



Friday, 8 October 2004

MARKET ANNOUNCEMENT

UPDATE: FEDERAL COURT TO DETERMINE VALIDITY OF MEETING OF RIVKIN FINANCIAL SERVICES LIMITED

Central Exchange refers to the announcement of Rivkin Financial Services Limited ("RFS") on 7 October 2004 in relation to the 3 November 2004 meeting of RFS shareholders called by Central Exchange under Section 249F of the Corporations Act to consider and vote on the removal of the incumbent directors Messrs Alan Davis, Lawrence Chartres and George Lister and the appointment of the shareholder nominees Messrs Farooq Khan, Christopher Ryan and Simon Cato.

Central Exchange has today commenced proceedings in the Federal Court of Australia and confirms that a final hearing of this matter will be heard by Justice Emmett in Sydney on Tuesday, 12 October 2004.

Orders sought by Central Exchange to ensure that the meeting proceeds as and when called are as follows:

- (1) A declaration that the purported resolution of the incumbent Board of RFS to postpone the meeting of 3 November 2004 called by Central Exchange is invalid by reason of:
 - (a) Clause 13.4 of the RFS Constitution cannot, as a matter of law, apply to the postponement of a meeting convened pursuant to Section 249F of the Corporations Act;
 - (b) further and alternatively, pursuant to Section 195(1) of the Corporations Act (restrictions of voting at directors' meetings where a director has a material personal interest in a matter) and clause 9.4 of the RFS Constitution (each director must comply with Section 195), none of the current RFS directors were entitled to be present at a meeting of the Board of RFS to consider the postponement of the meeting, as such, no quorum was present at such meeting of the Board.
- (2) An Order that RFS be restrained from representing that the above meeting has been adjourned by the company or its directors.
- (3) An Order that RFS inform the shareholders at the date of judgment that a general meeting of the company will be held on 3 November 2004 and the business of that meeting, as called by Central Exchange.
- (4) An order that the Chairman of the meeting of RFS be restrained from exercising his or her powers under Clause 14.9(a) of the RFS Constitution to adjourn that meeting of members.

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