



Australian Government

Takeovers Panel

# MEDIA RELEASE

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No: 26/2011

Thursday, 7 April 2011

## **CMI Limited - Application for Judicial Review and Request for Stay**

The Takeovers Panel has been served with a Federal Court application dated 5 April 2011 for judicial review of its declaration of unacceptable circumstances and orders in the matter of [CMI Limited \[2011\] ATP 4](#) (the **Application**). Peter Day, John Keeves and Andrew Sisson in their capacity as members of the Takeovers Panel, who presided over the initial Panel's proceedings, are named as the respondents.

The Application is by Tinkerbelle Enterprises Pty Limited as trustee for The Leanne Catelan Trust (**Tinkerbelle**) and is made under sections 5 and 16 of the *Administrative Decisions (Judicial Review) Act 1977* (Cth) and section 39B(1A)(c) of the *Judiciary Act 1903* (Cth).

The Takeovers Panel has received a request from Tinkerbelle for a variation to the stay of the initial Panel's final orders, on the basis that they have now made an application for judicial review of the Panel's decision. The Panel has granted the request (Annexure A).

Details of the Panel's declaration and orders under review have previously been published (see [TP 11/15](#) and [TP 11/16](#)).

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**Annexure A**

**CORPORATIONS ACT  
SECTION 657D  
VARIATION OF ORDERS**

**CMI LIMITED**

Pursuant to section 657D(3) of the *Corporations Act 2001* (Cth) the Takeovers Panel varies the orders in CMI Limited dated 25 February 2011 by staying orders 2, 3, 4 and 7 until the earliest of:

1. the conclusion of the application for review by Tinkerbelle Enterprises Pty Limited as trustee for the Leanne Catelan Trust filed in the Federal Court of Australia on 5 April 2011 or
2. further order of the Panel.

**Alan Shaw**  
**Counsel**  
**with authority of Kathleen Farrell**  
**President of the review Panel**  
**Dated 7 April 2011**