

The views contained within this document do not necessarily reflect the views of the liquidators

IMPORTANT NOTICE:

APPOINTMENT OF ELYSIUM BUSINESS SYSTEMS PTY LTD AS REPRESENTATIVE DEFENDANT AND OPPORTUNITY TO EXPRESS VIEWS ON ISSUES

Halifax Investment Services Pty Limited (In Liquidation) (Halifax AU)

Halifax New Zealand Limited (In Liquidation) (Halifax NZ)

Elysium Business Systems Pty Ltd (Elysium)

Part 1: Purpose of this Notice

This Notice relates to the appointment of Elysium as a representative defendant for ‘Category 2’ investors in proceedings in the Federal Court of Australia and the High Court of New Zealand.

The Federal Court of Australia and the High Court of New Zealand have made orders requiring the representative defendants to prepare a list of issues they consider to be relevant to the category of investors they have been joined to represent by 1 May 2020.

This notice provides an opportunity for investors in ‘Category 2’ to contact Elysium’s solicitors, TurksLegal to raise any issues they believe impact on their entitlement and which requires the Court’s consideration .

Part	Explanation
Part 1	Purpose of the notice
Part 2	What is a Category 2 investor?
Part 3	Relevant issues identified by Elysium
Part 4	Next steps

Part 2: Who is a Category 2 investor?

A Category 2 investor has been defined by the Liquidators in various notices to investors.

An investor in this category is an investor whose proportionate entitlement to, or share of funds from, the single deficient mixed fund will be lower after the realisation of all investments by all investors than it was on the date administrators were appointed to Halifax Australia and Halifax NZ.¹

You are in this category if, on the date entitlements are calculated, your equity balance has increased less in percentage terms than the Halifax portfolio as a whole.

The Liquidators have advised that as at the date the administrators were appointed, the Halifax portfolio was worth AUD \$211.6 million.²

¹ KPMG Australia, *Investor Notice Link Explanation of proposed representative investor categories* (14 November 2019) 1.

We understand that the Halifax portfolio as a whole has increased since that time.³ If the Halifax Portfolio as a whole has outperformed your portfolio (since the date Administrators were appointed) then you are currently in this category. The determination of your category will only be known for certain when all positions are closed out.

If you are uncertain as to whether you are in category 2, i.e. whether the Halifax portfolio as a whole has outperformed your investment portfolio then you will need to contact the Liquidators to help you determine your category.

Part 3: Relevant issues

TurksLegal, on behalf of Elysium and all investors in this category, will make submissions to the Court in respect of the issues set out in a list of issues to be filed by 1 May 2020.

Among the issues that we think may relate to investors in this category are:

- What is the date (and the time of day on that date) that the Liquidators must use to value your proportionate entitlement out of the fund that is to be distributed to all investors?
- Whether all of the assets and positions in your portfolio (including foreign currency) must be assessed on one date ;
- Whether assets can be retained by you in specie and, if so, how will that affect your entitlement;
- Whether the Liquidators should be entitled to convert all extant investments into cash in order to distribute proportionate entitlements to investors, and if so, what is the best way for that to occur.

The above list is a preliminary list and is not necessarily complete.

Part 4: Next Steps

If you believe there are other issues that relate to you as a Category 2 investor, please contact TurksLegal so that we can consider whether or not to add that issue to the list that we must submit by 1 May 2020.

You can contact TurksLegal by email as follows:

Email: halifaxcat2@turkslegal.com.au

Alternatively you can contact TurksLegal by telephone as follows

Contact	Phone Number
Allan Kawalsky	+61 -3 8600 5022
Mitchell Hay	+61 -2 8257 5732

If you are a Category 2 investor and believe there are other issues that relate to you, please contact TurksLegal prior to 1 May 2020.

³ Transcript of Proceedings, *In the Matter of Halifax Investment Services Pty Ltd (Administrators Appointed)* (Federal Court of Australia, NSD2191/2018 and High Court of New Zealand, CIV-2019-404-2049, Gleeson and Venning JJ, 3 April 2020) 15 [14] (Leopold SC).