



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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13-0620

ASIC

Australian Securities & Investments Commission

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Number One Client Pty. Ltd.
ACN: 010 237 073 ("the Licensee")
Unit 144, Admiralty Towers 1
35 Howard Street
Brisbane QLD 4000

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 247246 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 26th September, 2013.

Signed

A handwritten signature in black ink, appearing to read 'P. Schofield', written over a dotted line.

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

13-1170

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraphs 911A(2)(l), 992B(1)(a), 1020F(1)(a) and
1020F(1)(b) – Exemptions**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 911A(2)(l), 992B(1)(a), 1020F(1)(a) and 1020F(1)(b) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Instrument 13-1170.

Commencement

3. This instrument commences on gazettal.

Exemptions

4. The issuer does not have to comply with Part 7.9 of the Act where the issuer:
 - (a) makes an eligible incentive plan offer;
 - (b) offers to arrange for the issue of financial products under an eligible incentive plan offer; or
 - (c) issues a financial product under an eligible incentive plan offer;on the conditions set out in this instrument and for so long as the conditions are met.
5. Where the issuer is exempt from Part 7.9 in relation to an eligible incentive plan offer because of the exemption in paragraph 4, the issuer is also exempt from the requirement to hold an Australian financial services licence for the provision of the following financial services:
 - (a) a financial service consisting of general advice reasonably given in connection with the eligible incentive plan offer (including any general advice given in the offer document) where the issuer ensures that the offer document for the offer includes a statement to the effect that any advice given by the issuer in connection with the offer is general advice only, and that employees should consider obtaining their own financial product advice from an independent person who is licensed by ASIC to give such advice;
 - (b) a custodial or depositary service in connection with an eligible incentive plan offer where the issuer performs their duties in good faith and has sufficient resources to perform those duties;

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- (c) dealing in a financial product in the course of providing a custodial or depository service covered by paragraph (b);
 - (d) issuing a financial product under an eligible incentive plan offer covered by paragraph 4 of this instrument; and
 - (e) dealing in a financial product in connection with an eligible incentive plan offer where any acquisition by purchase or disposal of the product by the issuer occurs either:
 - (i) through a person who holds an Australian financial services licence authorising the holder to deal in financial products; or
 - (ii) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place.
6. Where the issuer is exempt from Part 7.9 in relation to an eligible incentive plan offer because of the exemption in paragraph 4, the issuer also does not have to comply with section 992A of the Act in relation to an eligible incentive plan offer made in the course of, or because of, unsolicited meetings or telephone calls reasonably held or made in connection with the offer.
7. ASIC exempts a financial product that is the subject of an eligible incentive plan offer from Part 7.9 of the Act where:
- (a) a recommendation is made by a person (other than the issuer) that a person to whom an eligible incentive plan offer has been made, acquire the financial product as a retail client; and
 - (b) the person who made the recommendation is not aware, and ought not reasonably to be aware, that any of the conditions set out in this instrument have not been met;
- but only in relation to the recommendation by the person.

Where this instrument applies

8. This instrument applies where the issuer:
- (a) meets the requirements (including, for the avoidance of doubt, definitions) of the class order, except the definitions of:
 - (i) “eligible offer” in paragraph 9 of the Interpretation; and
 - (ii) “issuer” in paragraph 12 of the Interpretation; and
 - (iii) “offer document” in paragraph 15 of the Interpretation; and
 - (b) would meet the requirements of the class order if:

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- (i) the definition of an “eligible offer” in paragraph 9 of the Interpretation were to read:

“9. “eligible offer” means an offer for issue or sale of performance rights in relation to fully-paid shares in an issuer in the same class as shares which have been quoted on the financial market operated by the New York Stock Exchange throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days during that period made under an employee share scheme extended only to eligible employees of the issuer;” and

- (ii) in the Interpretation, the following definition were inserted:

“9A. “employee share scheme”, for a body corporate, means a scheme under which shares (or units of shares or options to acquire unissued shares or performance rights) in the body or a related body corporate may be acquired:

- (a) by, or for the benefit of:
- (i) employees of the body, or of the related body corporate; or
 - (ii) directors of the body, or of a related body corporate, who hold a salaried employment or office in the body or in a related body corporate; or
- (b) by a corporation all of whose members are:
- (i) employees of the body, or of a related body corporate; or
 - (ii) directors of the body, or of a related body corporate, who hold a salaried employment or office in the body or in a related body corporate;” and

- (iii) in the definition of an “offer document” in paragraph 15 of the Interpretation, subparagraphs (c) and (d) were to read:

“(c) specifies in respect of the performance rights or the shares to which the performance rights relate:

- (i) the acquisition price in Australian dollars;
- (ii) where the acquisition price is specified in a foreign currency, the Australian dollar equivalent of that price at the date of the eligible offer; or
- (iii) where the acquisition price is to be worked out in the future under a formula, the Australian dollar or Australian dollar

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equivalent of that price were the formula applied at the date of the eligible offer; and

- (d) includes an undertaking, and an explanation of the way in which, the issuer who has a registered office in this jurisdiction will, during the period in which an eligible employee may acquire the shares, within a reasonable period of the employee requesting, make available to the employee:
 - (i) the current market price (or, where that price is denominated in a foreign currency, the Australian dollar equivalent of that price) of the shares to which the performance rights relate; and
 - (ii) where sub-subparagraph (c)(ii) or (iii) applies, the information referred to in that subparagraph as updated to that date.”; and
 - (iv) in the Interpretation, the following definition were inserted:
 - “16A. “performance right” means a conditional right:
 - (a) to be issued or transferred a fully-paid ordinary share in the capital of the issuer; and
 - (b) to receive fully-paid ordinary shares equivalent to the value of any dividends paid on a fully-paid ordinary share of the issuer during the period in which a performance right remains outstanding;
- where the performance right is offered for no monetary consideration;”.

Conditions

- 9. The issuer can only rely on the exemptions in this instrument if the issuer complies with the following conditions:
 - (a) the conditions of the class order (excluding the condition specified in paragraph 3 of the Schedule to the class order) as expressed to apply to them; and
 - (b) the issuer must take reasonable steps to ensure that the number of shares that may be issued in connection with any eligible incentive plan offer, when aggregated with:
 - (i) the number of shares in the same class which would be issued were every other outstanding offer with respect to shares, units of shares, options to acquire unissued shares and performance rights under every other employee share schemes of the issuer to vest or to be accepted or exercised;
 - (ii) the number of shares in the same class issued during the previous 5 years pursuant to:

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- (A) an eligible incentive plan offer extended only to eligible employees; and
- (B) any other employee share scheme extended only to eligible employees of the issuer;

but disregarding any offer made, option or right acquired or share issued by way of or as a result of:

- (iii) an offer to a person situated at the time of receipt of the offer outside this jurisdiction; or
- (iv) an offer that did not need disclosure to investors because of section 708 of the Act; or
- (v) an offer that did not require the giving of a Product Disclosure Statement because of section 1012D of the Act; or
- (vi) an offer made under a disclosure document or Product Disclosure Statement,

must not exceed 5% of the total number of issued shares in that class of the issuer as at the time of the offer.

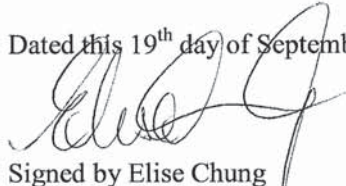
Interpretation

10. In this instrument:

- (a) a word and phrase used in this instrument has the same meaning as it has in the class order unless the word or phrase is defined in paragraph 8 of this instrument in which case the word or phrase has that meaning;
- (b) *class order* means ASIC Class Order [CO 03/184] as in force on the date of this instrument and as amended from time to time by a disallowable legislative instrument within the meaning of the *Legislative Instruments Act 2003*;
- (c) *eligible incentive plan offer* means an offer for the issue or sale of performance rights, made under an arrangement known as the Bio-Rad Laboratories, Inc. 2007 Incentive Award Plan and the Australian Supplement (under which the performance rights are referred to as restricted stock units), the terms of which are substantially in the same form as those provided to ASIC on 5 September 2013; and
- (d) *issuer* means Bio-Rad Laboratories, Inc., a company incorporated under the laws of the State of Delaware, United States of America, and any related body corporate.

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Dated this 19th day of September 2013



Signed by Elise Chung
as a delegate of the Australian Securities and Investments Commission

13-1171

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 601QA(1)(b) – Declaration**

Under paragraph 601QA(1)(b) of the *Corporations Act 2001* (the *Act*), the Australian Securities and Investments Commission declares that Chapter 5C of the Act applies to the person specified in the Schedule as if the provisions of that Chapter as modified or varied by ASIC Class Order [CO 05/26] were modified or varied as follows:

1. after subsection 601GAB(2) insert:

“(2A) If there is more than one class of interests in the scheme, a formula or method that is to be used to set the issue price is taken to comply with subsection (2) for interests in a class of interests that are not quoted on a financial market if the formula or method is based on the assets, liabilities, revenues and expenses properly attributable to the class and number of interests in the class.”

2. after subsection 601GAC(2) insert:

“(2A) If there is more than one class of interests in the scheme, a formula or method that is to be used to set the withdrawal amount is taken to comply with subsection (2) if the formula or method is based on the assets, liabilities, revenues and expenses properly attributable to the class and number of interests in the class.”

Schedule

Fidante Partners Limited ACN 002 835 592 in its capacity as responsible entity for the Bentham Syndicated Loan Fund NZD ARSN 165 696 300.

Dated this 20th day of September 2013



Signed by William G Armstrong
as a delegate of the Australian Securities and Investments Commission

13-1172

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 601QA(1)(b) – Declaration**

Under paragraph 601QA(1)(b) of the *Corporations Act 2001* (the *Act*), the Australian Securities and Investments Commission declares that Chapter 5C of the Act applies to the person specified in the Schedule as if the provisions of that Chapter as modified or varied by ASIC Class Order [CO 05/26] were modified or varied as follows:

1. after subsection 601GAB(2) insert:

“(2A) If there is more than one class of interests in the scheme, a formula or method that is to be used to set the issue price is taken to comply with subsection (2) for interests in a class of interests that are not quoted on a financial market if the formula or method is based on the assets, liabilities, revenues and expenses properly attributable to the class and number of interests in the class.”

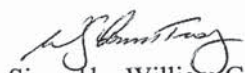
2. after subsection 601GAC(2) insert:

“(2A) If there is more than one class of interests in the scheme, a formula or method that is to be used to set the withdrawal amount is taken to comply with subsection (2) if the formula or method is based on the assets, liabilities, revenues and expenses properly attributable to the class and number of interests in the class.”

Schedule

Fidante Partners Limited ACN 002 835 592 in its capacity as responsible entity for the Bentham Global Income Fund NZD ARSN 165 696 417.

Dated this 20th day of September 2013



Signed by William G Armstrong
as a delegate of the Australian Securities and Investments Commission



Treasurer

13-1185

23 September 2013

Mr Geoff Lloyd
CEO and Managing Director
Perpetual Limited
Level 12, 12 Pitt Street
SYDNEY NSW 2000

Dear Mr Lloyd

I refer to your application to allow Perpetual Limited (ACN 000 431 827) ('Perpetual') to acquire 100 per cent voting power in The Trust Company Limited (TTCL) (ACN 004 027 749), The Trust Company (Australia) Limited (ACN 000 000 993) and The Trust Company (UTCCL) Limited (ACN 008 426 784) (together 'TTCL and its licensed subsidiaries').

I understand that the application was given to the former Government by the Australian Securities and Investments Commission (ASIC) in accordance with section 601VBA(2) of the *Corporations Act 2001* (the Act). The responsible Minister of the former Government received the application on 30 May 2013. I also understand that Perpetual provided further information in support of the application. You wrote to me on 20 September 2013 following the completion of the Australian Consumer and Competition Commission's (ACCC's) merger review which assessed the implications of the proposed acquisition against section 50 of the *Competition and Consumer Act 2010*. I note that the ACCC's merger review did not oppose the acquisition but required Perpetual to divest The Trust Company's shareholding in Equity Trustees Limited.

I also note Perpetual's assurances that fees charged to charitable trusts managed by the combined group will continue to be fair and reasonable, competitive and appropriate, and based on work actually done.

After considering the information provided by Perpetual, I have decided to approve Perpetual's application under section 601VBB(1) of the Act. In accordance with section 601VBB(2) of the Act, I approve Perpetual's application for 100 per cent voting power in TTCL and its licensed subsidiaries. My approval remains in force indefinitely, subject to Perpetual's offer to TTCL remaining unchanged (save for increases in the value of the offer).

I have arranged for a copy of this notice to be published in the ASIC Gazette. I will also provide a copy to TTCL for its information.

If you have any questions in relation to the application or this letter, please do not hesitate to contact Mr Bede Fraser at the Treasury on 02 6263 3555 or at Bede.Fraser@treasury.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. B. Hockey'.

The Hon J. B. Hockey MP

13-1186

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraphs 911A(2)(l), 992B(1)(a), 1020F(1)(a) and
1020F(1)(b) – Exemptions**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 911A(2)(l), 992B(1)(a), 1020F(1)(a) and 1020F(1)(b) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Instrument [13-1186].

Commencement

3. This instrument commences on gazettal.

Exemptions

4. The issuer does not have to comply with Part 7.9 of the Act where the issuer:
 - (a) makes an eligible incentive plan offer;
 - (b) offers to arrange for the issue of financial products under an eligible incentive plan offer; or
 - (c) issues a financial product under an eligible incentive plan offer;on the conditions set out in this instrument and for so long as the conditions are met.
5. Where the issuer is exempt from Part 7.9 in relation to an eligible incentive plan offer because of the exemption in paragraph 4, the issuer is also exempt from the requirement to hold an Australian financial services licence for the provision of the following financial services:
 - (a) a financial service consisting of general advice reasonably given in connection with the eligible incentive plan offer (including any general advice given in the offer document) where the issuer ensures that the offer document for the offer includes a statement to the effect that any advice given by the issuer in connection with the offer is general advice only, and that employees should consider obtaining their own financial product advice from an independent person who is licensed by ASIC to give such advice;

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- (b) a custodial or depositary service in connection with an eligible incentive plan offer where the issuer performs their duties in good faith and has sufficient resources to perform those duties;
 - (c) dealing in a financial product in the course of providing a custodial or depositary service covered by paragraph (b);
 - (d) issuing a financial product under an eligible incentive plan offer covered by paragraph 4 of this instrument; and
 - (e) dealing in a financial product in connection with an eligible incentive plan offer where any acquisition by purchase or disposal of the product by the issuer occurs either:
 - (i) through a person who holds an Australian financial services licence authorising the holder to deal in financial products; or
 - (ii) outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place.
6. Where the issuer is exempt from Part 7.9 in relation to an eligible incentive plan offer because of the exemption in paragraph 4, the issuer also does not have to comply with section 992A of the Act in relation to an eligible incentive plan offer made in the course of, or because of, unsolicited meetings or telephone calls reasonably held or made in connection with the offer.
7. ASIC exempts a financial product that is the subject of an eligible incentive plan offer from Part 7.9 of the Act where:
- (a) a recommendation is made by a person (other than the issuer) that a person to whom an eligible incentive plan offer has been made, acquire the financial product as a retail client; and
 - (b) the person who made the recommendation is not aware, and ought not reasonably to be aware, that any of the conditions set out in this instrument have not been met;
- but only in relation to the recommendation by the person.

Where this instrument applies

8. This instrument applies where the issuer:
- (a) meets the requirements (including, for the avoidance of doubt, definitions) of the class order, except the definitions of:

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- (i) “eligible offer” in paragraph 9 of the Interpretation;
 - (ii) “issuer” in paragraph 12 of the Interpretation; and
 - (iii) “offer document” in paragraph 15 of the Interpretation; and
- (b) would meet the requirements of the class order if:
- (i) the definition of an “eligible offer” in paragraph 9 of the Interpretation were to read:

“9. “eligible offer” means an offer for issue or sale of performance rights in relation to fully-paid shares in an issuer in the same class as shares which have been quoted on the financial market operated by the ASX Limited ACN 008 624 691 throughout the 12 month period immediately before the offer without suspension for more than a total of 2 trading days during that period made under an employee share scheme extended only to eligible employees of the issuer;”;
 - (ii) in the Interpretation, the following definition were inserted:

“9A. “employee share scheme”, for a body corporate, means a scheme under which shares (or units of shares or options to acquire unissued shares or performance rights) in the body or a related body corporate may be acquired:

 - (a) by, or for the benefit of:
 - (i) employees of the body, or of the related body corporate; or
 - (ii) directors of the body, or of a related body corporate, who hold a salaried employment or office in the body or in a related body corporate; or
 - (b) by a corporation all of whose members are:
 - (i) employees of the body, or of a related body corporate; or
 - (ii) directors of the body, or of a related body corporate, who hold a salaried employment or office in the body or in a related body corporate;”;

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- (iii) in the definition of an “offer document” in paragraph 15 of the Interpretation, subparagraphs (c) and (d) were to read:
- “(c) specifies in respect of the performance rights or the shares to which the performance rights relate:
- (i) the acquisition price in Australian dollars;
 - (ii) where the acquisition price is specified in a foreign currency, the Australian dollar equivalent of that price at the date of the eligible offer; or
 - (iii) where the acquisition price is to be worked out in the future under a formula, the Australian dollar or Australian dollar equivalent of that price were the formula applied at the date of the eligible offer; and
- (d) includes an undertaking, and an explanation of the way in which, the issuer who has a registered office in this jurisdiction will, during the period in which an eligible employee may acquire the shares, within a reasonable period of the employee requesting, make available to the employee:
- (i) the current market price (or, where that price is denominated in a foreign currency, the Australian dollar equivalent of that price) of the shares to which the performance rights relate; and
 - (ii) where sub-subparagraph (c)(ii) or (iii) applies, the information referred to in that subparagraph as updated to that date.”; and
- (iv) in the Interpretation, the following definition were inserted:
- “16A. “performance right” means a conditional right:
- (a) to be issued a fully-paid ordinary share in the capital of the issuer;
 - (b) to receive a cash amount equivalent to the value of a fully-paid ordinary share in the capital of the issuer; or
 - (c) either to be issued a fully-paid ordinary share in the capital of the issuer or to receive a cash amount equivalent to the value of such a share;

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where the performance right is offered for no monetary consideration;”.

Conditions

9. The issuer can only rely on the exemptions in this instrument if the issuer complies with the following conditions:

- (a) the conditions of the class order (excluding the condition specified in paragraph 3 of the Schedule to the class order) as expressed to apply to them; and
- (b) the issuer must take reasonable steps to ensure that the number of shares that may be issued in connection with any eligible incentive plan offer, when aggregated with:
 - (i) the number of shares in the same class which would be issued were every other outstanding offer with respect to shares, units of shares, options to acquire unissued shares and performance rights under every other employee share schemes of the issuer to vest or to be accepted or exercised;
 - (ii) the number of shares in the same class issued during the previous 5 years pursuant to:
 - (A) an eligible incentive plan offer extended only to eligible employees; and
 - (B) any other employee share scheme extended only to eligible employees of the issuer;

but disregarding any offer made, option or right acquired or share issued by way of or as a result of:

- (iii) an offer to a person situated at the time of receipt of the offer outside this jurisdiction;
- (iv) an offer that did not need disclosure to investors because of section 708 of the Act;
- (v) an offer that did not require the giving of a Product Disclosure Statement because of section 1012D of the Act; or
- (vi) an offer made under a disclosure document or Product Disclosure Statement,

13-1186

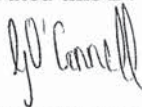
must not exceed 5% of the total number of issued shares in that class of the issuer as at the time of the offer.

Interpretation

10. In this instrument:

- (a) a word and phrase used in this instrument has the same meaning as it has in the class order unless the word or phrase is defined in paragraph 8 of this instrument in which case the word or phrase has that meaning;
- (b) *class order* means ASIC Class Order [CO 03/184] as in force on the date of this instrument and as amended from time to time by a disallowable legislative instrument within the meaning of the Legislative Instruments Act 2003;
- (c) *eligible incentive plan offer* means an offer for the issue or sale of performance rights, made under an arrangement known as the Greenland Energy and Minerals Limited Employee Rights Plan (under which the performance rights are referred to as employee rights) and the terms of which are substantially in the same form as those provided to ASIC on 22 August 2013; and
- (d) *issuer* means Greenland Energy and Minerals Limited ACN 118 463 004 and any related body corporate.

Dated this 24th day of September 2013



Signed by Guy O'Connell
as a delegate of the Australian Securities and Investments Commission

13-1187

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

Enabling Legislation

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

Title

2. This instrument is ASIC instrument 13-1187.

Commencement

3. This instrument commences on the day it is signed.

Exemption – Unequal treatment in withdrawal from the Scheme

4. Market Vectors Investments Limited ACN 146 596 116 (*Responsible Entity*) in its capacity as the responsible entity for:
 - (a) Market Vectors Australian Banks ETF ARSN 165 150 854;
 - (b) Market Vectors Australian Property ETF ARSN 165 151 771;
 - (c) Market Vectors Australian Resources ETF ARSN 165 153 695; and
 - (d) Market Vectors Australian Emerging Resources ETF ARSN 165 153 944,

(each a *Scheme*) does not have to comply with paragraph 601FC(1)(d) of the Act to the extent that it would prevent the Responsible Entity from permitting only authorised participants to withdraw from the Scheme.

Where Exemption Applies

5. The exemption in paragraph 4 applies where all of the following are satisfied:
 - (a) there is a Product Disclosure Statement in relation to interests in the Scheme that are admitted or are to be admitted to trading as ETF securities that contains statements to the effect that:
 - (i) the Responsible Entity will not treat members of the same class equally to the extent that it restricts withdrawal from the Scheme to authorised participants; and

- (ii) except in exceptional circumstances only authorised participants may withdraw from the Scheme, but other members may sell their interests on the AQUA market; and
- (iii) when interests in the Scheme are suspended from trading on the AQUA market for more than 5 consecutive Trading Days, members have a right to withdraw from the Scheme and receive payment for their interests in money within a reasonable time of request unless any of the following apply:
 - (A) the Scheme is being wound-up;
 - (B) the Scheme is not liquid as defined in subsection 601KA(4);
 - (C) the Responsible Entity suspends withdrawals in accordance with the constitution;
- (b) the constitution of the Scheme does not permit a withdrawal fee per interest in the Scheme to be payable by a member who is not an authorised participant that is greater than the withdrawal fee per interest that would generally be payable by an authorised participant receiving redemption proceeds in cash while interests in the Scheme are quoted when withdrawing the minimum parcel;
- (c) ASIC has not notified the Responsible Entity in writing that it is excluded from reliance on the exemption.

Exemption – Unequal treatment in provision of information to authorised participants

6. The Responsible Entity, in its capacity as the responsible entity for the Scheme, does not have to comply with paragraph 601FC(1)(d) of the Act to the extent that it would prevent the Responsible Entity from providing information to authorised participants before other members about:
- (a) the index the Scheme aims to track as its investment strategy; and
 - (b) scheme property specifying:
 - (i) the number and class of securities and any other property required to acquire an interest in the Scheme by authorised participants on the Trading Day that first ends after the information is provided; and
 - (ii) the number and class of securities and any other property transferred on withdrawal from an interest in the Scheme by authorised participants on the Trading Day that first ends after the information is provided.

Where the exemption applies

7. The exemption applies where both of the following apply:

- (a) there is a Product Disclosure Statement in relation to interests in the Scheme that are admitted or are to be admitted to trading as ETF securities that contains statements to the effect that the Responsible Entity will provide information about the index that the Scheme aims to track as its investment strategy and the number and identity of assets in the Scheme to authorised participants before other members;
- (b) ASIC has not notified the Responsible Entity in writing that it is excluded from reliance on the exemption.

Conditions

8. The Responsible Entity must:
- (a) publicly disclose any information which has been disclosed to authorised participants as permitted by the exemption before the commencement of the Trading Day after the day on which such disclosure was made to authorised participants; and
 - (b) take reasonable steps to ensure that the following information is publicly available and updated every 15 minutes during each Trading Day:
 - (i) where the Scheme has only one class of interests—the indicative net asset value per interest in the Scheme; or
 - (ii) otherwise—the indicative net asset value per interest for each class of interests.

Interpretation

9. In this instrument:

AQUA exchange traded fund means a registered scheme with interests admitted to Trading Status as an ETF security on the financial market operated by ASX under the provisions of the operating rules of ASX relating to what is referred to in those rules as the AQUA market.

ASX means ASX Limited ACN 008 624 691.

authorised participant means, in relation to an AQUA exchange traded fund, a person who:

- (a) has an agreement with the responsible entity of that fund in relation to making applications to acquire and withdraw interests in the fund; and
- (b) has notified the responsible entity in writing that the person expects they will be an Australian resident for tax purposes for the financial year of the fund in which the notification is made and for each subsequent financial

year, and has not subsequently notified the responsible entity to the contrary; and

- (c) is either a Trading Participant or has engaged a Trading Participant to act on its behalf to acquire and dispose of interests in the registered scheme.

ETF Security has the same meaning as defined in the ASX operating rules as at the date of this instrument.

indicative net asset value per interest means:

- (i) for an AQUA exchange traded fund, the total assets of the AQUA exchange traded fund less the total liabilities of the AQUA exchange traded fund (disregarding any liability to a member of the AQUA exchange traded fund as a member), divided by the number of interests in the AQUA exchange traded fund.
- (ii) for a class of interests in an AQUA exchange traded fund, the total assets attributable to that class of interests less the total liabilities attributable to that class of interests (disregarding any liability to a member of the AQUA exchange traded fund as a member), divided by the number of interests in that class.

minimum parcel means the smallest number or value of interests in the Scheme that are generally permitted to be withdrawn from the Scheme by an authorised participant while interests in the Scheme are quoted.

Trading Day has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Trading Participant has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Trading Status has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Dated this 24th day of September 2013



Signed by Phillip Nguyen
as a delegate of the Australian Securities and Investments Commission

13-1189

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 1020F(1)(a) - Exemption**

Enabling Legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraph 1020F(1)(a) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC instrument 13-1189.

Commencement

3. This instrument commences on the day it is signed.

Exemption

4. Market Vectors Investments Limited ACN 146 596 116 (*Responsible Entity*) in its capacity as the responsible entity for:
 - (a) Market Vectors Australian Banks ETF ARSN 165 150 854;
 - (b) Market Vectors Australian Property ETF ARSN 165 151 771;
 - (c) Market Vectors Australian Resources ETF ARSN 165 153 695; and
 - (d) Market Vectors Australian Emerging Resources ETF ARSN 165 153 944,(each a *Scheme*) does not have to comply with section 1017B of the Act in relation to an interest in the Scheme.

Where Exemption Applies

5. The exemption in paragraph 4 applies where interests in the Scheme are admitted to Trading Status as ETF Securities and for as long as the conditions are complied with.

Conditions

6. The Responsible Entity must:
 - (a) comply with the provisions of the Act that apply to an unlisted disclosing entity as if the Scheme were an unlisted disclosing entity; and
 - (b) include statements in any current Product Disclosure Statement for interests in the Scheme to the effect that the Responsible Entity will
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13-1189

comply with the provisions of the Act that apply to an unlisted disclosing entity as if the Scheme were an unlisted disclosing entity.

Interpretation

7. In this instrument:

ETF Security has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Trading Status has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Dated this 24th day of September 2013



Signed by Phillip Nguyen
as a delegate of the Australian Securities and Investments Commission

13-1190

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraphs 1020F(1)(a) and 1020F(1)(c) Exemption
and Declaration**

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraphs 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Instrument 13-1190.

Commencement

3. This instrument commences on the day it is signed.

Exemption

4. Market Vectors Investments Limited ACN 146 596 116 (*Responsible Entity*) in its capacity as the responsible entity for:
 - (a) Market Vectors Australian Banks ETF ARSN 165 150 854;
 - (b) Market Vectors Australian Property ETF ARSN 165 151 771;
 - (c) Market Vectors Australian Resources ETF ARSN 165 153 695; and
 - (d) Market Vectors Australian Emerging Resources ETF ARSN 165 153 944,

(each a *Scheme*) does not have to comply with subsection 1017D(1) for each reporting period ending on or before 31 December 2013 in relation to an interest in the Scheme.

Declaration

5. Part 7.9 of the Act applies to the Responsible Entity in relation to an interest in the Scheme as if section 1017D were modified or varied by:
 - (a) after paragraph (5)(f), insert:
 - “(fa) if the financial product is an interest in a registered scheme whose first financial year ended on or before the end of the reporting period, information about the performance of the scheme relative to the investment objectives of the scheme that the issuer reasonably believes is sufficient for the holder to make an informed assessment of the performance of the scheme for the following periods:
 - (i) the period of 1 year ending at the end of the most recent financial year of the scheme;

- (ii) if the scheme has been a registered scheme for less than 5 years at the end of the most recent financial year of the scheme, the period starting on the date the scheme became a registered scheme and ending at the end of that financial year;
 - (iii) if the scheme has been a registered scheme for at least 5 years at the end of the most recent financial year of the scheme, the period of 5 years ending at the end of that financial year;"
- (b) after subsection (8) (as notionally inserted by regulation 7.9.16O of the *Corporations Regulations 2001*), insert:
 - "(8A) This subsection applies in relation to a transfer of a financial product if:
 - (a) the product is an interest in a registered scheme; and
 - (b) the holder acquired or disposed of interests in the scheme under the transfer during the reporting period; and
 - (c) the issuer is not aware of the price at which the interests were transferred or, if the product forms part of a stapled security, the price at which the stapled securities were transferred.
 - (8B) Despite subsections (4), (5), (5A) and regulation 7.9.74A of the Regulations, if subsection (8A) applies in relation to a transfer of a financial product:
 - (a) the periodic statement does not need to include:
 - (i) the amount per interest or, if applicable, stapled security paid under the transfer, the total amount paid under the transfer or any other amounts in dollars in relation to the transfer; or
 - (ii) the information required by paragraph (5)(c), provided that:
 - (A) the issuer is not able to calculate the return on investment during the reporting period; and
 - (B) the periodic statement explains why this information is not included and describes how it can be obtained or calculated; and
 - (b) the part of the periodic statement that itemises transactions must include:
 - (i) the date of the transfer and whether the holder acquired or disposed of interests under the transfer; and

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- (ii) the number of interests or stapled securities transferred;
and
- (iii) an explanation of why the price per interest or stapled security for the transfer and the total dollar value of the transfer has not been included."

When the exemption and declaration applies

6. The exemption in paragraph 4 and the declaration in paragraph 5 only applies if the interest is in a class of interests that have been admitted to Trading Status for the whole of the relevant reporting period for the interest and the Product Disclosure Statement for the interests in the Scheme discloses the effect of the exemption and declaration under this instrument.

Interpretation

7. In this instrument:

AQUA Product has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Trading Status has the same meaning as defined in the ASX operating rules as at the date of this instrument.

Dated this 24th day of September 2013



Signed by Phillip Nguyen
as a delegate of the Australian Securities and Investments Commission

13-1191

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsections 655A(1) and 673(1) - Declarations**

Enabling Legislation

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

Title

2. This instrument is ASIC instrument 13-1191.

Commencement

3. This instrument commences on the day it is signed.

Declaration – Relevant Interest

4. Chapter 6 and 6C of the Act applies to a person who has a relevant interest in or voting power in relation to the securities held by:
 - (a) Market Vectors Australian Banks ETF ARSN 165 150 854;
 - (b) Market Vectors Australian Property ETF ARSN 165 151 771;
 - (c) Market Vectors Australian Resources ETF ARSN 165 153 695; and
 - (d) Market Vectors Australian Emerging Resources ETF ARSN 165 153 944,

(each a *Scheme*) while the responsible entity of the Scheme is Market Vectors Investments Limited ACN 146 596 116 (*Responsible Entity*) as if section 609 were modified or varied by inserting after subsection 609(16):

“ETF Securities

- (19A) A member of a registered scheme who is an authorised participant in relation to the scheme does not have a relevant interest in securities that form part of scheme property of the scheme merely because the scheme has an acquisition and withdrawal facility, provided that:
 - (a) interests in the scheme are ETF Securities that are admitted to Trading Status; and
 - (b) the current PDS contains a statement to the effect that the investment strategy for the scheme is to make investments that are expected to result in the value of an interest in the scheme changing in proportion to the value of a published index of

securities, ignoring the effect of fees and other costs (including taxes) in relation to the scheme; and

- (c) the current PDS contains a statement to the effect that at the time the investment strategy for the scheme disclosed in the current PDS was first published in a Product Disclosure Statement for interests in the scheme, there were reasonable grounds to believe that implementation of the investment strategy would not be likely to lead to scheme property including securities in a class of securities that:
- (i) would represent more than 10% by value of scheme property; and
 - (ii) were, or would result in the responsible entity having a relevant interest in, securities in:
 - (A) a listed company; or
 - (B) an unlisted company with more than 50 members; or
 - (C) a listed body that is formed or incorporated in Australia; or
 - (D) a listed scheme.

Note: The responsible entity may have a relevant interest in securities that do not form part of scheme property because of paragraph 608(3)(b).

(19B) If subsection (19A) applies in relation to a member and the member makes a withdrawal request under the acquisition and withdrawal facility:

- (a) subsection (19A) stops applying in relation to any securities that the member would receive if the responsible entity transferred securities to the member in accordance with the withdrawal request; and
- (b) the member is taken to acquire a relevant interest in those securities at that time through a transaction in relation to the securities entered into by the member.

Note: If the member makes a withdrawal request only in relation to some of the member's interests in the scheme, subsection (19A) may still apply in relation to the member's remaining interests.

(19C) If:

- (a) other than because of subsection (19B), a member has a relevant interest in securities that form part of scheme property

because subsection (19A) has stopped applying in relation to the scheme; and

- (b) the member makes a withdrawal request in relation to the interests in the registered scheme;

then for the purposes of section 606, at the time of the withdrawal request:

- (c) the member is taken to acquire a relevant interest in any securities that the member would receive if the responsible entity transferred securities to the member in accordance with the withdrawal request;
- (d) the member is taken to have acquired the relevant interest through a transaction entered into by the member in relation to those securities; and
- (e) the member's voting power is taken to have increased from what it would have been before the withdrawal request if the votes attached to those securities were disregarded to what it was after the withdrawal request (taking the votes attached to those securities into account).

(19D) If, in the previous 6 months:

- (a) a member's voting power has increased because subsection (19A) stopped applying in relation to securities; and
- (b) the member has not been taken to acquire a relevant interest in the securities under subsection (19B) or (19C);

the increase in voting power is to be disregarded in determining the member's, or any other person's, voting power for the purposes of item 9 of the table in section 611.

(19E) In subsections (19A) to (19D) and in this subsection:

acquisition and withdrawal facility means, in relation to a registered scheme, a facility that the responsible entity has stated in the current PDS that it intends to offer on each Trading Day on which interests in the scheme are traded on the financial market operated by ASX Limited which allows:

- (a) a person who is an authorised participant to acquire an interest in the scheme by contributing to the scheme; and
- (b) a member who is an authorised participant to request that the responsible entity satisfy a withdrawal request in relation to an interest in the scheme by transferring to the member;

consideration that predominantly comprises a parcel of securities, the composition of which in relation to an acquisition and a withdrawal is published by or on behalf of the responsible entity from time to time.

Note: The composition of the parcel of securities may be different for an acquisition and a withdrawal.

Australian resident for tax purposes means, for a particular financial year, a person who is an Australian resident for the purposes of the *Income Tax Assessment Act 1997* for the whole of that financial year.

authorised participant means, in relation to a registered scheme, a person who:

- (a) has an agreement with the responsible entity of the scheme in relation to making applications to acquire and withdraw interests in the scheme; and
- (b) has notified the responsible entity in writing that the person expects they will be an Australian resident for tax purposes for the financial year of the scheme in which the notification is made and for each subsequent financial year, and has not subsequently notified the responsible entity to the contrary; and
- (c) is either a Trading Participant or has engaged a Trading Participant to act on its behalf to acquire and dispose of interests in the scheme.

current PDS, in relation to a registered scheme, means the most recently lodged Product Disclosure Statement relating to interests in the scheme.

ETF Security, Trading Day, Trading Participant and *Trading Status* have the same meanings as defined in the ASX operating rules as at the date of this instrument.”.

Note: Subsection 609(16) of the Act is inserted by ASIC Class Order [CO 12/1209] *Relevant interests, ASIC and ASIC Chairperson*.

Declaration – Substantial Interest and Beneficial Tracing

5. Chapter 6C of the Act applies to all persons:

- (a) by inserting after section 671A:

"671AA ETF securities

For the purposes of this Chapter and the definition of *substantial holding* in section 9, subsection 609(19A) applies as if paragraph 609(19A)(c) were omitted.”; and

- (b) as if section 671B were modified or varied by inserting after subsection 671B(7):

“ETF securities

(7A) If a member of a registered scheme that has an acquisition and withdrawal facility does not have a relevant interest in securities that form part of scheme property because of subsection 609(19A) (as affected by section 671AA), then for the purposes of this section and the definition of **substantial holding** in section 9, the member is taken to have a relevant interest in the securities that would be transferred to the member if:

- (a) the member made a withdrawal request under the acquisition and withdrawal facility for all their interests in the scheme, other than any interests in relation to which the member has a relevant interest in securities that form part of scheme property because of subsection 609(19B); and

Note: Subsection 609(19B) may give a member a relevant interest in securities that form part of scheme property if the member has made a withdrawal request in relation to some or all of their interests in the scheme.

- (b) the numbers and classes of securities transferred to the member under the facility for each interest in the scheme were the same as the numbers and classes of securities most recently disclosed to the member by the responsible entity in relation to a withdrawal request for an interest under the facility.

(7B) In subsection (7A), **acquisition and withdrawal facility** has the same meaning as in subsection 609(19E).”; and

- (c) as if section 672B were modified or varied by inserting after subsection 672B(1):

“(1AA)If a member of a registered scheme does not have a relevant interest in securities that form part of scheme property because of subsection 609(19A) (as affected by section 671AA), then for the purposes of this section and section 672DA, the member is taken to have a relevant interest in securities that the member has a relevant interest in for the purposes of section 671B because of subsection 671B(7A).”.

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13-1191

Interpretation

6. In this instrument:

ASX means ASX Limited ACN 008 624 691.

Australian resident for tax purposes means, for a particular financial year, a person who is an Australian resident for the purposes of the *Income Tax Assessment Act 1997* for the whole of that financial year.

Dated this 24th day of September 2013



Signed by Phillip Nguyen
as a delegate of the Australian Securities and Investments Commission

13-1194

NOTICE UNDER SECTION 920E OF THE CORPORATIONS ACT 2001

Notice is given under section 920E of the Corporations Act 2001 that the Australian Securities and Investments Commission has made a banning order in the terms set out below, which order took effect on the date of service of the order on the person to whom it relates, being the 18 September 2013.

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
IN THE MATTER OF SIMON CHARLES PATRICK FINNIGAN**

**BANNING ORDER UNDER SECTIONS 920A AND 920B
OF THE CORPORATIONS ACT 2001**

To: Mr Simon Charles Patrick Finnigan

TAKE NOTICE that under sections 920A(1) and s920B(2) of the Corporations Act 2001 the Australian Securities & Investments Commission prohibits Simon Charles Patrick Finnigan from providing any financial services permanently.

Dated this 12th day of September 2013

Signed: 

John Mazurkiewicz
Delegate of the Australian Securities &
Investments Commission

Your attention is drawn to subsection 920C(2) of the Corporations Act 2001 which provides that a person must not engage in conduct which breaches a banning order that has been made against the person. Contravention of subsection 920C(2) is an offence.

13-1195

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 741(1)(b) – Declaration**

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraph 741(1)(b) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Instrument [13-1195].

Commencement

3. This instrument commences on 25 September 2013.

Declaration

4. Chapter 6D of the Act applies to the Realm Resources Limited ACN 008 124 025 (*Company*) as if paragraph 708AA(2)(c) were modified or varied by omitting it and substituting:

“(c) trading in that class of securities on a prescribed financial market on which they are quoted was not suspended for more than a total of 5 days during the shorter of the following periods:

- (i) the period during which the class of securities is quoted;
- (ii) the period of 12 months before the day on which the offer was announced to the market; and”.

Where this instrument applies

5. This declaration applies where:
 - (a) the Company’s securities were suspended as a result of the application of Listing Rule 12.2 of the ASX’s Listing Rules;
 - (b) the Company makes an offer under a rights issue to shareholders on or about 8 October 2013; and
 - (c) the Company seeks shareholder approval for the rights issue by notice of meeting dated 25 September 2013.

13-1195

Interpretation

6. In this instrument:

ASX means Australian Stock Exchange Limited.

Dated this 25 day of September 2013



Signed by Fiona Laidlaw
as a delegate of the Australian Securities and Investments Commission

13-1197

NOTICE UNDER SECTION 915F OF THE CORPORATIONS ACT 2001

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has taken the action set out in the Notice below, which action took effect on 24 September 2013.

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION –
Section 915B and 915H****NOTICE OF CANCELLATION OF AUSTRALIAN FINANCIAL SERVICES
LICENCE**

To: Chambers Investment Planners Pty Ltd ACN 009 294 606

Under paragraph 915B(3)(b) of the *Corporations Act 2001* (the Act), the Australian Securities and Investments Commission (**ASIC**) hereby cancels the Australian financial services licence Number 243359 held by Chambers Investment Planners Pty Ltd ACN 009 294 606 (**the Licensee**).

Under s 915H of the Act ASIC specifies that the licence continues in force until 8 September 2014 as though the cancellation had not happened for the purposes of:

1. Paragraph 912A(1)(1)(g) of the Act (which requires that Chambers Investment Planners Pty Limited be a member of an approved external disputes resolution scheme); and
2. Section 912C of the Act (which requires Chambers Investment Planners Pty Limited to lodge with the ASIC a written statement containing specified information about the financial services provided by the licensee or its representatives, or, the financial services business carried on by the licensee, when given a notice directing it to do so by ASIC).

Dated this 9th day of September 2013.

Signed:.....



Gai Di Bartolomeo
Delegate of the
Australian Securities and Investments Commission.



13-1198

ASIC

Australian Securities & Investments Commission

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Allen Capital Pty Limited
ACN: 084 277 707 ("the Licensee")
Level 26, 1-7 Bligh Street
Sydney NSW 2000

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 246546 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated this 26th September, 2013.

Signed

A handwritten signature in black ink, appearing to read 'P. Schofield', written over a dotted line.

Peter Schofield, a delegate of the 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 twenty-seventh day of September 2013

Rosanne Bell
DELEGATE OF
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company

ARBN

ANTIQUÉ FRENCH DESIGN

144 476 657

INTELENET GLOBAL SERVICES PRIVATE LIMITED

135 954 611

LIEBHERR (THAILAND) CO. LTD

126 163 719

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 twenty-seventh day of September 2013

Rosanne Bell
DELEGATE OF
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

ARSN

AUSTRALIAN BLUE GUM 2001
FORESTRY BOND 2002

094 841 264
098 737 627

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.

C & CO CORPORATE SERVICES LIMITED

ACN 083 409 330 will change to a proprietary company limited by shares. The new name will be C & CO CORPORATE SERVICES PTY LTD ACN 083 409 330.

ISS GROUP LIMITED ACN 109 443 852 will change to a proprietary company limited by shares. The new name will be P2 ENERGY SOLUTIONS PTY LTD ACN 109 443 852.

POLLENIZER GLOBAL LIMITED

ACN 158 493 639 will change to a proprietary company limited by shares. The new name will be POLLENIZER GLOBAL PTY LTD ACN 158 493 639.