

## James Hardie Investigation: Attachment 1 Orders Sought:

JHIL	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Costs</li> </ul>
JHINV	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Pecuniary penalty (Max: \$200,000 per breach)</li> <li>▪ Mandatory injunction and indemnity*</li> <li>▪ Costs</li> </ul>
Macdonald	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Pecuniary penalty (Max: \$200,000 per breach)</li> <li>▪ Disqualification</li> <li>▪ Costs</li> </ul>
Shafron	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Pecuniary penalty (Max: \$200,000 per breach)</li> <li>▪ Disqualification</li> <li>▪ Costs</li> </ul>
Morley	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Pecuniary penalty (Max: \$200,000 per breach)</li> <li>▪ Disqualification</li> <li>▪ Costs</li> </ul>
Brown Hellicar Wilcox Terry O'Brien Gillfillan Koffel	<ul style="list-style-type: none"> <li>▪ Declarations of breach</li> <li>▪ Pecuniary penalty (Max: \$200,000 per breach)</li> <li>▪ Disqualification</li> <li>▪ Costs</li> </ul>

**NOTE: \* The claim seeks a mandatory injunction that JHINV execute a deed of indemnity in favour of JHIL+ for an indemnity up to a maximum of \$1.9 billion, or such amount as JHIL or its directors consider is necessary to ensure that JHIL remains solvent. If the conditions precedent to the Final Funding Agreement (referred to in the JHINV's announcement to the ASX dated 1 December 2005) are satisfied, ASIC will not pursue the claim of indemnity.**

+: This entity (JHIL) is now called ABN 60 Pty Ltd.

## Summary of Civil Actions Commenced 14 February 2007 Under Corporations Act

ACTIONS	Executives		Non-Executives		JHIL	JHINV
<b>1: Market Announcements 15/16 February</b>	Macdonald  Shafron  Morley	<b>Alleged Contraventions</b>  s180(1) : breach of duties of directors and officers and s181(1) : McDonald only - breach of duties of directors and officers	Brown Hellicar Wilcox Terry O'Brien Gillfillan Koffel	<b>Alleged Contraventions</b>  s180(1): breach of duties of directors and officers	<b>Alleged Contraventions</b>  s995(2): misleading or deceptive conduct in connection with securities  s999: misleading statements likely to induce dealing in securities	<b>Alleged Contraventions</b>
<b>Market Announcement 23 February and 21 March 2001</b>	Macdonald	s180(1) and s181(1): breach of duties of directors and officers			s995(2): misleading or deceptive conduct in connection with securities  s999: misleading statements likely to induce dealing in securities	

ACTIONS	Executives		Non-Executives		JHIL	JHINV
		Alleged Contraventions		Alleged Contraventions	Alleged Contraventions	Alleged Contraventions
<p><b>2a: Deed of Covenant and Indemnity (DOCI) – Disclosure</b></p> <p><b>2b: Deed of Covenant and Indemnity (DOCI) – Execution</b></p>	<p>Macdonald Shafron</p> <p>Morley</p>	<p>s180(1): breach of duties of directors and officers</p> <p>s180(1): breach of duties of directors and officers</p>			<p>s1001A(2): breach of continuous disclosure</p>	
<p><b>3. Information Memorandum for the 2001 Scheme of Arrangement</b></p>	<p>Macdonald Shafron</p>	<p>s180(1): breach of duties of directors and officers</p>	<p>Hellicar Wilcox Brown Gillfillan Koffel</p>	<p>s180(1): breach of duties of directors and officers</p>	<p>s995(2): misleading or deceptive conduct in connection with securities</p> <p>s999: misleading statements likely to induce dealing in securities</p> <p>s412: misleading statements in an Information Memorandum</p>	

ACTIONS	Executives		Non-Executives		JHIL	JHINV
		Alleged Contraventions		Alleged Contraventions	Alleged Contraventions	Alleged Contraventions
<b>4. Presentations to institutional investors in 2002</b>	Macdonald	s180(1) and s181(1): breach of duties of directors and officers				s1041E: make misleading statement likely to induce dealing in financial products s1041H: engage in conduct in relation to a financial product that was misleading or deceptive
<b>5. Cancellation of Partly Paid Shares</b>						s674(2): breach of continuous disclosure s180(1): breach of duties of directors and officers (Mandatory injunction and indemnity – see note on page 5.)