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5 October 2012

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Dear Ms Hendy

**Bank of Western Australia Limited v Geoffrey Anthony Shannon
Supreme Court of New South Wales Case Number 296947/2009**

On 1 October 2012 Bank of Western Australia Limited (**Bankwest**) and the Commonwealth Bank of Australia (**CBA**) became a single legal entity pursuant to the *Financial Sector (Business Transfer and Group Restructure) Act 1999* (Cth) (**Transfer Act**).

Under section 22 of the Transfer Act, there has been a total voluntary transfer of all of the assets, liabilities, obligations and business of Bankwest to CBA.

On 1 October 2012 and pursuant to section 22 of the Transfer Act:

1. CBA became the "successor in law" of Bankwest and all of the assets and liabilities of Bankwest automatically became the assets and liabilities of CBA, without the need for any transfer, conveyance or assignment; and
2. CBA automatically replaced Bankwest in every contract to which Bankwest was a party and Bankwest documents (including forms, contracts and notices) are to be read as if the reference to "Bankwest" is a reference to "CBA".

In these circumstances we have been instructed to make an application to substitute CBA for Bankwest in the above proceedings. We enclose by way of service:

1. Notice of Motion filed 2 October 2012; and
2. Affidavit sworn by Charles James Fletcher Perry on 2 October 2012.

The motion is returnable on Friday 12 October 2012. Should you consent to the orders being sought, kindly sign and return the enclosed Short Minutes and we will mention your appearance.

Yours sincerely

Anna Vetrova
for GADENS LAWYERS