

Chapter 13

EXPERTS' REPORTS

13.01 Where a prospectus contains an expert's opinion—

- (a) an excerpt from, or summary of opinion expressed and conclusion recorded in the report must be disclosed;
- (b) the expert must state whether or not the report was prepared for inclusion in the prospectus; and
- (c) the expert's report must be signed and dated within a reasonable time of the issuance of the prospectus. This is to ensure that the content is substantially relevant at the time the prospectus is issued.

13.02 If an expert becomes aware of any significant change affecting the content of his report, either—

- (a) between the date of the report and the issue of the prospectus; or
- (b) after the issue of the prospectus and before the issue of the units,

then, the expert has an obligation to update the report to reflect the change and, either require the management company to issue a supplementary prospectus or replacement prospectus, or withdraw his consent to the inclusion of the report in the prospectus. Failure to do so will result in the management company, promoters and the expert being liable for any misleading statement or material omission in the outdated report.

- 13.03 An expert must not make disclaimers of responsibility that are so wide that it would diminish the reliability or utility of the report to investors.