



Australian Government

Takeovers Panel

# MEDIA RELEASE

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No: 20/2011

Friday, 11 March 2011

## Alinta Energy Limited and Alinta Energy Trust – Panel Application Withdrawn

The Takeovers Panel advises that it has consented to the request of Alinta Energy Limited and Alinta Energy Services Limited as responsible entity for Alinta Energy Trust (Applicants) to withdraw an application to the Panel dated 7 March 2011. The application related to the affairs of Alinta Energy Limited and Alinta Energy Trust (Alinta Energy).

The application concerned the acquisition of securities in Alinta Energy by Coastal Capital International, Ltd (CCI) in excess of the 15% limit under the *Foreign Acquisition and Takeovers Act 1975 (Cth) (FATA)*. It was submitted that CCI had acquired 16.53% of the securities of Alinta Energy without obtaining prior approval under FATA to acquire more than 15%.

The Applicants asked to withdraw their application after CCI provided an undertaking to the Panel that it and its associates would not vote in excess of 14.9999999% of the total number of securities on issue in Alinta Energy as described in the undertaking (Annexure A). The Panel has accepted the undertaking.

The Panel is satisfied that it is not against the public interest to consent to the Applicants withdrawing their application.

The sitting Panel was Geoff Brunsdon, Francesca Lee and Ian Ramsay (sitting President).

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## ANNEXURE A

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION ACT (CTH) SECTION 201A UNDERTAKING

#### ALINTA ENERGY LIMITED AND ALINTA ENERGY TRUST

Pursuant to section 201A of the *Australian Securities and Investments Commission Act 2001* (Cth), Coastal Capital International, Ltd (CCI) undertakes to the Takeovers Panel that at the meetings of shareholders of Alinta Energy Limited and unitholders of Alinta Energy Trust (together, Alinta Energy) to be held on 15 March 2011 (or any postponement or adjournment thereof) CCI together with its associates will not vote (or permit to be voted) any interest in Alinta Energy securities held by such persons at that time in excess of 14.9999999% of the total number of securities on issue in Alinta Energy (but adjusted to deduct from the total number of securities on issue any securities held by CCI and its associates at the time of the meetings in excess of 121,058,830 securities) and CCI acknowledges and agrees that any votes cast by such persons in excess of such percentage are to be disregarded.

On the basis of the circumstances as they currently exist, CCI and its associates may only vote interests in 118,026,592 securities.

Notwithstanding the undertaking set out above, CCI and its associates may vote any interest in any securities held by them in Alinta Energy where they have received confirmation from the Treasurer of the Commonwealth of Australia under the *Foreign Acquisitions and Takeovers Act 1975* (Cth) (FATA) that there are no objections to the acquisition of those securities, and CCI has provided prior evidence of this to the Takeovers Panel.

In this undertaking, “associates” means the following persons: Coastal Investment Partners LP, Coastal Investment Management LP and Coastal Investment Management LLC.

CCI undertakes to the Panel that it will confirm in writing to the Panel when it has satisfied its obligations under this undertaking.

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Signed by Todd Plutsky, Director of Coastal Capital International, Ltd.  
with the authority, and on behalf, of  
Coastal Capital International, Ltd  
Dated 11 March 2011