



Commonwealth of Australia Gazette No. A003/13, Tuesday, 22 January 2013

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# **ASIC Gazette**

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# **RIGHTS OF REVIEW**

Persons affected by certain decisions made by ASIC under the *Corporations Act 2001* and the other legislation administered by ASIC may have rights of review. ASIC has published Regulatory Guide 57 *Notification of rights of review* (RG57) and Information Sheet *ASIC decisions – your rights* (INFO 9) to assist you to determine whether you have a right of review. You can obtain a copy of these documents from the ASIC Digest, the ASIC website at www.asic.gov.au or from the Administrative Law Co-ordinator in the ASIC office with which you have been dealing.

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### Australian Securities and Investments Commission Corporations Act 2001 – Paragraphs 655A(1)(b) and 673(1)(b) – Declarations

### **Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 655A(1)(b) and 673(1)(b) of the *Corporations Act* 2001 (*Act*).

### Title

2. This instrument is ASIC Instrument 12-1524.

### Commencement

3. This instrument commences on gazettal.

### Declaration

- 4. Chapter 6 and Chapter 6C of the Act apply to Austral Resources Limited ACN 150 166 831 (*Company*) as if:
  - 4.1. section 609 of the Act were modified or varied by adding after subsection (13), as notionally inserted by ASIC Class Order [CO 03/634] (*CO 03/634*):
    - "(14) A person does not have a relevant interest in securities merely because they apply restrictions on the disposal of the securities by the holder";
  - 4.2. and Part 6C.1 of the Act were further modified or varied inserting the following section after 671BA, as notionally inserted by CO 03/634:

### **"671BB Escrow Agreements**

For the purposes of section 671B and the definition of *substantial holding* in section 9, a person has a relevant interest in securities if the person would have a relevant interest in the securities but for subsection 609(14)".

### Where this instrument applies

- 5. This instrument applies to the acquisition of a relevant interest in securities of the Company (*Escrowed Securities*) arising as a result of the entry into one or more escrow agreements or deeds (each a *Restriction Deed*) between the Company and any one or more of the Security Holders where each Restriction Deed:
  - a. restricts disposal of, but not the exercise of voting rights attaching to, the Escrowed Securities;
  - b. terminates no later than 1 year after the Company is admitted to the official list of ASX Limited ACN 008 624 691 (*ASX*) (or to the extent that the Restriction Deed does not so terminate, this declaration will cease to apply

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after 1 year from the date that the Company is admitted to the official list of ASX);

- c. allows the Security Holders to accept into a takeover bid where holders of at least half of the bid class securities that are not subject to any Restricted Deed with the Company restricting disposal of the securities have accepted into the bid;
- d. requires that the Escrowed Securities be returned to escrow if the bid does not become unconditional;
- e. allows the Escrowed Securities to be transferred or cancelled as part of a merger by scheme of arrangement under Part 5.1 of the Act;
- f. is in substantially the form provided to ASIC on 25 October 2012.

### Interpretation

- 6. "Security Holders" are the following persons:
  - 6.1. 143 Pty Ltd.
  - 6.2. Accounting Strategists Pty Ltd.
  - 6.3. Alex Downie.
  - 6.4. Amity Pty Ltd.
  - 6.5. Andreas and Michelle Johansson.
  - 6.6. Andrew Alexander Chang.
  - 6.7. Andrew John Mooney.
  - 6.8. Andrew Lorne Johnstone and Helen Louise Morrison.
  - 6.9. Aspire Life Pty Ltd.
  - 6.10. Barry John Barker and Jaye Abbye Barker.
  - 6.11. Benjamin John McIlvride.
  - 6.12. Buy Write Pty Ltd.
  - 6.13. BWS Pty Ltd.
  - 6.14. Byron Le Grand.
  - 6.15. Charles Chee Seng Soh and Cecilia Maria Soh.

- 6.16. Cheryle Brack.
- 6.17. Christopher Sneddon Pty Ltd.
- 6.18. Christopher William Kraegen.
- 6.19. Cibaw Pty Ltd.
- 6.20. Craig Naysmith and Tara Naysmith.
- 6.21. Darren O'Malley.
- 6.22. David Kevin Cooper and Natalie Lee McKenzie.
- 6.23. Design Strategists Pty Ltd.
- 6.24. Dorothy Grace Cumines.
- 6.25. Elizabeth Karhan.
- 6.26. Environmental Strategists Pty Ltd.
- 6.27. Eva Lundquist.
- 6.28. Evangelos Louizidis.
- 6.29. Family Office Strategists Pty Ltd.
- 6.30. Fifth Septelux Pty Ltd.
- 6.31. Finance Strategists Pty Ltd.
- 6.32. Financial Planning Strategists Pty Ltd.
- 6.33. Florence Lynette Kellett.
- 6.34. FMS Pty Ltd.
- 6.35. Foreign Exchange Arbitrage Pty Ltd.
- 6.36. Forex Arbitrage Pty Ltd.
- 6.37. Funding Strategists Pty Ltd.
- 6.38. FX Arbitrage Pty Ltd.
- 6.39. Gregory J Wood & Associates Pty Ltd.
- 6.40. Hamersho Pty Ltd.

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- 6.41. Healthy Wealthy & Wise Strategists Pty Ltd.
- 6.42. Ian Stewart MacDonald and Angela Mary MacDonald.
- 6.43. Ilan Bazak Agranat.
- 6.44. Isaac David Michel.
- 6.45. James Davis Barker.
- 6.46. James Martin McGreevy.
- 6.47. James Vernon Maxwell.
- 6.48. Jeanette Alice Yap.
- 6.49. Joanne Elsie Uebergang.
- 6.50. JOAT Pty Ltd.
- 6.51. John Cook Super Fund Pty Ltd.
- 6.52. John Patrica Walsh and Mary Louise Walsh.
- 6.53. Jonathan Leon Michel.
- 6.54. Jonathan Paul Price.
- 6.55. Jordan Eliseo.
- 6.56. Joseph Bracamonte.
- 6.57. Joseph James Pagliaro and Michelle Mary Pagliaro.
- 6.58. Karakoram No. 2 Pty Ltd.
- 6.59. Karen Mitchell.
- 6.60. Kuarka Pty Ltd.
- 6.61. Kyle Lidbury.
- 6.62. Langsford St Pty Ltd.
- 6.63. Life Advice Pty Ltd.
- 6.64. Life Coaching Pty Ltd.
- 6.65. Little Shark Pty Ltd.

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- 6.66. Louise O'Malley.
- 6.67. Madlove Pty Ltd.
- 6.68. Margaret Anne Loffler.
- 6.69. Mark Damion Kawecki.
- 6.70. Mark Damion Kawecki as trustee for Jamie Martin Kawecki.
- 6.71. Mark Damion Kawecki as trustee for Toby Leon Kawecki.
- 6.72. Mary Sanderson and Wayne Sanderson.
- 6.73. Matthew Kalajzich.
- 6.74. Matthew Leon Kawecki.
- 6.75. Matthew Thompson.
- 6.76. Mechanical Trading Pty Ltd.
- 6.77. Medusa Nominees Pty Ltd.
- 6.78. Michael B Holmes.
- 6.79. Michael George Clee.
- 6.80. Michael Reginald McQuade.
- 6.81. Michelle Anne Simpson.
- 6.82. Mieczyslaw Kawecki.
- 6.83. Mieczysław Kawecki and Mark Damion Kawecki as trustees for the Max Kawecki Super Fund.
- 6.84. Minguin Pty Ltd.
- 6.85. Nalmor Pty Ltd.
- 6.86. Narabell Pty Ltd.
- 6.87. Neil Raymond Kirkham and Fiona Margaret Marden.
- 6.88. Norman John Nightingale.
- 6.89. Olivier Petyt.

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- 6.90. Olivier Petyt as trustee for Alice Ormen Furth and Catherine Sylvie Lannes.
- 6.91. Original Name Pty Ltd.
- 6.92. Paul Vernon.
- 6.93. Petard Pty Ltd.
- 6.94. Philip John Cawood.
- 6.95. Phillip Abdipranoto.
- 6.96. Phillip Noel Reid
- 6.97. Professional and Sophiscated Investors Pty Ltd.
- 6.98. Property Strategists Pty Ltd.
- 6.99. Renee Agranat and Daven Agranat.
- 6.100. Retirement Strategists Pty Ltd.
- 6.101. Richcab Pty Ltd.
- 6.102. Robert Clarke.
- 6.103. Rodney Adler.
- 6.104. SAF IT Consulting Group Pty Ltd.
- 6.105. Sam Robertson Espie.
- 6.106. Scott Charles Bruce McWilliam.
- 6.107. Scott David Gebhardt.
- 6.108. Seed Capital Strategists Pty Ltd.
- 6.109. Selwyn Shapiro.
- 6.110. Share Trading Pty Ltd.
- 6.111. Silvana Barnes.
- 6.112. Simon William Tritton.
- 6.113. Siwel Capital Pty Ltd
- 6.114. Stephen Grossman.

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- 6.115. Stevenson Paget Pty Ltd.
- 6.116. Stock Trading Pty Ltd.
- 6.117. Sue-Maree Kawecki.
- 6.118. Superannuation Strategists Pty Ltd.
- 6.119. Syncopated Pty Ltd.
- 6.120. Talltree Holdings Pty Ltd.
- 6.121. Tambourineman Pty Ltd.
- 6.122. Technical Analysts Pty Ltd.
- 6.123. Terence Michael Rohde.
- 6.124. Thang Pty Ltd.
- 6.125. Timothy John Horan.
- 6.126. Timothy Peter Meggitt.
- 6.127. Tollymore Holdings Pty Ltd.
- 6.128. Valley Mining and Electrical Pty Ltd.
- 6.129. Wren and Victoria Bligh.
- 6.130. Wealth Management Strategists Pty Ltd.
- 6.131. Willstreet Pty Ltd.

Dated this 10th day of January 2013

Anne Phelan

Signed by Anne Phelan, as a delegate of the Australian Securities and Investments Commission

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### Australian Securities and Investments Commission Corporations Act 2001 – Paragraphs 741(1)(b), 926A(2)(a) and 1020F(1)(c) – Declarations and Exemptions

### **Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 741(1)(b), 926A(2)(a) and 1020F(1)(c) of the *Corporations Act 2001* (the *Act*).

### Title

2. This instrument is ASIC Instrument [12-1740].

### Commencement

3. This instrument commences on 17<sup>th</sup> December 2012.

### Declaration

- 4. Chapter 6D of the Act applies to Unilife Corporation ARBN 141 042 757 (*Company*) as if regulation 6D.5.01 of the *Corporations Regulations 2001* (the *Regulations*) were modified or varied by omitting "warrant that is a security" and substituting "warrant that is a security (other than a CDI within the meaning of subsection 700(3B) of the Act)".
- 5. Chapter 6D of the Act applies to the Company as if the following provisions were omitted, modified or varied as follows:
  - (a) after subsection 700(3) insert:

### "Application to CDIs

(3A) For the purposes of this Chapter, where the securities are CDIs:

- (a) the foreign body that issues, or offers to issue, the securities underlying the CDIs is taken to be the person who offers the CDIs for issue;
- (b) the foreign body that issues the securities underlying the CDIs is taken to be the issuer of the CDIs;
- (c) the securities are taken to be in the same class as the securities underlying the CDIs; and
- (d) the CDIs are taken to be the foreign body's securities.

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(3B) For the purposes of subsection (3A):

ASX Settlement means ASX Settlement Pty Limited ABN 49 008 504 302.

**CDIs** means a unit of beneficial ownership in a foreign body's securities registered in the name of CDN for the purpose of enabling the securities of a foreign body to be recorded in and transferred through CHESS and being described in the operating rules of ASX Settlement as CHESS Depositary Interests or CDIs.

*CDN* means CHESS Depositary Nominees Pty Limited ABN 75 071 346 506.

CHESS means Clearing House Electronic Subregister System.

*foreign body* means a body formed or incorporated outside this jurisdiction.";

- (b) omit paragraph 708A(1)(b), substitute:
  - "(b) except where the securities are CDIs as defined in subsection 700(3B), the securities were not issued by the body with the purpose referred to in subparagraph 707(3)(b)(i); and";
- (c) omit subsection 708A(2)(b), substitute:
  - "(b) section 601CK or the financial reporting laws of the kind set out in Chapter 2M applicable to the body in its place of origin;";
- (d) omit paragraph 708A(5)(d), substitute:
  - "(d) no declaration under subsection 601CK(7) or exemption or waiver (however described) under the financial reporting laws of the kind set out in Chapter 2M applicable to the body in its place of origin, covered the body, or any person as director or auditor of the body, at any time during the relevant period referred to in paragraph (b); and";
- (e) omit subparagraph 708A(6)(d)(i), substitute:
  - "(i) section 601CK and the financial reporting laws of the kind set out in Chapter 2M applicable to the body in its place of origin; and";
- (f) after paragraph 708A(6)(e) insert:
  - "(f) either:

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- (i) explains the difference between holding CDIs (within the meaning of subsection 700(3B)) in relation to securities and directly holding the underlying securities; or
- (ii) if the explanation in subparagraph (i) is contained in a document which is readily accessible without charge states where that document can be accessed.".
- (g) after subsection 708A(6) insert:
  - "(6A) Where the relevant securities offered for sale are CDIs which have been issued by the body on the conversion of securities (the *underlying securities*) the subject of a notice provided by the body under subsection (5)):
    - (a) the notice is taken to also have been given with respect to the CDIs issued on conversion of the underlying securities; and
    - (b) the notice is taken to comply with paragraph (6)(a) and (b) provided that:
      - (i) it is given within 5 business days after the day on which the underlying securities were issued by the body; and
      - (ii) the notice states that the body issued the underlying securities without disclosure to investors under this Part.".
- 6. Part 7.9 of the Act applies to the Company as if subregulation 7.9.07A(1) of the Regulations were modified or varied by omitting "warrants." and substituting "warrants (other than CDIs within the meaning of subsection 700(3B) of the Act).".

### Exemptions

- 7. The Company is exempt from subsection 911A(1) of the Act for a financial service that consists of arranging for CDN to issue CDIs in accordance with the operating rules of ASX Settlement.
- 8. CDN is exempt from subsection 911A(1) of the Act for a financial service that consists of dealing in CDIs in accordance with the operating rules of ASX Settlement.

### Where this instrument applies

9. The declarations in paragraphs 4, 5 and 6 apply in relation to offers, for issue or sale, of Shares in the Company or CDIs in the Company into which such Shares may be converted, where the Shares were, or are, to be issued under the

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### 12-1740

At the Market Offering facility established under the Controlled Equity Offering Sales Agreement dated 3 October 2012 between the Company and Cantor Fitzgerald & Co.

- 10. The exemptions in paragraphs 7 and 8 apply in relation to an issue of CDIs in the Company where:
  - (a) a holder of an option to acquire Shares in the Company exercises its option and the holder of the option has indicated in its notice of exercise that it wishes to be issued CDIs rather than Shares on exercise of such option; and
  - (b) a holder of Shares in the Company elects to convert its Shares into CDIs and the Company or its share registry has received a conversion request from the holder of such Shares.
- 11. This instrument applies until 17<sup>th</sup> December 2013.

### Interpretation

12. In this instrument:

ASX Settlement means ASX Settlement Pty Limited ABN 49 008 504 302.

**CDIs** means a unit of beneficial ownership in a foreign body's securities registered in the name of CDN for the purpose of enabling the securities of a foreign body to be recorded in and transferred through CHESS and being described in the operating rules of ASX Settlement as CHESS Depositary Interests or CDIs.

CDN means CHESS Depositary Nominees Pty Limited ABN 75 071 346 506.

CHESS means Clearing House Electronic Subregister System.

foreign body means a body formed or incorporated outside this jurisdiction.

Shares means shares of common stock in the capital of Unilife Corporation.

Dated this 17<sup>th</sup> day of December 2012

Aa Soucharden

Claire LaBouchardiere as a delegate of the Australian Securities and Investments Commission

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# ASIC

Australian Securities & Investments Commission

12-1773

### Australian Securities & Investments Commission National Consumer Credit Protection Act 2009 Section 54

### Notice of Cancellation of an Australian Credit Licence

TO: All Loan Solutions Pty Ltd ACN 127 903 360 ("the Licensee") Last notified principal place of business: 30 Josephine Street CAMIRA QLD 4300

Pursuant to paragraph 54(1)(b) of the **National Consumer Credit Protection Act 2009**, the Australian Securities and Investments Commission hereby cancels Australian Credit Licence number 392648 held by the Licensee, with effect from the date of this notice.

Dated	19/12/12
Signed	Jason Waite A delegate of the Australian Securities and Investments Commission

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# ASIC

Australian Securities & Investments Commission

12-1774

### Australian Securities & Investments Commission National Consumer Credit Protection Act 2009 Section 54

### Notice of Cancellation of an Australian Credit Licence

TO: Jean K Forsyth Pty Ltd ACN 120 505 428 (the Licensee) Last notified principal place of business: Eton Arcade, Level 1 754 Princess Highway SUTHERLAND NSW 2232

Pursuant to paragraph 54(1)(c) of the **National Consumer Credit Protection Act 2009**, the Australian Securities and Investments Commission hereby cancels Australian Credit Licence number 384930 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated	19/12/12
Signed	ÂN VI
0	Jason Waite

A delegate of the Australian Securities and Investments Commission

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Australian Securities & Investments Commission

# Australian Securities & Investments Commission Corporations Act 2001 Section 915B

# Notice of Cancellation of an Australian Financial Services Licence

TO: J.A. Hordern Financial Services Pty Ltd ACN 127 663 174 ("the Licensee") 20/12 Tryon Road Lindfield NSW 2070

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 322722 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 18 December 2012.

Joyce Krashow, a delegate of the Australian Securities and Investments

Commission

Signed

### Australian Securities and Investments Commission Corporations Act 2001 – Subsection 173(6) – Exemption

Under subsection 173(6) of the *Corporations Act 2001* ("Act") the Australian Securities and Investments Commission hereby exempts the company specified in Schedule A ("Company") from subsections 173(1) and 173(3) of the Act in relation to information described in Schedule B except in the cases described in Schedule C.

### Schedule A

### Banksia Securities Limited ACN 004 736 458

### Schedule B

This exemption applies to information in the Company's register of debenture holders ("Register") about debentures that are not convertible into shares or options over unissued shares.

### Schedule C

- 1 This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a registered debenture holder to the extent that the inspection or request relates to that part of the Register which contains particulars of that person's holdings.
- 2 This exemption does not apply in relation to an inspection, or request for a copy, of the debenture holder's names and addresses recorded on the Register by a person if the person has provided the Company with a written undertaking, duly signed by that person, to the effect that:
  - (a) the person will not use the copy of, or information obtained from, the Register for any purpose other than:
    - (i) calling a meeting of registered debenture holders;
    - (ii) forming an action group that is relevant to the holding of the interests recorded in the Register or the exercise of the rights attaching to them;
    - (iii) making an offer to a registered debenture holder to acquire debentures held by that person, other than an offer or invitation that would be a prescribed purpose under Regulation 2C.1.03(d) and (e) of the Corporations Regulations 2001;
    - (iv) notifying a registered debenture holder of a matter relating to the carrying out by the Company or the trustee of the trust deed relating to the debentures of its functions and duties under that deed or the Act;
    - (v) communicating with debenture holders about their potential rights to bring or join an action that is relevant to the holding of the interests recorded in the Register or the exercise of the rights attaching to them;
    - (vi) undertaking bona fide statistical or analytical research; or
    - (vii) any other purpose approved in writing by the Australian Securities and Investments Commission; and
  - (b) the person will not disclose the copy of, or information obtained from, the Register to any other person except a person identified in the undertaking by name and address and except solely for the purposes specified in paragraph (a).

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Note: Nothing in this exemption permits a person to use or disclose information obtained from the Register in a manner that would contravene subsection 177(1) or (1AA) of the Act.

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Dated this 19th day of December 2012

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Signed by James Nott as a delegate of the Australian Securities and Investments Commission

### Australian Securities and Investments Commission Corporations Act 2001 – Subsection 173(6) – Exemption

Under subsection 173(6) of the *Corporations Act 2001* ("Act") the Australian Securities and Investments Commission hereby exempts the company specified in Schedule A ("Company") from subsections 173(1) and 173(3) of the Act in relation to information described in Schedule B except in the cases described in Schedule C.

### Schedule A

### Cherry Fund Limited ACN 106 274 631

### Schedule B

This exemption applies to information in the Company's register of debenture holders ("Register") about debentures that are not convertible into shares or options over unissued shares.

### Schedule C

- 1 This exemption does not apply in relation to an inspection, or request for a copy, of the Register by a registered debenture holder to the extent that the inspection or request relates to that part of the Register which contains particulars of that person's holdings.
- 2 This exemption does not apply in relation to an inspection, or request for a copy, of the debenture holder's names and addresses recorded on the Register by a person if the person has provided the Company with a written undertaking, duly signed by that person, to the effect that:
  - (a) the person will not use the copy of, or information obtained from, the Register for any purpose other than:
    - (i) calling a meeting of registered debenture holders;
    - (ii) forming an action group that is relevant to the holding of the interests recorded in the Register or the exercise of the rights attaching to them;
    - (iii) making an offer to a registered debenture holder to acquire debentures held by that person, other than an offer or invitation that would be a prescribed purpose under Regulation 2C.1.03(d) and (e) of the Corporations Regulations 2001;
    - (iv) notifying a registered debenture holder of a matter relating to the carrying out by the Company or the trustee of the trust deed relating to the debentures of its functions and duties under that deed or the Act;
    - (v) communicating with debenture holders about their potential rights to bring or join an action that is relevant to the holding of the interests recorded in the Register or the exercise of the rights attaching to them;
    - (vi) undertaking bona fide statistical or analytical research; or
    - (vii) any other purpose approved in writing by the Australian Securities and Investments Commission; and
  - (b) the person will not disclose the copy of, or information obtained from, the Register to any other person except a person identified in the undertaking by name and address and except solely for the purposes specified in paragraph (a).

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Note: Nothing in this exemption permits a person to use or disclose information obtained from the Register in a manner that would contravene subsection 177(1) or (1AA) of the Act.

Dated this 19th day of December 2012

Signed by James Nott as a delegate of the Australian Securities and Investments Commission

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# Australian Securities & Investments Commission Corporations Act 2001 Section 915B

# Notice of Cancellation of an Australian Financial Services Licence

TO: Annron Pty Ltd ACN 084 936 694 (the Licensee") 4 Peel Street South Ballarat VIC 3350

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 234786 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 14<sup>th</sup> day of January 2013

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Signed

Peter Schofield, a delegate of the Australian Securities and Investments Commission

### Australian Securities and Investments Commission Corporations Act 2001 – Paragraph 601QA(1)(a) – Exemption

### **Enabling legislation**

1. The Australian Securities and Investments Commission makes this instrument under paragraph 601QA(1)(a) of the *Corporations Act 2001* (the *Act*).

### Title

2. This instrument is ASIC Instrument 13-0039.

### Commencement

3. This instrument commences on 16 January 2013.

### Exemption

4. Shopping Centres Australasia Property Group RE Limited ACN 158 809 851 (*SCA RE*) in its capacity as the responsible entity of Shopping Centres Australasia Property Retail Trust ARSN 160 612 788 (*Retail Trust*) and Shopping Centres Australasia Property Management Trust ARSN 160 612 626 (*Management Trust*) does not have to comply with paragraph 601FC(1)(d) of the Act, to the extent that it requires the responsible entity of a registered scheme to treat members who hold interests of the same class equally.

### Where this instrument applies

5. SCA RE sells an Unmarketable Parcel of Stapled Securities in accordance with the constitution of the Retail Trust, the constitution of the Management Trust and the ASX Listing Rules.

### Where this instrument ceases to apply

- 6. This exemption ceases to apply if:
  - (a) a component of a Stapled Security is issued which on the terms on which it is traded, can be transferred separately without also transferring any other component of a Stapled Security; or
  - (b) any interests in the Retail Trust or the Management Trust (other than ordinary interests or prospective or contingent rights that convert or exchange to Stapled Securities) are issued.

### Interpretation:

7. In this instrument:

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ASX means the financial market operated by ASX Limited ACN 008 624 691.

ASX Listing Rules means ASX's listing rules as at the date of this instrument.

*market price* has the meaning given by the ASX Listing Rules.

*Stapled Security* means an interest in the Retail Trust and an interest in the Management Trust which, under the terms on which each is to be traded, must be transferred together.

*Unmarketable Parcel* means a parcel of Stapled Securities which is not a marketable parcel within the meaning of the ASX Listing Rules, calculated using the market price of those Stapled Securities on ASX.

Dated this 16<sup>th</sup> day of January 2013

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Signed by Hassan Salem as a delegate of the Australian Securities and Investments Commission

### Australian Securities and Investments Commission Corporations Act 2001 – Paragraphs 601QA(1)(a), 911A(2)(l) and 1020F(1)(a) – Exemption

### **Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 601QA(1)(a), 911A(2)(1) and 1020F(1)(a) of the *Corporations* Act 2001 (the Act).

### Title

2. This instrument is ASIC Instrument 13-0040.

### Commencement

3. This instrument commences on gazettal.

### **Exemptions**

- 4. (a) Shopping Centres Australasia Property Group RE Limited ACN 158 809 851 (*SCA RE*) in its capacity as the responsible entity of Shopping Centres Australasia Property Retail Trust ARSN 160 612 788 (*Retail Trust*) and the Shopping Centres Australasia Property Management Trust ARSN 160 612 626 (*Management Trust*);
  - (b) Moelis Australia Securities Pty Limited ACN 122 781 560 (*Moelis*); and
  - (c) Computershare Investor Services Pty Limited ACN 078 279 277

(together, the Relevant Persons),

do not have to comply with:

- (d) section 601ED of the Act in relation to the Sale Facility;
- (e) Divisions 2 to 5 of Part 7.9 of the Act in relation to an interest in the Sale Facility; and
- (f) the requirement to hold an Australian financial services license for the provision of the following financial services:
  - (i) dealing in an interest in a Sale Facility; and
  - (ii) the provision of general advice in relation to an interest in the Sale Facility.
- 5. To avoid doubt, to the extent that a Relevant Person invites a holder of Stapled Securities to make an offer to sell Stapled Securities through the Sale Facility, the Relevant Person does not have to comply with Division 5A of Part 7.9 of the Act.

### Where this instrument applies

- 6. The exemptions in paragraphs 4 and 5 apply in relation to the Sale Facility where the facility satisfies all of the following:
  - (a) the Stapled Securities that may be sold through the Sale Facility are admitted to quotation on ASX;
  - (b) under the terms of the Sale Facility:
    - (i) the Stapled Securities (the *relevant financial products*) of holders of an Unmarketable Parcel to be sold through the Sale Facility are pooled; and
    - (ii) Moelis sells the relevant financial products in the ordinary course of trading on ASX; and
    - (iii) the proceeds of the sale net of expenses (to the extent (if any) that they are not met by SCA RE or Moelis are distributed to holders of an Unmarketable Parcel; and
    - (iv) each holder of an Unmarketable Parcel is paid their proportion of the proceeds of sale as soon as practicable and, in any event, within 8 weeks after the Record Date.

### Conditions

- 7. In order to rely on the exemptions in subparagraphs 4(c) or (d) or paragraph 5, at least one of the Relevant Persons must:
  - (a) give or send to each holder of an Unmarketable Parcel a document which complies with paragraph 8, by:
    - (i) giving the document to the holder personally; or
    - (ii) sending the document:
      - (A) by post to the address for the holder in the register of members or an alternative address (if any) nominated by the holder; or
      - (B) to the fax number or electronic address (if any) nominated by the holder.
- 8. The document:
  - (a) must contain the following statements and information:
    - (i) a statement that the Sale Facility is open until the expiry date set out in the document, which cannot be more than 12 months after the date of the document; and

- (ii) information about the minimum and maximum number (if any) of Stapled Securities a holder of an Unmarketable Parcel can sell through the Sale Facility; and
- (iii) a statement that the market price of Stapled Securities is subject to change from time to time; and
- (iv) information about how to obtain up-to-date information on the market price of Stapled Securities; and
- (v) information about any expenses relating to the sale of Stapled Securities that will be paid by the holders of Unmarketable Parcels; and
- (vi) information about how the proceeds of sale of Stapled Securities sold through the Sale Facility will be allocated between holders of Unmarketable Parcels; and
- (vii) a statement that the amount of money received by a holder of an Unmarketable Parcel that is sold through the Sale Facility may be more or less than the actual price received by Moelis for those Stapled Securities; and
- (viii) information about any other significant characteristics or features of the Sale Facility or of the rights and obligations of holders of Unmarketable Parcels participating in the Sale Facility; and
- (ix) information about any alternatives that the holder of an Unmarketable Parcel may have to participating in the Sale Facility; and
- (x) information about the Record Date and the procedure for notifying SCA RE prior to the Record Date.
- (b) must be worded and presented in a clear, concise and effective manner; and
- (c) may be given in printed or electronic form and, if given in electronic form, must, as far as practicable, be given in a way that will allow the holder to print or save a copy of it.
- 9. In order to rely on the exemptions in subparagraphs 4(c) or (d) or paragraph 5, the Relevant Persons must take reasonable steps to ensure the Sale Facility is not operated during any period where a control transaction has been publicly proposed and has not ended.

### **Exclusion from reliance**

10. The Relevant Persons are excluded from relying on paragraph 4(e) of this instrument if any one of them becomes aware of matters that gives any one of them reason to believe that any one of them has failed in a material respect to comply with a condition of this instrument and does not give full particulars of the failure to ASIC within 15

business days of becoming so aware.

### Interpretation

11. In this instrument:

ASX means the financial market operated by ASX Limited ACN 008 624 691.

ASX Listing Rules means ASX's listing rules as at the date of this instrument.

*control transaction* means a transaction or a proposed transaction that affects the control, or potential control, of Shopping Centres Australasia Property Group.

facility has a meaning affected by section 762C of the Act.

holder has the meaning given by section 761A of the Act.

*market price* has the meaning given by the ASX Listing Rules as at the date of this instrument.

*Record Date* means the final date for notifying SCA RE whether or not a holder of an Unmarketable Parcel nominates to retain their Unmarketable Parcel.

*register of members* means the register of members required to be set up and maintained under section 169 of the Act.

*Sale Facility* means a facility through which a holder of an Unmarketable Parcel transfers its Stapled Securities to Moelis to sell on their behalf.

*Shopping Centres Australasia Property Group* means the Retail Trust and the Management Trust.

*Stapled Securities* means an interest in the Retail Trust and an interest in the Management Trust which, under the terms on which each is to be traded, must be transferred together.

*Unmarketable Parcel* means a parcel of Stapled Securities which is not a marketable parcel within the meaning of the ASX Listing Rules, calculated using the market price of those Stapled Securities on ASX.

Dated this 16<sup>th</sup> day of January 2013

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Signed by Hassan Salem as a delegate of the Australian Securities and Investments Commission

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### 13-0041

### Australian Securities and Investments Commission Corporations Act 2001 – Paragraphs 601QA(1)(a), 911A(2)(l) and 1020F(1)(a) – Variation

### **Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 601QA(1)(a), 911A(2)(l) and 1020F(1)(a) of the *Corporations Act* 2001.

### Title

2. This instrument is ASIC Instrument 13-0041.

### Commencement

3. This instrument commences on gazettal.

### Variation

- 4. ASIC Instrument 13-0040 dated 16 January 2013 is varied by:
- (a) in paragraph 7, omitting "subparagraphs 4(c) or (d)" and substituting "subparagraphs 4(d) or (e)";
- (b) in paragraph 9, omitting "subparagraphs 4(c) or (d)" and substituting "subparagraphs 4(d) or (e)" and
- (c) in paragraph 10, omitting "paragraph 4(e)" and substituting "paragraph 4(f)".

Dated this 16<sup>th</sup> day of January 2013

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Signed by Hassan Salem as a delegate of the Australian Securities and Investments Commission

ARBN

ASIC GAZETTE A003/13, Tuesday, 22 January 2013 Company/Scheme deregistrations

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CORPORATIONS ACT 2001 Section 601CL(5)

ASIC has struck the foreign companies listed below off the register.

Dated this eighteenth day of January 2013

Rosanne Bell DELEGATE OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

### Name of Company

AIR MARK SERVICES INTERNATIONAL LIMITED	138 963 461
AZIMUTH MANAGEMENT CONSULTING LIMITED	150 925 152
GENSCAPE ASIA, INC.	126 715 311
MARIETTA INTERNATIONAL	095 746 213
NOUMEA LIMITED	133 364 995
PEGASUS SYSTEMS LIMITED	092 044 776
QSC ASIA, LIMITED	150 688 994
SPA BUILDERS SUPPORT GROUP	129 869 067
SWEDISH AIRCRAFT HOLDINGS AB	095 971 734
TCNZ FINANCE LIMITED	097 490 330

ASIC GAZETTE A003/13, Tuesday, 22 January 2013 Company/Scheme deregistrations

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CORPORATIONS ACT 2001 Section 601CL(4)

ASIC will strike the foreign companies listed below off the register three months after the publication of this notice, unless given acceptable reason not to proceed.

Dated this eighteenth day of January 2013

Rosanne Bell DELEGATE OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

### Name of Company

ARBN

AW PRODUCTIONS LIMITED LIABILITY COMPANY	149 322 314
JMA CONSULTANTS INC.	154 070 372
MEDIA TREE (ASIA) LIMITED	145 365 573
O&G THE MUSICAL LLC	158 265 082
SANTANA DEVELOPMENT COMPANY, LLC	131 154 357
SANTANA EXPLORATION COMPANY, LLC	131 153 903

Corporations Act 2001 Subsection 164(3)

Notice is hereby given that ASIC will alter the registration details of the following companies 1 month after the publication of this notice, unless an order by a court or Administrative Appeals Tribunal prevents it from doing so.

AU RESOURCES LIMITED ACN 156 431 524 will change to a proprietary company limited by shares. The new name will be AU RESOURCES PTY LTD ACN 156 431 524.

ERIN MINERAL RESOURCES LIMITED ACN 128 093 354 will change to a proprietary company limited by shares. The new name will be ERIN MINERAL RESOURCES PTY LTD ACN 128 093 354.

**INVESTORS CENTRAL PTY LTD** ACN 143 097 385 will change to a public company limited by shares. The new name will be INVESTORS CENTRAL LIMITED ACN 143 097 385.

**JDV LIMITED** ACN 009 136 029 will change to a proprietary company limited by shares. The new name will be JDV PTY LIMITED ACN 009 136 029.

**PREMIUM INVESTORS LIMITED** ACN 106 259 885 will change to a proprietary company limited by shares. The new name will be PREMIUM INVESTORS PTY LIMITED ACN 106 259 885.

# SCOTT CREEK COAL PTY LIMITED

ACN 150 539 870 will change to a public company limited by shares. The new name will be SCOTT CREEK COAL LIMITED ACN 150 539 870.

**UNICARE (NQ) LIMITED** ACN 061 144 769 will change to a proprietary company limited by shares. The new name will be UNICARE (NQ) PTY LTD ACN 061 144 769.

**EQUICORP GROUP LIMITED** ACN 152 173 209 will change to a proprietary company limited by shares. The new name will be EQUICORP GROUP PTY LTD ACN 152 173 209.

**IMARDA LTD** ACN 125 612 857 will change to a proprietary company limited by shares. The new name will be IMARDA PTY LTD ACN 125 612 857.

**IX BIOPHARMA PTY LTD** ACN 136 680 601 will change to a public company limited by shares. The new name will be IX BIOPHARMA LIMITED ACN 136 680 601.

**MACCACORP LIMITED** ACN 116 486 527 will change to a proprietary company limited by shares. The new name will be MACCACORP PTY LTD ACN 116 486 527.

**RIEAS LIMITED** ACN 141 253 027 will change to a proprietary company limited by shares. The new name will be RIEAS PTY LTD ACN 141 253 027.

THE ADELAIDE CHRISTADELPHIAN HALL COMPANY ACN 007 871 249 will change to a proprietary company limited by shares. The new name will be THE ADELAIDE CHRISTADELPHIAN HALL COMPANY PTY LTD ACN 007 871 249.

**UNIHEALTH (NQ) LIMITED** ACN 099 496 232 will change to a proprietary company limited by shares. The new name will be UNIHEALTH (NQ) PTY LTD ACN 099 496 232.

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