel decision must not be made later than 2 business days after the date on which that decision was made.*

*See also Rule 14(3) of the Panel's Procedural Rules 2020, the Panel's Procedural Guidelines and paragraph 29 of Guidance Note 2: Reviewing Decisions.*

### 3. DETAILS OF REVIEW APPLICATION

#### 3.1. Submissions

*Provide submissions to support the decision(s) being reviewed. Include the policy considerations, submissions on law or the exercise of discretion relevant to the claim. If any additional facts or new circumstances have arisen since the initial decision which are relevant to the review application, please provide details.*

3.1.1. **Issue 1:** (e.g., failure to disclose during the bid was unacceptable)

*Detail first claim and submissions*

3.1.2. **Issue 2:** (e.g., misleading information regarding funding of bid)

*Detail second claim and submissions*

#### 4. **ORDERS**

*(If an interim order is sought– otherwise delete.) Set out separately each interim order sought and the submissions to support it.*

#### 5. **PROCEDURAL**

##### 5.1. **Fees**

*Undertake to pay the application fee (an invoice will be issued and emailed to the applicant along with electronic funds transfer and credit card payment options).*

##### 5.2. **Additional interested persons**

*If there are additional interested persons since the initial application, please provide details to the extent known.*

<b>Interested person</b>	<b>Principal shareholders (if known, please specify) – for a listed company, provide substantial holders; for a private company, provide major shareholders or controllers</b>	<b>Directors (if known, please specify)</b>	<b>Advisers (if known, please specify) – legal advisers, financial advisers, financiers and auditors</b>

##### 5.3. **Service on interested persons**

*Confirm that interested persons and ASIC have been (or will be) given a copy of this review application. Please provide the Panel executive proof once the review application has been served (i.e. by forwarding the relevant email/s to [takeovers@takeovers.gov.au](mailto:takeovers@takeovers.gov.au)).*

##### 5.4. **Notice to Become a Party\***

*Complete a Notice to Become a Party (available on the Panel’s website) to accompany the review application. Note that a new Notice to Become a Party is required for a review application.*

*If a party wishes to be legally represented by its commercial lawyers, the form of the request for Panel’s consent is also included in the Notice to Become a Party.*

**6. ANNEXURES**

*Insert list of documents annexed to the review application. Include any documents that the Panel’s Procedural Rules 2020 require to accompany the review application (including market announcements or documents lodged with ASIC that are referred to in the review application). Documents that have previously been provided to the Panel during the course of the initial proceedings do not need to be included again with the review application.*

<b>Annexure</b>	<b>Description</b>
1	
2	
3	

Signed: \_\_\_\_\_

Name and authority: \_\_\_\_\_