



ASIC

Australian Securities &
Investments Commission

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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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14-0710

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 911A(2)(l) — Exemption**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraph 911A(2)(l) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC instrument 14-0710.

Commencement

3. This instrument commences on gazettal.

Exemption

4. Mitsui & Co. Commodity Risk Management Ltd., a company incorporated in England and Wales (*Company*) is exempt from the requirement to hold an Australian financial services licence in relation to the provision of financial services specified in paragraph 1 of Schedule B of the class order in this jurisdiction to wholesale clients.

Where this instrument applies

5. This instrument applies where the Company meets the requirements specified in Schedules A (except for paragraphs (d), (e) and (f)) and B of the class order.

Conditions

6. The Company must take reasonable steps to comply with the requirements specified in Schedule C of the class order.

Where this instrument ceases to apply

7. This instrument ceases to apply if both of the following are satisfied:
 - (a) the Company becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed, other than in an

immaterial respect, to comply with a requirement set out in Schedule C of the class order;

- (b) the Company has not provided full particulars of the failure to ASIC (to the extent that the Company knows those particulars or would have known them if it had undertaken reasonable enquiries) within 15 business days after the Company became so aware or should reasonably have become so aware.

Interpretation

8. In this instrument:

class order means ASIC Class Order CO 03/1099 as in force on the date of the instrument and as amended from time to time by a disallowable legislative instrument within the meaning of the *Legislative Instruments Act 2003*.

wholesale client has the meaning given by section 761G of the Act.

Dated this 30th day of July 2014



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



ASIC

Australian Securities & Investments Commission

14-0725

**Australian Securities and Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Mirvac Capital Partners Limited
ACN: 160 526 303 ("the Licensee")
Level 26, 60 Market Street
Sydney, NSW, 2000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 430249 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 16th July 2014

Signed

Joyce Krashow
A delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities & Investments Commission

14-0739

**Australian Securities and Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Blue Shark Trading Pty Ltd
ACN: 107 880 357
79 Dolans Road
CRONULLA NSW 2230

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 275150 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 25th July 2014

Signed

Joyce Krashow
A delegate of the Australian Securities and Investments Commission



14-0756

ASIC

Australian Securities & Investments Commission

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Instinct Capital Pty Ltd
ACN 138 534 308("the Licensee")
1 Market Street
Sydney NSW 2000

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 340837 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 25th day of July 2014

Signed

Joyce Krashow, a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities & Investments Commission

14-0760

**Australian Securities and Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Rismark International Funds Management Pty Ltd
ACN 114 530 139 ("the Licensee")
Level 13, 50 Margaret Street
Sydney NSW 2000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 293881 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 29 July 2014

Signed

Joyce Krashow
A delegate of the Australian Securities and Investments Commission

14-0764

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 655A(1)(b) – Declaration**

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 14-0764.

Commencement

3. This instrument commences on 24 July 2014.

Declaration

4. Chapter 6 of the Act applies to Norton Gold Fields Limited ACN 112 287 797 (the *Bidder*) as if Parts 6.4 and 6.6 were modified or varied as follows:

- (a) after subsection 617(2), insert:

“(2A) The bid may also extend to all securities that come to be in the bid class during the period from the date set by the bidder under subsection 633(2) to the end of the offer period due to the issue of extension securities if the bid is varied in accordance with section 650BA to extend to those securities.”;

- (b) in section 650A, after “section 650B,” in both instances where it occurs, insert “650BA,”;

- (c) after section 650B, insert:

“650BA Off-market bids – securities in the bid class

- (1) The bidder may vary the bid and offers to extend to specified extension securities.
 - (2) The bidder may only extend the bid and offers in accordance with subsection (1) if there are no less than 14 days before the end of the offer period.
-

14-0764

- (3) In this section *extension securities* means securities that come to be in the bid class during the period from and including the date set by the bidder under subsection 633(2) to the date on which a notice is lodged with ASIC under section 650D for the purpose of extending the bid and offers to those securities.
- (4) Any new offer resulting from a variation in accordance with the procedure under section 650D is, from the time of the variation, taken:
- (a) to be an offer under the bid;
 - (b) not to be made in contravention of section 633; and
 - (c) not to give rise to a contravention of section 631.”;
- (d) after paragraph 650D(1)(a), insert:
- “(aa) if the offers are varied under section 650BA—prepare a supplementary bidder’s statement that:
- (i) describes the need for and effect of any exercise of ASIC’s powers under section 655A obtained by the bidder in order to facilitate the extension of the bid to the specified extension securities; and
 - (ii) states that the bid is extended to the specified extension securities; and
 - (iii) states that the holders of any extension securities to which the bid has been extended may apply to the bidder to obtain a copy of the documents referred to in paragraph (d).”;
- (e) in subparagraph 650D(1)(c)(iii), as notionally inserted by ASIC Class Order [CO 13/521], omit “in that class.”, substitute “in that class; and”;
- (f) after paragraph 650D(1)(c), insert:
- “(d) if the offers are varied under section 650BA—send to the persons issued the extension securities, on a date no less than 14 days before the end of the offer period, the following documents:
- (i) unless the bidder has already sent one to the person—a copy of the bidder’s statement lodged with ASIC in relation to the bid;
 - (ii) unless the bidder reasonably believes the person has already been sent one—a copy of the target’s statement;

14-0764

- (iii) unless the bidder does not need to send any documents referred to in paragraphs (i) and (ii) to the person—a copy of each supplementary statement lodged with ASIC under subsection 647(3) in relation to the bid up to and including that date; and
 - (iv) a copy of the notice lodged with ASIC.”; and
- (g) in paragraph 650D(2)(a), omit “offer period; and”, substitute “offer period or extends the offer to specified extensions securities under section 650BA; and”.

Where this instrument applies

9. This declaration applies where the Bidder has:
- (a) not relied on the relief provided by this instrument to extend the bid to securities other than the New Securities; and
 - (b) publicly announced that it will waive any defeating condition of the offer of the type referred to in paragraph 650F(1)(a) or item 2(d)(ii) of section 611 if at the end of the offer period for the Bid the condition is triggered only by reason of events associated with the issue of New Securities.

Interpretation

10. In this instrument:
- (a) **Bid** means an offer for all of the ordinary shares in Bullabulling Gold Limited ACN 153 235 542 (the **Target**) pursuant to a bidder's statement dated and lodged with ASIC on 17 April 2014.
 - (b) **New Securities** means the following securities:
 - (i) 2,261,938 shares issued to drilling contractors who have provided drilling or drilling related services to the Target, as approved by shareholders of the Target at the Annual General Meeting on 27 May 2014 under resolution 6;
 - (ii) securities issued under an incentive share plan known as the Bullabulling Gold Limited Incentive Share Plan, as approved by shareholders of the Target at the Annual General Meeting on 27 May 2014 under resolution 8; and

14-0764

- (iii) 2,859,756 securities issued under a subscription agreement between the Target and Brett Lambert, which the Target entered into on 24 January 2014.

Dated this 24th day of July 2014



Signed by Ashley Brown
as a delegate of the Australian Securities and Investments Commission

14-0766

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

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* (the *Act*).

Title

2. This instrument is ASIC Instrument 14-0766.

Commencement

3. This instrument commences on 25 July 2014.

Declarations

4. Chapters 6 and 6C of the Act apply to SpeedCast International Limited ACN 600 699 241 (*SpeedCast*) as if section 609 were modified or varied by, after subsection (16) (as notionally inserted by ASIC Class Order [CO 12/1209]), inserting:
 - “(17) A body corporate does not have a relevant interest in its own securities merely because, under an escrow arrangement entered into by the body corporate, the body corporate applies restrictions on the disposal of the securities by the holder.”.
5. Chapters 6 and 6C of the Act apply to SpeedCast as if section 9 were modified or varied by, after subparagraph (a)(ii)(C) in the definition of *substantial holding* (as notionally inserted by ASIC Class Order [CO 13/520]), inserting:
 - “or
 - (D) subsection 609(17) (securities subject to escrow arrangement);”.
6. Chapter 6C of the Act applies to SpeedCast as if section 671B were modified or varied by omitting paragraph (7)(c) (as notionally inserted by ASIC Class Order [CO 13/520]), and substituting:
 - “(c) subsection 609(11) (company that issues restricted securities); or
 - (d) subsection 609(17) (securities subject to escrow arrangement).”.

14-0766

Where the exemption applies

7. This instrument applies in relation to relevant interests Speedcast has in securities of SpeedCast (*Escrowed Securities*) merely because Speedcast has entered into one or more escrow agreements or deeds (each an *Escrow Arrangement*) with any one or more of the persons named in Schedule A (each a *Security Holder*) in connection with the proposed admission of SpeedCast's securities to the official list of the Australian Securities Exchange (*ASX*) where each Escrow Arrangement:
- (a) restricts disposal of, but not the exercise of voting rights attaching to, the Escrowed Securities;
 - (b) in the case of a takeover bid:
 - (i) allows each Security Holder to accept into the takeover bid where holders of at least half of the bid class securities that are not subject to an Escrow Arrangement have accepted into the bid; and
 - (ii) requires that the Escrowed Securities be returned to escrow if the bid does not become unconditional;
 - (c) allows the Escrowed Securities to be transferred or cancelled as part of a merger by way of compromise or arrangement under Part 5.1 of the Act;
 - (d) terminates on the date that SpeedCast's half year accounts for the period ending 30 July 2015 are released to ASX; and
 - (e) is substantially in the same form provided to ASIC on 24 July 2014.

Schedule A

TA XI, LP

TA Atlantic and Pacific VI, LP

TA Investors III, LP

TA Subordinated Debt Fund III, LP

Pierre Jean Joseph Andre Beylier

Mark Benedict Ellison

Peter Gordon Radford

Guillaume Philippe Mauffrey

14-0766

Allen Hartman Schoonmaker

Yau Kin Fai Gilbert

Andre Willem Eerland

Mark Borgas as trustee of the Borgas SpeedCast Trust

Mark Borgas

Chung Wai Kit (Tony)

Richard Frank Carden

Andrew Burdall

Piers Cunningham

Anthony Waters

Ronald John Garvey

IPDO Communications Pty Ltd as Trustee for the Shulman Family Trust

Dated this 25th day of July 2014



Signed by Tanya Tang
as a delegate of the Australian Securities and Investments Commission

In Confidence

14 - 0779

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

PART 9.4AA OF THE CORPORATIONS ACT
INFRINGEMENT NOTICE

To:

Diploma Group Limited
First Floor
140 Abernethy Road
BELMONT WA 6104

TAKE NOTICE: The Australian Securities and Investments Commission (ASIC) hereby issues an Infringement Notice to Diploma Group Limited ACN 127 462 686 (DGX) under subsection 1317DAC(1) of the *Corporations Act 2001* (the Act). This Infringement Notice requires DGX to:

- (i) pay a penalty to ASIC, on behalf of the Commonwealth, in the sum of \$33,000 (the Penalty).

This Infringement Notice is issued on 2 December 2013.

DETAILS OF THE ALLEGED CONTRAVENTION

The Facts

DGX is a construction and property development company listed on ASX Limited (ASX).

On 4 December 2012, DGX entered into a contract for the sale of 69 Adelaide Terrace East Perth (the Property) for \$4.86m (the Contract). The Contract was subject to two conditions:

- (i) Due diligence and syndicate funding approval; and
- (ii) Development approval.

(the Information)

On 31 July 2013 DGX announced the settlement of the Contract. The announcement included the following statements:

- *The sale of this asset places the business in a stronger position financially having reduced corporate debt by close to 30% to \$13 million.*
- *Diploma will recognise a profit from the sale in the first half of FY14.*

On 31 July 2013 when the settlement of the Contract was announced DGX's shares opened at \$0.041, up 5% from the previous close, and closed at \$0.05, up 28.2% from the previous close.

The Contravention

This Infringement Notice has been issued because ASIC has reasonable grounds to believe that DGX contravened subsection 674(2) of the Act in the period from 4 December 2012 to 31 July 2013 (when DGX announced the settlement of the Contract to ASX entitled "Diploma completes sale of 69 Adelaide Tee for \$4.86M"), in that:

- (a) DGX is an entity to which s674(2) of the Act applies.
- (b) On 4 December 2012, DGX was aware of the Information.
- (c) Information that DGX had entered into a contract for the sale of 69 Adelaide Terrace East Perth for \$4.86m, subject to the two conditions was information which would, or would be likely to, influence persons who commonly invest in securities in deciding whether to acquire or dispose of DGX shares because it indicated that DGX would be in a stronger position financially. As such, the Information is information that a reasonable person would expect, if it were generally available, to have a material effect on the price or value of securities of DGX.
- (d) ASX Listing Rule 3.1 required DGX to tell ASX of the Information from 4 December 2013.
- (e) ASX Listing Rule 3.1A (the exception to ASX Listing Rule 3.1) did not apply to the Information because:
 - (i) a reasonable person would have expected the Information to be disclosed to ASX or a trading halt requested;
 - (ii) the terms of the agreement had been finalised and the contract was executed. The Information was therefore complete even though the contract was subject to the two conditions; and
 - (iii) the Information was not confidential.
- (f) The Information was not generally available prior to 31 July 2013.

Compliance with the Infringement Notice

DGX may choose to comply with this Infringement Notice by paying the Penalty within the compliance period.

The compliance period for this Infringement Notice begins on 3 December 2013 and expires on 31 December 2013: s1317DAH(1) of the Act. ASIC may extend the compliance period for this Infringement Notice once, by up to 28 days: s1317DAH(3) of the Act. ASIC has extended the compliance period for this Infringement Notice until 24 January 2014.

Effect of issue and compliance with the Infringement Notice

The issue of this Infringement Notice, and subsequent compliance with it, is not an admission of liability by DGX and cannot be regarded as a finding that DGX has contravened s674(2) of the Act for any other purpose: s1317DAF(4) of the Act.

ASIC cannot take civil or criminal proceedings against DGX for the alleged contravention specified in this Infringement Notice, either during the compliance period or after the Infringement Notice is complied with: s1317DAF(5) of the Act. However, certain proceedings may be commenced or continued against DGX by third parties or by ASIC on behalf of third parties: s1317DAF(6) of the Act.

Effect of failure to comply with the Infringement Notice

ASIC cannot enforce compliance with this Infringement Notice: s1317DAF of the Act. However, if this Infringement Notice is not withdrawn in accordance with s1317DAI of the Act, it is open to ASIC to take the following action against DGX:

- (a) ASIC may begin civil penalty proceedings against the entity under Part 9.4B of the Act seeking a declaration that DGX breached the provision specified in this Infringement Notice and a pecuniary penalty order. The size of the pecuniary penalty is not limited to the amount specified in the Infringement Notice. The Court may under Part 9.4B impose a maximum penalty in relation to the alleged contravention of up to \$1 million;
- (b) ASIC may (if applicable) begin proceedings under s1324B of the Act seeking an order that specified information be disclosed in the manner required by this Infringement Notice;
- (c) ASIC may (if applicable) make an order under s91 of the *Australian Securities and Investments Commission Act (the ASIC Act)* for recovery of expenses of its investigation into the breach specified in this Infringement Notice. ASIC can also bring proceedings to enforce that order; and
- (d) ASIC can make a determination under ss708A(2), 713(6), 1012DA(2) or 1013FA(3) of the Act, or accept an enforceable undertaking under s93AA of the ASIC Act and bring proceedings to enforce the undertaking: s1317DAG of the Act.

Certain other proceedings may also be commenced or continued against DGX by third parties or by ASIC on behalf of third parties: s1317DAG(4) of the Act.

Withdrawal of infringement notice

ASIC may withdraw this Infringement Notice at any time prior to compliance if it considers it appropriate to do so. If this Infringement Notice is withdrawn, any enforcement action may be taken by ASIC against DGX, including:

- (a) civil proceedings under Part 9.4B of the Act; or
- (b) a prosecution for an offence based on the provision specified in the notice.

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DGX may seek the withdrawal of this Infringement Notice by making a written representation to ASIC: s1317DAI(1) of the Act. Material provided to ASIC in such a representation is not admissible in evidence in proceedings against DGX or a representative of the company: s1317DAI(2) of the Act.

Publication

If DGX complies with this Infringement Notice ASIC may publish details of DGX's compliance in the manner set out in s1317DAJ(2) or (3) of the Act: s1317DAJ(1) of the Act.

The provisions contained in Part 9.4AA of the Act are attached hereto as Annexure 1.



Gai DiBartolomeo
Delegate
Australian Securities and Investments Commission

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 first day of August 2014

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company

ARBN

OTSUKA PHARMACEUTICAL CO., LTD.

168 910 905

RODALE INTERNATIONAL LIMITED

115 797 905

STEINBACH CONSULTING AG

159 179 352

UPSOLAR GLOBAL CO., LIMITED

162 639 045

CORPORATIONS ACT 2001

Subsection 601PB(2)

ASIC may deregister the managed investment schemes listed below two months after the publication of this notice, unless given acceptable reason not to proceed.

Dated this first day of August 2014

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

FRM SIGMA FUND

ARSN

145 165 466

CORPORATIONS ACT 2001

Subsection 601PA(3)

ASIC may deregister the managed investment scheme(s) listed below two months after the publication of this notice, unless given acceptable reason not to proceed.

Dated this first day of August 2014

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

ARSN

CHALLENGER DIVERSIFIED PROPERTY TRUST 1

121 484 606

CHALLENGER DIVERSIFIED PROPERTY TRUST 2

121 484 713

TAAM CHINA FOCUS FUND

149 407 956

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.

AUSTRALIAN GROWTH SECURITIES LTD

ACN 136 952 120 will change to a proprietary company limited by shares. The new name will be AUSTRALIAN GROWTH SECURITIES PTY LTD ACN 136 952 120.

COOLANGATTA DENTAL GROUP LTD

ACN 133 502 137 will change to a proprietary company limited by shares. The new name will be COOLANGATTA DENTAL GROUP PTY LTD ACN 133 502 137.

SODAKING INTERNATIONAL LTD

ACN 164 090 948 will change to a proprietary company limited by shares. The new name will be SODAKING INTERNATIONAL PTY LTD ACN 164 090 948.

STIRLING RESOURCES LIMITED

ACN 009 659 054 will change to a proprietary company limited by shares. The new name will be STIRLING RESOURCES PTY LTD ACN 009 659 054.

COLDGOLD LTD ACN 144 967 617 will change to a proprietary company limited by shares. The new name will be COLDGOLD PTY LTD ACN 144 967 617.

PETERS FOOD GROUP LIMITED

ACN 154 313 738 will change to a proprietary company limited by shares. The new name will be PETERS FOOD GROUP PTY LIMITED ACN 154 313 738.

SPANISH BOUTIQUE BEVERAGES PTY. LTD.

ACN 154 191 278 will change to a public company limited by shares. The new name will be SPANISH BOUTIQUE BEVERAGES LTD ACN 154 191 278.