

fisher funds 

fax

To The Manager, Company Announcements, ASX (0800 449 707)  
From Glenn Ashwell, Fisher Funds Management Limited  
Subject TOXAX – Form 604 Notice of change of interest of substantial holder  
Date 4 September 2009  
No. 4  
(incl. this sheet)

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Dear Sir or Madam

Please find attached the above notice regarding Fisher Funds Management Ltd's interests in Tox Free Solutions Limited. A copy of this notice has also been sent to the company.

Please feel free to contact me if you have any questions.

Kind regards

  
Glenn Ashwell  
General Manager

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glenn@fisherfunds.co.nz

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**Form 604**  
 Corporations Act 2001  
 Section 671B

**Notice of change of interests of substantial holder**

To Company Name/Scheme Tox Free Solutions Limited

ACN/ARSN 058 596 124

**1. Details of substantial holder (1)**

Name Fisher Funds Management Limited (and associates as set out in Annexure A)  
 ACN/ARSN (if applicable) N/A

There was a change in the interests of the substantial holder on 4 September 2009  
 The previous notice was given to the company on 24 October 2008  
 The previous notice was dated 24 October 2008

**2. Previous and present voting power**

The total number of votes attached to all the voting shares in the company or voting interests in the scheme that the substantial holder or an associate (2) had a relevant interest (3) in when last required, and when now required, to give a substantial holding notice to the company or scheme, are as follows:

Class of securities (4)	Previous notice		Present notice	
	Person's votes	Voting power (5)	Person's votes	Voting power (5)
Ordinary	4,406,191	6.31%	5,844,649	7.38%

**3. Changes in relevant interests**

Particulars of each change in, or change in the nature of, a relevant interest of the substantial holder or an associate in voting securities of the company or scheme, since the substantial holder was last required to give a substantial holding notice to the company or scheme are as follows:

Date of change	Person whose relevant interest changed	Nature of change (6)	Consideration given in relation to change (7)	Class and number of securities affected	Person's votes affected
27/10/2008	Fisher Funds Management Ltd	On Market Purchase	\$5,697.20	3,783 Ordinary Shares	Fisher Funds Management Ltd
29/10/2008	Fisher Funds Management Ltd	On Market Purchase	\$303,208.00	200,000 Ordinary Shares	Fisher Funds Management Ltd
10/11/2008	Fisher Funds Management Ltd	Placement Participation	\$1,540,000.00	1,100,000 Ordinary Shares	Fisher Funds Management Ltd
14/11/2008	Fisher Funds Management Ltd	On Market Purchase	\$18,975.60	13,500 Ordinary Shares	Fisher Funds Management Ltd
19/11/2008	Fisher Funds Management Ltd	On Market Purchase	\$42,168.00	30,000 Ordinary Shares	Fisher Funds Management Ltd
1/12/2008	Fisher Funds Management Ltd	On Market Sale	-\$24,501.60	20,000 Ordinary Shares	Fisher Funds Management Ltd
8/12/2008	Fisher Funds Management Ltd	On Market Purchase	\$48,794.40	45,000 Ordinary Shares	Fisher Funds Management Ltd
27/08/2009	Fisher Funds Management Ltd	On Market Sale	-\$10,707.00	5,000 Ordinary Shares	Fisher Funds Management Ltd
31/08/2009	Fisher Funds Management Ltd	On Market Sale	-\$21,414.00	10,000 Ordinary Shares	Fisher Funds Management Ltd
1/09/2009	Fisher Funds Management Ltd	On Market Sale	-\$8,000.37	3,825 Ordinary Shares	Fisher Funds Management Ltd
3/09/2009	Fisher Funds Management Ltd	On Market Purchase	\$180,920.80	85,000 Ordinary Shares	Fisher Funds Management Ltd

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**4. Present relevant interests**

Particulars of each relevant interest of the substantial holder in voting securities after the change are as follows:

Holder of relevant interest	Registered holder of securities	Person entitled to be registered as holder (8)	Nature of relevant interest (6)	Class and number of securities	Person's votes
Fisher Funds Management Ltd	Cogent Nominees Pty Ltd	Refer Annexure B	Ability to influence the voting and disposal of the shares in its capacity as Manager for private clients and as the entity that can instruct the custodian.	Ordinary Shares 215,673	215,673
Fisher Funds Management Ltd	Australian Executor Trustees NSW Ltd <TEA Custodians Limited>	Refer Annexure B	Ability to influence the voting and disposal of the shares in its capacity as Manager of the Fisher Funds Australian Growth Fund, Fisher Funds Premium Australian Fund, Barramundi Limited, The Fisher Funds KiwiSaver Scheme and as the entity that can instruct the custodian.	Ordinary Shares 5,628,976	5,628,976

**5. Changes in association**

The persons who have become associates (2) of, ceased to be associates of, or have changed the nature of their association (9) with, the substantial holder in relation to voting interests in the company or scheme are as follows:

Name and applicable	ACN/ARSN (if applicable)	Nature of association
N/A		N/A

**6. Addresses**

The addresses of persons named in this form are as follows:

Name	Address
Fisher Funds Management Limited Attn: Glenn Ashwell	Level 2, 95 Hurstmere Road, Takapuna, Auckland, New Zealand Phone +64 9 489 7054 (DDI)
Cogent Nominees Pty Ltd	P O Box R209, Royal Exchange, NSW 1225, Australia
Aust Executor Trustees NSW Ltd <TEA Custodians Limited>	Locked Bag 4010 Queen Victoria Building Post Office Sydney, NSW 1230, Australia

**Signature**

print name Frank Jasper capacity Senior Portfolio Manager  
 sign here \_\_\_\_\_ date 04/09/2009

**DIRECTIONS**

- (1) If there are a number of substantial holders with similar or related relevant interests (eg. a corporation and its related corporations, or the manager and trustee of an equity trust), the names could be included in an annexure to the form. If the relevant interests of a group of persons are essentially similar, they may be referred to throughout the form as a specifically named group if the membership of each group, with the names and addresses of members is clearly set out in paragraph 6 of the form.
- (2) See the definition of "associate" in section 9 of the Corporations Act 2001.
- (3) See the definition of "relevant interest" in sections 608 and 671B(7) of the Corporations Act 2001.

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- (4) The voting shares of a company constitute one class unless divided into separate classes.
- (5) The person's votes divided by the total votes in the body corporate or scheme multiplied by 100.
- (6) Include details of:
- any relevant agreement or other circumstances because of which the change in relevant interest occurred. If subsection 671B(4) applies, a copy of any document setting out the terms of any relevant agreement, and a statement by the person giving full and accurate details of any contract, scheme or arrangement, must accompany this form, together with a written statement certifying this contract, scheme or arrangement; and
  - any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers or disposal of the securities to which the relevant interest relates (indicating clearly the particular securities to which the qualification applies).

See the definition of "relevant agreement" in section 9 of the Corporations Act 2001.

- (7) Details of the consideration must include any and all benefits, money and other, that any person from whom a relevant interest was acquired has, or may, become entitled to receive in relation to that acquisition. Details must be included even if the benefit is conditional on the happening or not of a contingency. Details must be included on any benefit paid on behalf of the substantial holder or its associate in relation to the acquisitions, even if they are not paid directly to the person from whom the relevant interest was acquired.
- (8) If the substantial holder is unable to determine the identity of the person (eg. if the relevant interest arises because of an option) write "unknown".
- (9) Give details, if appropriate, of the present association and any change in that association since the last substantial holding notice.

#### Annexure A – Persons entitled to be Registered Holders

Name and ACN/ARSN (if applicable)	Nature of association
Fisher Funds Management Ltd	Manager of the Fisher Funds Australian Growth Fund (a New Zealand Registered Unit Trust), Fisher Funds Premium Australian Fund (a New Zealand Registered Unit Trust), The Fisher Funds KiwiSaver Scheme (a New Zealand Registered Superannuation Scheme) and Barramundi Limited (a New Zealand listed company).

#### Annexure B – Changes in relevant interests

Name	Address
Trustees Executors Limited as trustee of the Fisher Funds Australian Growth Fund (Fisher Funds Management Ltd is the Manager), the Fisher Funds KiwiSaver Scheme (Fisher Funds Management Ltd is the Manager) and the Fisher Funds Premium Australian Fund (Fisher Funds Management Ltd is the Manager) *	Level 12, 45 Queen Street, Auckland, New Zealand
Barramundi Limited (Fisher Funds Management Ltd is the Manager of the assets) *	Level 2, 95 Hurstmere Rd, Takapuna, Auckland, New Zealand.
Cogent Nominees Pty Ltd	P O Box R209, Royal Exchange, NSW 1225, Australia
Aust Executor Trustees NSW Ltd <TEA Custodians Limited>	Locked Bag 4010 Queen Victoria Building Post Office Sydney, NSW 1230, Australia

\* Each entity being a New Zealand registered and operated entity.