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**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549**

**FORM 6-K**

**Report of Foreign Private Issuer Pursuant to Rule 13a-16 or 15d-16  
under the Securities Exchange Act of 1934**

For the Month of December, 2009

1-15240  
(Commission File Number)

**JAMES HARDIE INDUSTRIES N.V.**

(Translation of registrant's name into English)

Atrium, 8th floor  
Strawinskyiaan 3077  
1077 ZX Amsterdam, The Netherlands  
(Address of principal executive offices)

Indicate by check mark whether the registrant files or will file annual reports under cover Form 20-F or Form 40-F.

Form 20-F

Form 40-F

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(1): Not Applicable

Indicate by check mark if the registrant is submitting the Form 6-K in paper as permitted by Regulation S-T Rule 101(b)(7): Not Applicable

Indicate by check mark whether the registrant by furnishing the information contained in this Form is also thereby furnishing the information to the Commission pursuant to Rule 12g3-2(b) under the Securities Exchange Act of 1934.

Yes

No

If "Yes" is marked, indicate below the file number assigned to the registrant in connection with Rule 12g3-2(b): Not Applicable

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<a href="#">EX-99.5</a>	

### Safe Harbor Statement

The exhibits attached to this Form 6-K contains forward-looking statements. We may from time to time make forward-looking statements in our periodic reports filed with or furnished to the United States Securities and Exchange Commission on Forms 20-F and 6-K, in our annual reports to shareholders, in offering circulars, invitation memoranda and prospectuses, in media releases and other written materials and in oral statements made by our officers, directors or employees to analysts, institutional investors, existing and potential lenders, representatives of the media and others. Statements that are not historical facts are forward-looking statements and such forward-looking statements are statements made pursuant to the Safe Harbor Provisions of the Private Securities Litigation Reform Act of 1995. Examples of forward-looking statements include:

- statements about our future performance;
- projections of our results of operations or financial condition;
- statements regarding our plans, objectives or goals, including those relating to our strategies, initiatives, competition, acquisitions, dispositions and/or our products;
- expectations concerning the costs associated with the suspension or closure of operations at any of our plants and future plans with respect to any such plants;
- expectations that our credit facilities will be extended or renewed;
- expectations concerning dividend payments;
- statements concerning our corporate and tax domiciles and potential changes to them;
- statements regarding tax liabilities and related audits and proceedings;
- statements as to the possible consequences of proceedings brought against us and certain of our former directors and officers by the ASIC;
- expectations about the timing and amount of contributions to the AICF, a special purpose fund for the compensation of proven Australian asbestos-related personal injury and death claims;
- expectations concerning indemnification obligations; and
- statements about product or environmental liabilities.

Words such as “believe,” “anticipate,” “plan,” “expect,” “intend,” “target,” “estimate,” “project,” “predict,” “forecast,” “guideline,” “aim,” “will,” “should,” “continue” and similar expressions are intended to identify forward-looking statements but are not the exclusive means of identifying such statements. Readers are cautioned not to place undue reliance on these forward-looking statements and all such forward-looking statements are qualified in their entirety by reference to the following cautionary statements.

Forward-looking statements are based on our estimates and assumptions and because forward-looking statements address future results, events and conditions, they, by their very nature, involve inherent risks and uncertainties. Such known and unknown risks, uncertainties and other factors may cause our actual results, performance or other achievements to differ materially from the anticipated results, performance or achievements expressed, projected or implied by these forward-looking statements. These factors, some of which are discussed under “Key Information — Risk Factors” beginning on page 6 of the Form 20-F filed with the US Securities and Exchange Commission on 25 June 2009, include, but are not limited to: all matters relating to or arising out of the prior manufacture of products that contained asbestos by current and former James Hardie subsidiaries; required contributions to the AICF, any shortfall in the AICF and the effect of currency exchange rate movements on the amount recorded in our financial statements as an asbestos liability; compliance with and changes in tax laws and treatments; competition and product pricing in the markets in which we operate; the consequences of product failures or defects; exposure to environmental, asbestos or other legal proceedings; general economic and market conditions; the supply and cost of raw materials; the success of research and development efforts; reliance on a small number of customers; a customer’s inability to pay; compliance with and changes in environmental and health and safety laws; risks of conducting business internationally; our pending transformation to a Dutch “SE” company and proposal to transfer our corporate domicile from The Netherlands to Ireland to become an Irish “SE” company; compliance with and changes in laws and regulations; currency exchange risks; the concentration of our customer base on large format retail customers, distributors and dealers; the effect of natural disasters; changes in our key management personnel; inherent limitations on internal controls; use of accounting estimates; and all other risks identified in our reports filed with Australian, Dutch and US securities agencies and exchanges (as appropriate). We caution you that the foregoing list of factors is not exhaustive and that other risks and uncertainties may cause actual results to differ materially from those in forward-looking statements. Forward-looking statements speak only as of the date they are made and are statements of our current expectations concerning future results, events and conditions.

**EXHIBIT INDEX**

<u>Exhibit No.</u>	<u>Description</u>
99.1	Appendix 3B — 7 December
99.2	Appendix 3B — 8 December
99.3	Appendix 3B — 9 December
99.4	Appendix 3B — 10 December
99.5	Appendix 3B — 11 December

**SIGNATURES**

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

**James Hardie Industries N.V.**

Date: Tuesday, 15 December 2009

By: /s/Marcin Firek

Marcin Firek  
Legal Counsel, Australia and Company Secretary

EXHIBIT INDEX

<u>Exhibit No.</u>	<u>Description</u>
99.1	Appendix 3B — 7 December
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**Appendix 3B**  
New Issue Announcement

Rule 2.7, 3.10.3, 3.10.4, 3.10.5

## Appendix 3B

### New issue announcement, application for quotation of additional securities and agreement

*Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.*

*Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003, 24/10/2005.*

Name of entity

**James Hardie Industries N.V.**

ARBN

**097 829 895 Incorporated in The Netherlands. The liability of members is limited.**

We (the entity) give ASX the following information.

**Part 1 — All issues**

*You must complete the relevant sections (attach sheets if there is not enough space).*

1	+Class of +securities issued or to be issued	Ordinary shares/CUFS
2	Number of +securities issued or to be issued (if known) or maximum number which may be issued	20,000 ordinary shares/CUFS
3	Principal terms of the +securities (eg, if options, exercise price and expiry date; if partly paid +securities, the amount outstanding and due dates for payment; if +convertible securities, the conversion price and dates for conversion)	20,000 ordinary shares/CUFS issued on exercise of options.

James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 1

**Appendix 3B**

## New issue Announcement

<p>4 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities?</p> <p>If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>	<p>Yes, rank equally with issued ordinary shares/CUFS.</p>	
<p>5 Issue price or consideration</p>	<p>Allotment of ordinary shares/CUFS on exercise of options 20,000 at \$7.05</p>	
<p>6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)</p>	<p>Exercise of options</p>	
<p>7 Dates of entering +securities into uncertificated holdings or despatch of certificates</p>	<p>7 December 2009</p>	
<p>8 Number and +class of all +securities quoted on ASX (<i>including</i> the securities in clause 2 if applicable)</p>	<p>Number 433,627,067</p>	<p>+Class Ordinary shares/CUFS</p>

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+ See chapter 19 for defined terms

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**Appendix 3B**

New issue Announcement

<p>9 Number and +class of all +securities not quoted on ASX (including the securities in clause 2 if applicable)</p>	<p>Number 15,284,561 4,510,783  No Stock Options or Restricted Stock Units have been cancelled.</p>	<p>+Class Options Restricted Stock Units</p>
<p>10 Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)</p>	<p>Rank for dividends equally with issued ordinary shares/CUFS.</p>	
<p><b>Part 2 — Bonus issue or pro rata issue</b></p>		
<p>11 Is security holder approval required?</p>	<p>Not applicable</p>	
<p>12 Is the issue renounceable or non-renounceable?</p>	<p>Not applicable</p>	
<p>13 Ratio in which the +securities will be offered</p>	<p>Not applicable</p>	
<p>14 +Class of +securities to which the offer relates</p>	<p>Not applicable</p>	
<p>15 +Record date to determine entitlements</p>	<p>Not applicable</p>	
<p>16 Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?</p>	<p>Not applicable</p>	
<p>17 Policy for deciding entitlements in relation to fractions</p>	<p>Not applicable</p>	
<p>18 Names of countries in which the entity has +security holders who will not be sent new issue documents  Note: Security holders must be told how their entitlements are to be dealt with.  Cross reference: rule 7.7.</p>	<p>Not applicable</p>	
<p>19 Closing date for receipt of acceptances or renunciations</p>	<p>Not applicable</p>	

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+ See chapter 19 for defined terms

**Appendix 3B**

## New issue Announcement

20	Names of any underwriters	Not applicable
21	Amount of any underwriting fee or commission	Not applicable
22	Names of any brokers to the issue	Not applicable
23	Fee or commission payable to the broker to the issue	Not applicable
24	Amount of any handling fee payable to brokers who lodge acceptances or renunciations on behalf of +security holders	Not applicable
25	If the issue is contingent on +security holders' approval, the date of the meeting	Not applicable
26	Date entitlement and acceptance form and prospectus or Product Disclosure Statement will be sent to persons entitled	Not applicable
27	If the entity has issued options, and the terms entitle option holders to participate on exercise, the date on which notices will be sent to option holders	Not applicable
28	Date rights trading will begin (if applicable)	Not applicable
29	Date rights trading will end (if applicable)	Not applicable
30	How do +security holders sell their entitlements <i>in full</i> through a broker?	Not applicable
31	How do +security holders sell <i>part</i> of their entitlements through a broker and accept for the balance?	Not applicable

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+ See chapter 19 for defined terms

Appendix 3B — Page 4

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**Appendix 3B**

## New issue Announcement

32 How do +security holders dispose of their entitlements (except by sale through a broker)? Not applicable

33 +Despatch date Not applicable

**Part 3 — Quotation of securities**

*You need only complete this section if you are applying for quotation of securities*

34 Type of securities  
(tick one)

(a)  Securities described in Part 1

(b)  All other securities

Example: restricted securities at the end of the escrowed period, partly paid securities that become fully paid, employee incentive share securities when restriction ends, securities issued on expiry or conversion of convertible securities

**Entities that have ticked box 34(a)****Additional securities forming a new class of securities**

*Tick to indicate you are providing the information or documents*

35  If the +securities are +equity securities, the names of the 20 largest holders of the additional +securities, and the number and percentage of additional +securities held by those holders

36  If the +securities are +equity securities, a distribution schedule of the additional +securities setting out the number of holders in the categories  
1 — 1,000  
1,001 — 5,000  
5,001 — 10,000  
10,001 — 100,000  
100,001 and over

37  A copy of any trust deed for the additional +securities

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 5

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**Appendix 3B**  
New issue Announcement

**Entities that have ticked box 34(b)**

38	Number of securities for which +quotation is sought		
39	Class of +securities for which quotation is sought		
40	<p>Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities? If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>		
41	<p>Reason for request for quotation now</p> <p>Example: In the case of restricted securities, end of restriction period</p> <p>(if issued upon conversion of another security, clearly identify that other security)</p>		
42	Number and +class of all +securities quoted on ASX ( <i>including</i> the securities in clause 38)	Number	+Class

James Hardie Industries N.V.

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**Appendix 3B**

New issue Announcement

**Quotation agreement**

- 1 +Quotation of our additional +securities is in ASX's absolute discretion. ASX may quote the +securities on any conditions it decides.
- 2 We warrant the following to ASX.
  - The issue of the +securities to be quoted complies with the law and is not for an illegal purpose.
  - There is no reason why those +securities should not be granted +quotation.
  - An offer of the +securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.  
Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty
  - Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any +securities to be quoted and that no-one has any right to return any +securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the +securities be quoted.
  - If we are a trust, we warrant that no person has the right to return the +securities to be quoted under section 1019B of the Corporations Act at the time that we request that the +securities be quoted.
- 3 We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- 4 We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before +quotation of the +securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.



Sign here: \_\_\_\_\_  
(Director/Company secretary)

Date: 7 December 2009 \_\_\_\_\_

Print name: Robert Cox \_\_\_\_\_

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**  
New Issue Announcement

Rule 2.7, 3.10.3, 3.10.4, 3.10.5

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### New issue announcement, application for quotation of additional securities and agreement

*Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.*

*Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003, 24/10/2005.*

Name of entity

**James Hardie Industries N.V.**

ARBN

**097 829 895 Incorporated in The Netherlands. The liability of members is limited.**

We (the entity) give ASX the following information.

**Part 1 — All issues**

*You must complete the relevant sections (attach sheets if there is not enough space).*

1	+Class of +securities issued or to be issued	Ordinary shares/CUFS
2	Number of +securities issued or to be issued (if known) or maximum number which may be issued	6,000 ordinary shares/CUFS
3	Principal terms of the +securities (eg, if options, exercise price and expiry date; if partly paid +securities, the amount outstanding and due dates for payment; if +convertible securities, the conversion price and dates for conversion)	6,000 ordinary shares/CUFS issued on exercise of options.

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**Appendix 3B**

## New issue Announcement

<p>4 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities?</p> <p>If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>	<p>Yes, rank equally with issued ordinary shares/CUFS.</p>	
<p>5 Issue price or consideration</p>	<p>Allotment of ordinary shares/CUFS on exercise of options 6,000 at \$5.99</p>	
<p>6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)</p>	<p>Exercise of options</p>	
<p>7 Dates of entering +securities into uncertificated holdings or despatch of certificates</p>	<p>8 December 2009</p>	
<p>8 Number and +class of all +securities quoted on ASX (<i>including</i> the securities in clause 2 if applicable)</p>	<p>Number 433,633,067</p>	<p>+Class Ordinary shares/CUFS</p>

James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 2

**Appendix 3B**

New issue Announcement

9	Number and +class of all +securities not quoted on ASX (including the securities in clause 2 if applicable)	Number	+Class
		15,278,561 4,510,411  No options have been cancelled.  372 Restricted Stock Units have been cancelled.	Options Restricted Stock Units

10	Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)	Rank for dividends equally with issued ordinary shares/CUFS.
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**Part 2 — Bonus issue or pro rata issue**

11	Is security holder approval required?	Not applicable
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12	Is the issue renounceable or non-renounceable?	Not applicable
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13	Ratio in which the +securities will be offered	Not applicable
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14	+Class of +securities to which the offer relates	Not applicable
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15	+Record date to determine entitlements	Not applicable
----	----------------------------------------	----------------

16	Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?	Not applicable
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17	Policy for deciding entitlements in relation to fractions	Not applicable
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18	Names of countries in which the entity has +security holders who will not be sent new issue documents  Note: Security holders must be told how their entitlements are to be dealt with.  Cross reference: rule 7.7.	Not applicable
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19	Closing date for receipt of acceptances or renunciations	Not applicable
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James Hardie Industries N.V.

+ See chapter 19 for defined terms



**Appendix 3B**

## New issue Announcement

20	Names of any underwriters	Not applicable
21	Amount of any underwriting fee or commission	Not applicable
22	Names of any brokers to the issue	Not applicable
23	Fee or commission payable to the broker to the issue	Not applicable
24	Amount of any handling fee payable to brokers who lodge acceptances or renunciations on behalf of +security holders	Not applicable
25	If the issue is contingent on +security holders' approval, the date of the meeting	Not applicable
26	Date entitlement and acceptance form and prospectus or Product Disclosure Statement will be sent to persons entitled	Not applicable
27	If the entity has issued options, and the terms entitle option holders to participate on exercise, the date on which notices will be sent to option holders	Not applicable
28	Date rights trading will begin (if applicable)	Not applicable
29	Date rights trading will end (if applicable)	Not applicable
30	How do +security holders sell their entitlements <i>in full</i> through a broker?	Not applicable
31	How do +security holders sell <i>part</i> of their entitlements through a broker and accept for the balance?	Not applicable

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James Hardie Industries N.V.

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Appendix 3B — Page 4

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**Appendix 3B**

## New issue Announcement

32 How do +security holders dispose of their entitlements (except by sale through a broker)? Not applicable

33 +Despatch date Not applicable

**Part 3 — Quotation of securities**

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34 Type of securities  
(tick one)

(a)  Securities described in Part 1

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Example: restricted securities at the end of the escrowed period, partly paid securities that become fully paid, employee incentive share securities when restriction ends, securities issued on expiry or conversion of convertible securities

**Entities that have ticked box 34(a)****Additional securities forming a new class of securities**

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35  If the +securities are +equity securities, the names of the 20 largest holders of the additional +securities, and the number and percentage of additional +securities held by those holders

36  If the +securities are +equity securities, a distribution schedule of the additional +securities setting out the number of holders in the categories  
1 — 1,000  
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5,001 — 10,000  
10,001 — 100,000  
100,001 and over

37  A copy of any trust deed for the additional +securities

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James Hardie Industries N.V.

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Appendix 3B — Page 5

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**Appendix 3B**  
New issue Announcement

**Entities that have ticked box 34(b)**

38	Number of securities for which +quotation is sought		
39	Class of +securities for which quotation is sought		
40	<p>Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities? If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>		
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James Hardie Industries N.V.

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**Appendix 3B**

New issue Announcement

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  - An offer of the +securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.  
Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty
  - Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any +securities to be quoted and that no-one has any right to return any +securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the +securities be quoted.
  - If we are a trust, we warrant that no person has the right to return the +securities to be quoted under section 1019B of the Corporations Act at the time that we request that the +securities be quoted.
- 3 We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- 4 We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before +quotation of the +securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.



Sign here: \_\_\_\_\_  
(Director/Company secretary)

Date: 8 December 2009 \_\_\_\_\_

Print name: Robert Cox \_\_\_\_\_

---

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**  
New Issue Announcement

Rule 2.7, 3.10.3, 3.10.4, 3.10.5

## Appendix 3B

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Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.

Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003, 24/10/2005.

Name of entity

**James Hardie Industries N.V.**

ARBN

**097 829 895 Incorporated in The Netherlands. The liability of members is limited.**

We (the entity) give ASX the following information.

**Part 1 — All issues**

You must complete the relevant sections (attach sheets if there is not enough space).

1	+Class of +securities issued or to be issued	<p>Two separate issues:</p> <ul style="list-style-type: none"> <li>• Restricted Stock Units, being contractual entitlements granted to employees under the 2001 Equity Incentive Plan to be issued ordinary shares/CUFS upon satisfaction of certain conditions.</li> <li>• Ordinary shares/CUFS.</li> </ul>								
2	Number of +securities issued or to be issued (if known) or maximum number which may be issued	<ul style="list-style-type: none"> <li>• 277,719 Restricted Stock Units, issued on 7 December 2009 (US time); and</li> <li>• 5,000 ordinary shares/CUFS</li> </ul>								
3	Principal terms of the +securities (eg, if options, exercise price and expiry date; if partly paid +securities, the amount outstanding and due dates for payment; if +convertible securities, the conversion price and dates for conversion)	<ul style="list-style-type: none"> <li>• 277,719 Restricted Stock Units which will vest as follows</li> </ul> <table border="1"> <thead> <tr> <th style="text-align: left;"><u>Quantity</u></th> <th style="text-align: left;"><u>Vest Date</u></th> </tr> </thead> <tbody> <tr> <td>69,430</td> <td>7 Dec 2010</td> </tr> <tr> <td>69,430</td> <td>7 Dec 2011</td> </tr> <tr> <td>138,859</td> <td>7 Dec 2012</td> </tr> </tbody> </table> <p>Upon vesting, the holder of a Restricted Stock Unit will be entitled to be issued one ordinary share/CUFS for each Restricted Stock Unit held.</p> <ul style="list-style-type: none"> <li>• 5,000 ordinary shares/CUFS issued on exercise of options.</li> </ul>	<u>Quantity</u>	<u>Vest Date</u>	69,430	7 Dec 2010	69,430	7 Dec 2011	138,859	7 Dec 2012
<u>Quantity</u>	<u>Vest Date</u>									
69,430	7 Dec 2010									
69,430	7 Dec 2011									
138,859	7 Dec 2012									

James Hardie Industries N.V.

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Appendix 3B — Page 1

**Appendix 3B**

New issue Announcement

<p>4 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities?</p> <p>If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>the date from which they do</li> <li>the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>	<ul style="list-style-type: none"> <li>Restricted Stock Units: Not applicable</li> <li>Options exercised: Yes, rank equally with issued ordinary shares/CUFS.</li> </ul>				
<p>5 Issue price or consideration</p>	<ul style="list-style-type: none"> <li>No cash consideration was paid for the Restricted Stock Units</li> <li>Allotment of ordinary shares/CUFS on exercise of options 5,000 at \$5.99</li> </ul>				
<p>6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)</p>	<ul style="list-style-type: none"> <li>277,719 Restricted Stock Units granted as awards under the 2001 Equity Incentive Plan and intended to promote the Company's long term financial interests by encouraging management to acquire an ownership position in the Company, aligning their interests with those of the Company's security holders and encouraging and rewarding their performance.</li> <li>Exercise of options.</li> </ul>				
<p>7 Dates of entering +securities into uncertificated holdings or despatch of certificates</p>	<ul style="list-style-type: none"> <li>Restricted Stock Units: Not Applicable</li> <li>Options exercised: 9 December 2009</li> </ul>				
<p>8 Number and +class of all +securities quoted on ASX (including the securities in clause 2 if applicable)</p>	<table border="1"> <thead> <tr> <th data-bbox="803 987 1153 1018">Number</th> <th data-bbox="1153 987 1515 1018">+Class</th> </tr> </thead> <tbody> <tr> <td data-bbox="803 1018 1153 1079">433,638,067</td> <td data-bbox="1153 1018 1515 1079">Ordinary shares/CUFS</td> </tr> </tbody> </table>	Number	+Class	433,638,067	Ordinary shares/CUFS
Number	+Class				
433,638,067	Ordinary shares/CUFS				

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

## New issue Announcement

9	Number and +class of all +securities not quoted on ASX (including the securities in clause 2 if applicable)	<table border="1"> <thead> <tr> <th data-bbox="1153 178 1153 210">Number</th> <th data-bbox="1153 210 1513 210">+Class</th> </tr> </thead> <tbody> <tr> <td data-bbox="1153 210 1153 273">15,273,561 4,788,130</td> <td data-bbox="1153 210 1513 273">Options Restricted Stock Units</td> </tr> <tr> <td colspan="2" data-bbox="1153 273 1513 346">No Options or Restricted Stock Units have been cancelled.</td> </tr> </tbody> </table>	Number	+Class	15,273,561 4,788,130	Options Restricted Stock Units	No Options or Restricted Stock Units have been cancelled.	
Number	+Class							
15,273,561 4,788,130	Options Restricted Stock Units							
No Options or Restricted Stock Units have been cancelled.								
10	Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)	<ul style="list-style-type: none"> <li>• Restricted Stock Units do not rank for dividends</li> <li>• Options exercised: Rank for dividends equally with issued ordinary shares/CUFS.</li> </ul>						
<b>Part 2 — Bonus issue or pro rata issue</b>								
11	Is security holder approval required?	Not applicable						
12	Is the issue renounceable or non-renounceable?	Not applicable						
13	Ratio in which the +securities will be offered	Not applicable						
14	+Class of +securities to which the offer relates	Not applicable						
15	+Record date to determine entitlements	Not applicable						
16	Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?	Not applicable						
17	Policy for deciding entitlements in relation to fractions	Not applicable						
18	Names of countries in which the entity has +security holders who will not be sent new issue documents  Note: Security holders must be told how their entitlements are to be dealt with.  Cross reference: rule 7.7.	Not applicable						
19	Closing date for receipt of acceptances or renunciations	Not applicable						

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

## New issue Announcement

20	Names of any underwriters	Not applicable
21	Amount of any underwriting fee or commission	Not applicable
22	Names of any brokers to the issue	Not applicable
23	Fee or commission payable to the broker to the issue	Not applicable
24	Amount of any handling fee payable to brokers who lodge acceptances or renunciations on behalf of +security holders	Not applicable
25	If the issue is contingent on +security holders' approval, the date of the meeting	Not applicable
26	Date entitlement and acceptance form and prospectus or Product Disclosure Statement will be sent to persons entitled	Not applicable
27	If the entity has issued options, and the terms entitle option holders to participate on exercise, the date on which notices will be sent to option holders	Not applicable
28	Date rights trading will begin (if applicable)	Not applicable
29	Date rights trading will end (if applicable)	Not applicable
30	How do +security holders sell their entitlements <i>in full</i> through a broker?	Not applicable
31	How do +security holders sell <i>part</i> of their entitlements through a broker and accept for the balance?	Not applicable

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 4

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**Appendix 3B**

## New issue Announcement

32 How do +security holders dispose of their entitlements (except by sale through a broker)? Not applicable

33 +Despatch date Not applicable

**Part 3 — Quotation of securities**

*You need only complete this section if you are applying for quotation of securities*

34 Type of securities  
(tick one)

(a)  Securities described in Part 1

(b)  All other securities

Example: restricted securities at the end of the escrowed period, partly paid securities that become fully paid, employee incentive share securities when restriction ends, securities issued on expiry or conversion of convertible securities

**Entities that have ticked box 34(a)****Additional securities forming a new class of securities**

*Tick to indicate you are providing the information or documents*

35  If the +securities are +equity securities, the names of the 20 largest holders of the additional +securities, and the number and percentage of additional +securities held by those holders

36  If the +securities are +equity securities, a distribution schedule of the additional +securities setting out the number of holders in the categories  
1 — 1,000  
1,001 — 5,000  
5,001 — 10,000  
10,001 — 100,000  
100,001 and over

37  A copy of any trust deed for the additional +securities

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 5

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**Appendix 3B**  
New issue Announcement

**Entities that have ticked box 34(b)**

38	Number of securities for which +quotation is sought		
39	Class of +securities for which quotation is sought		
40	<p>Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities? If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>		
41	<p>Reason for request for quotation now</p> <p>Example: In the case of restricted securities, end of restriction period</p> <p>(if issued upon conversion of another security, clearly identify that other security)</p>		
42	Number and +class of all +securities quoted on ASX ( <i>including</i> the securities in clause 38)	Number	+Class

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

New issue Announcement

**Quotation agreement**

- 1 +Quotation of our additional +securities is in ASX's absolute discretion. ASX may quote the +securities on any conditions it decides.
- 2 We warrant the following to ASX.
  - The issue of the +securities to be quoted complies with the law and is not for an illegal purpose.
  - There is no reason why those +securities should not be granted +quotation.
  - An offer of the +securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.  
Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty
  - Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any +securities to be quoted and that no-one has any right to return any +securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the +securities be quoted.
  - If we are a trust, we warrant that no person has the right to return the +securities to be quoted under section 1019B of the Corporations Act at the time that we request that the +securities be quoted.
- 3 We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- 4 We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before +quotation of the +securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.



Sign here: \_\_\_\_\_  
(Director/Company secretary)

Date: 9 December 2009 \_\_\_\_\_

Print name: Robert E Cox \_\_\_\_\_

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

New Issue Announcement

Rule 2.7, 3.10.3, 3.10.4, 3.10.5

# Appendix 3B

## New issue announcement, application for quotation of additional securities and agreement

Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.

Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003, 24/10/2005.

Name of entity

**James Hardie Industries N.V.**

ARBN

**097 829 895 Incorporated in The Netherlands. The liability of members is limited.**

We (the entity) give ASX the following information.

**Part 1 — All issues**

You must complete the relevant sections (attach sheets if there is not enough space).

1	+Class of +securities issued or to be issued	Ordinary shares/CUFS
2	Number of +securities issued or to be issued (if known) or maximum number which may be issued	88,882 ordinary shares/CUFS
3	Principal terms of the +securities (eg, if options, exercise price and expiry date; if partly paid +securities, the amount outstanding and due dates for payment; if +convertible securities, the conversion price and dates for conversion)	88,882 ordinary shares/CUFS issued on exercise of options

James Hardie Industries N.V.

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**Appendix 3B**

## New issue Announcement

<p>4 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities?</p> <p>If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>	<p>Yes, rank equally with issued ordinary shares/CUFS</p>	
<p>5 Issue price or consideration</p>	<p>Allotment of ordinary shares/CUFS on exercise of options  25,000 at \$5.99  17,825 at \$6.38  46,057 at \$3.0921</p>	
<p>6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)</p>	<p>Exercise of options</p>	
<p>7 Dates of entering +securities into uncertificated holdings or despatch of certificates</p>	<p>10 December 2009</p>	
<p>8 Number and +class of all +securities quoted on ASX (<i>including</i> the securities in clause 2 if applicable)</p>	<p>Number 433,726,949</p>	<p>+Class Ordinary shares/CUFS</p>

James Hardie Industries N.V.

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**Appendix 3B**

New issue Announcement

9	Number and +class of all +securities not quoted on ASX (including the securities in clause 2 if applicable)	Number	+Class
		15,184,679 4,788,130  No Options or Restricted Stock Units have been cancelled.	Options Restricted Stock Units
10	Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)	Rank for dividends equally with issued ordinary shares/CUFS	
<b>Part 2 — Bonus issue or pro rata issue</b>			
11	Is security holder approval required?	Not applicable	
12	Is the issue renounceable or non-renounceable?	Not applicable	
13	Ratio in which the +securities will be offered	Not applicable	
14	+Class of +securities to which the offer relates	Not applicable	
15	+Record date to determine entitlements	Not applicable	
16	Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?	Not applicable	
17	Policy for deciding entitlements in relation to fractions	Not applicable	
18	Names of countries in which the entity has +security holders who will not be sent new issue documents  Note: Security holders must be told how their entitlements are to be dealt with.  Cross reference: rule 7.7.	Not applicable	
19	Closing date for receipt of acceptances or renunciations	Not applicable	

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

## New issue Announcement

20	Names of any underwriters	Not applicable
21	Amount of any underwriting fee or commission	Not applicable
22	Names of any brokers to the issue	Not applicable
23	Fee or commission payable to the broker to the issue	Not applicable
24	Amount of any handling fee payable to brokers who lodge acceptances or renunciations on behalf of +security holders	Not applicable
25	If the issue is contingent on +security holders' approval, the date of the meeting	Not applicable
26	Date entitlement and acceptance form and prospectus or Product Disclosure Statement will be sent to persons entitled	Not applicable
27	If the entity has issued options, and the terms entitle option holders to participate on exercise, the date on which notices will be sent to option holders	Not applicable
28	Date rights trading will begin (if applicable)	Not applicable
29	Date rights trading will end (if applicable)	Not applicable
30	How do +security holders sell their entitlements <i>in full</i> through a broker?	Not applicable
31	How do +security holders sell <i>part</i> of their entitlements through a broker and accept for the balance?	Not applicable

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James Hardie Industries N.V.

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Appendix 3B — Page 4

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**Appendix 3B**

## New issue Announcement

32 How do +security holders dispose of their entitlements (except by sale through a broker)? Not applicable

33 +Despatch date Not applicable

**Part 3 — Quotation of securities**

*You need only complete this section if you are applying for quotation of securities*

34 Type of securities  
(tick one)

(a)  Securities described in Part 1

(b)  All other securities

Example: restricted securities at the end of the escrowed period, partly paid securities that become fully paid, employee incentive share securities when restriction ends, securities issued on expiry or conversion of convertible securities

**Entities that have ticked box 34(a)****Additional securities forming a new class of securities**

*Tick to indicate you are providing the information or documents*

35  If the +securities are +equity securities, the names of the 20 largest holders of the additional +securities, and the number and percentage of additional +securities held by those holders

36  If the +securities are +equity securities, a distribution schedule of the additional +securities setting out the number of holders in the categories  
1 — 1,000  
1,001 — 5,000  
5,001 — 10,000  
10,001 — 100,000  
100,001 and over

37  A copy of any trust deed for the additional +securities

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

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**Appendix 3B**  
New issue Announcement

**Entities that have ticked box 34(b)**

38	Number of securities for which +quotation is sought		
39	Class of +securities for which quotation is sought		
40	<p>Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities? If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>		
41	<p>Reason for request for quotation now</p> <p>Example: In the case of restricted securities, end of restriction period</p> <p>(if issued upon conversion of another security, clearly identify that other security)</p>		
42	Number and +class of all +securities quoted on ASX ( <i>including</i> the securities in clause 38)	Number	+Class

James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

New issue Announcement

**Quotation agreement**

- 1 +Quotation of our additional +securities is in ASX's absolute discretion. ASX may quote the +securities on any conditions it decides.
- 2 We warrant the following to ASX.
  - The issue of the +securities to be quoted complies with the law and is not for an illegal purpose.
  - There is no reason why those +securities should not be granted +quotation.
  - An offer of the +securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.  
Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty
  - Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any +securities to be quoted and that no-one has any right to return any +securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the +securities be quoted.
  - If we are a trust, we warrant that no person has the right to return the +securities to be quoted under section 1019B of the Corporations Act at the time that we request that the +securities be quoted.
- 3 We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- 4 We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before +quotation of the +securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.



Sign here: \_\_\_\_\_  
(Director/Company secretary)

Date: 10 December 2009 \_\_\_\_\_

Print name: Robert E Cox \_\_\_\_\_

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James Hardie Industries N.V.

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**Appendix 3B**  
New Issue Announcement

Rule 2.7, 3.10.3, 3.10.4, 3.10.5

## Appendix 3B

### New issue announcement, application for quotation of additional securities and agreement

*Information or documents not available now must be given to ASX as soon as available. Information and documents given to ASX become ASX's property and may be made public.*

*Introduced 1/7/96. Origin: Appendix 5. Amended 1/7/98, 1/9/99, 1/7/2000, 30/9/2001, 11/3/2002, 1/1/2003, 24/10/2005.*

Name of entity

**James Hardie Industries N.V.**

ARBN

**097 829 895 Incorporated in The Netherlands. The liability of members is limited.**

We (the entity) give ASX the following information.

**Part 1 — All issues**

*You must complete the relevant sections (attach sheets if there is not enough space).*

1	+Class of +securities issued or to be issued	Ordinary shares/CUFS
2	Number of +securities issued or to be issued (if known) or maximum number which may be issued	148,932 ordinary shares/CUFS
3	Principal terms of the +securities (eg, if options, exercise price and expiry date; if partly paid +securities, the amount outstanding and due dates for payment; if +convertible securities, the conversion price and dates for conversion)	148,932 ordinary shares/CUFS issued on exercise of options

James Hardie Industries N.V.

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**Appendix 3B**

## New issue Announcement

<p>4 Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities?</p> <p>If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>	<p>Yes, rank equally with issued ordinary shares/CUFS</p>	
<p>5 Issue price or consideration</p>	<p>Allotment of ordinary shares/CUFS on exercise of options 148,932 at \$6.38</p>	
<p>6 Purpose of the issue (If issued as consideration for the acquisition of assets, clearly identify those assets)</p>	<p>Exercise of options</p>	
<p>7 Dates of entering +securities into uncertificated holdings or despatch of certificates</p>	<p>11 December 2009</p>	
<p>8 Number and +class of all +securities quoted on ASX (including the securities in clause 2 if applicable)</p>	<p>Number 433,875,881</p>	<p>+Class Ordinary shares/CUFS</p>

James Hardie Industries N.V.

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**Appendix 3B**

New issue Announcement

9	Number and +class of all +securities not quoted on ASX (including the securities in clause 2 if applicable)	Number	+Class
		15,023,647 4,788,130  The following Options have been cancelled at each price:  8,000 at A\$8.90 4,100 at A\$8.40  No Restricted Stock Units have been cancelled.	Options Restricted Stock Units

10	Dividend policy (in the case of a trust, distribution policy) on the increased capital (interests)	Rank for dividends equally with issued ordinary shares/CUFS
----	----------------------------------------------------------------------------------------------------	-------------------------------------------------------------

**Part 2 — Bonus issue or pro rata issue**

11	Is security holder approval required?	Not applicable
----	---------------------------------------	----------------

12	Is the issue renounceable or non-renounceable?	Not applicable
----	------------------------------------------------	----------------

13	Ratio in which the +securities will be offered	Not applicable
----	------------------------------------------------	----------------

14	+Class of +securities to which the offer relates	Not applicable
----	--------------------------------------------------	----------------

15	+Record date to determine entitlements	Not applicable
----	----------------------------------------	----------------

16	Will holdings on different registers (or subregisters) be aggregated for calculating entitlements?	Not applicable
----	----------------------------------------------------------------------------------------------------	----------------

17	Policy for deciding entitlements in relation to fractions	Not applicable
----	-----------------------------------------------------------	----------------

18	Names of countries in which the entity has +security holders who will not be sent new issue documents  Note: Security holders must be told how their entitlements are to be dealt with.  Cross reference: rule 7.7.	Not applicable
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19	Closing date for receipt of acceptances or renunciations	Not applicable
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James Hardie Industries N.V.

+ See chapter 19 for defined terms

**Appendix 3B**

## New issue Announcement

20	Names of any underwriters	Not applicable
21	Amount of any underwriting fee or commission	Not applicable
22	Names of any brokers to the issue	Not applicable
23	Fee or commission payable to the broker to the issue	Not applicable
24	Amount of any handling fee payable to brokers who lodge acceptances or renunciations on behalf of +security holders	Not applicable
25	If the issue is contingent on +security holders' approval, the date of the meeting	Not applicable
26	Date entitlement and acceptance form and prospectus or Product Disclosure Statement will be sent to persons entitled	Not applicable
27	If the entity has issued options, and the terms entitle option holders to participate on exercise, the date on which notices will be sent to option holders	Not applicable
28	Date rights trading will begin (if applicable)	Not applicable
29	Date rights trading will end (if applicable)	Not applicable
30	How do +security holders sell their entitlements <i>in full</i> through a broker?	Not applicable
31	How do +security holders sell <i>part</i> of their entitlements through a broker and accept for the balance?	Not applicable

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 4

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**Appendix 3B**

## New issue Announcement

32 How do +security holders dispose of their entitlements (except by sale through a broker)? Not applicable

33 +Despatch date Not applicable

**Part 3 — Quotation of securities**

*You need only complete this section if you are applying for quotation of securities*

34 Type of securities  
(tick one)

(a)  Securities described in Part 1

(b)  All other securities

Example: restricted securities at the end of the escrowed period, partly paid securities that become fully paid, employee incentive share securities when restriction ends, securities issued on expiry or conversion of convertible securities

**Entities that have ticked box 34(a)****Additional securities forming a new class of securities**

*Tick to indicate you are providing the information or documents*

35  If the +securities are +equity securities, the names of the 20 largest holders of the additional +securities, and the number and percentage of additional +securities held by those holders

36  If the +securities are +equity securities, a distribution schedule of the additional +securities setting out the number of holders in the categories  
1 — 1,000  
1,001 — 5,000  
5,001 — 10,000  
10,001 — 100,000  
100,001 and over

37  A copy of any trust deed for the additional +securities

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James Hardie Industries N.V.

+ See chapter 19 for defined terms

Appendix 3B — Page 5

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**Appendix 3B**  
New issue Announcement

**Entities that have ticked box 34(b)**

38	Number of securities for which +quotation is sought		
39	Class of +securities for which quotation is sought		
40	<p>Do the +securities rank equally in all respects from the date of allotment with an existing +class of quoted +securities? If the additional securities do not rank equally, please state:</p> <ul style="list-style-type: none"> <li>• the date from which they do</li> <li>• the extent to which they participate for the next dividend, (in the case of a trust, distribution) or interest payment</li> <li>• the extent to which they do not rank equally, other than in relation to the next dividend, distribution or interest payment</li> </ul>		
41	<p>Reason for request for quotation now</p> <p>Example: In the case of restricted securities, end of restriction period</p> <p>(if issued upon conversion of another security, clearly identify that other security)</p>		
42	Number and +class of all +securities quoted on ASX ( <i>including</i> the securities in clause 38)	Number	+Class

James Hardie Industries N.V.

+ See chapter 19 for defined terms



**Appendix 3B**

New issue Announcement

**Quotation agreement**

- 1 +Quotation of our additional +securities is in ASX's absolute discretion. ASX may quote the +securities on any conditions it decides.
- 2 We warrant the following to ASX.
  - The issue of the +securities to be quoted complies with the law and is not for an illegal purpose.
  - There is no reason why those +securities should not be granted +quotation.
  - An offer of the +securities for sale within 12 months after their issue will not require disclosure under section 707(3) or section 1012C(6) of the Corporations Act.  
Note: An entity may need to obtain appropriate warranties from subscribers for the securities in order to be able to give this warranty
  - Section 724 or section 1016E of the Corporations Act does not apply to any applications received by us in relation to any +securities to be quoted and that no-one has any right to return any +securities to be quoted under sections 737, 738 or 1016F of the Corporations Act at the time that we request that the +securities be quoted.
  - If we are a trust, we warrant that no person has the right to return the +securities to be quoted under section 1019B of the Corporations Act at the time that we request that the +securities be quoted.
- 3 We will indemnify ASX to the fullest extent permitted by law in respect of any claim, action or expense arising from or connected with any breach of the warranties in this agreement.
- 4 We give ASX the information and documents required by this form. If any information or document not available now, will give it to ASX before +quotation of the +securities begins. We acknowledge that ASX is relying on the information and documents. We warrant that they are (will be) true and complete.



Sign here: \_\_\_\_\_  
(Director/Company secretary)

Date: 11 December 2009 \_\_\_\_\_

Print name: Robert E Cox \_\_\_\_\_

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James Hardie Industries N.V.

+ See chapter 19 for defined terms