



7 January 2008

Mr Peter Tranter  
Senior Adviser, Issuers (Perth)  
ASX Markets Supervision Pty Ltd  
Level 8, Exchange Plaza  
2 The Esplanade  
Perth WA 6000

By Fax: (08) 9221 2020

Dear Peter

**Appendix 3Z – Final Director's Interest Notice for Kylie Brierty**

Thank you for your letter of 24 December 2008, which unfortunately was not received until today.

In response to your queries we provide the following information:

1. Brierty acknowledges that the Appendix 3Z was not lodged within 5 business days after Ms Brierty ceased to be a director. This was due to an administrative oversight on the part of the Company. Brierty does, however, note that:
  - a) it had been clearly flagged in the notice of annual general meeting that Ms Brierty would cease being a director with effect from the close of the annual general meeting; and
  - b) the Appendix 3Z did not provide any new disclosure in relation to Ms Brierty's interests in the company (which interests had been previously notified to the market).
2. Brierty and its directors are aware of their obligations in relation to the ASX Listing Rules, including Listing Rules 3.19A and 3.19B. In accordance with listing Rule 3.19B and Guidance Note 22, Brierty enters into Disclosure Agreements with each of its directors when they are appointed to the board. The Company has also adopted a Securities Dealing Policy. These measures are enhanced by regular consultation between the Secretary, Chairman and other directors.
3. Brierty believes that its disclosure arrangements are adequate and are being enforced and this was an isolated incident which does not involve any substantive breach of the ASX Listing Rules. As mentioned above, the Appendix 3Z does not disclose any new information about Ms Brierty's interests in the company (which were previously notified to the market (Appendix 3Y)).

Please do not hesitate to contact me if you require any further information.

Yours sincerely

Tony Bevan  
Company Secretary  
Brierty Limited

Brierty Limited  
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38 Mandarin Road  
Maddington WA 6109  
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Mr Tony Bevan  
 Company Secretary  
 Brierty Ltd  
 38 Mandarin Road  
 MADDINGTON WA 6109

Dear Tony

By Facsimile: (08) 9459 8202

**Brierty Limited (the "Company") Appendix 3Z – Final Director's Interest Notice.**

We refer to the following;

1. The Appendix 3Z lodged by the Company with ASX Limited ("ASX") on 17 December 2008 for Kylie Brierty; and
2. Listing rule 3.19A which requires an entity to tell ASX the following:
  - 3.19A.1 The notifiable interests of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) at the following times.
    - On the date that the entity is admitted to the official list.
    - On the date that a director is appointed.
 The entity must complete Appendix 3X and give it to ASX no more than 5 business days after the entity's admission or a director's appointment.
  - 3.19A.2 A change to a notifiable interest of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust). The entity must complete Appendix 3Y and give it to ASX no more than 5 business days after the change occurs.
  - 3.19A.3 The notifiable interests of a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) at the date that the director ceases to be a director. The entity must complete Appendix 3Z and give it to ASX no more than 5 business days after the director ceases to be a director.
3. Listing rule 3.19B which states as follows.
 

An entity must make such arrangements as are necessary with a director of the entity (or in the case of a trust, a director of the responsible entity of the trust) to ensure that the director discloses to the entity all the information required by the entity to give ASX completed Appendices 3X, 3Y and 3Z within the time period allowed by listing rule 3.19.A. The entity must enforce the arrangements with the director.
4. The Companies Update dated 27 June 2008, reminding listed entities of their obligation to notify ASX within 5 business days of the notifiable interests in securities held by each director and outlining the action that ASX would take in relation to breaches of listings rules 3.19A and 3.19B.

**Australian Securities Exchange**

Australian Stock Exchange  
 Sydney Futures Exchange

Australian Clearing House  
 SFE Clearing Corporation

ASX Settlement and Transfer Corporation  
 Austraclear

As the Appendix 3Z indicated that a change to the director's relevant interests occurred on 24 November 2008, it appears that the Appendix 3Z should have been lodged with the ASX by 1 December 2008. As the Appendix 3Y was lodged on 17 December 2008, it appears that the Company may be in breach of listing rules 3.19A and/or 3.19B. It also appears that there may have been a breach of S205G of the Corporations Act by the director concerned.

Please note that ASX is required to record details of breaches of the listing rules by listed companies for its reporting requirements.

ASX reminds the Company of its contract with ASX to comply with the listing rules. In the circumstances ASX considers that it is appropriate that the Company make necessary arrangements to ensure there is not a reoccurrence of a breach of the listing rules.

Having regard to listing rules 3.19A and 3.19B and Guidance Note 22: "Director Disclosure of Interests and Transactions in Securities - Obligations of Listed Entities", we ask that you answer each of the following questions:

1. Please explain why the Appendix 3Y was lodged late.
2. What arrangements does the Company have in place with its directors to ensure that it is able to meet its disclosure obligations under listing rule 3.19A?
3. If the current arrangements are inadequate or not being enforced, what additional steps does the Company intend to take to ensure compliance with listing rule 3.19B?

Your response should be sent to me by facsimile on facsimile number (08) 9221 2020. It should not be sent to the Company Announcements Office.

A response is requested as soon as possible and, in any event, not later than half an hour before the start of trading (ie before 6.30 a.m. W.S.T.) on **Tuesday, 6 January 2009**.

Under listing rule 18.7A, a copy of this query and your response will be released to the market, so your response should be in a form suitable for release and should separately address each of the questions asked. If you have any queries or concerns, please contact me immediately

Yours sincerely,



Peter Tranter

**Senior Adviser, Issuers (Perth)**