



ASIC

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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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15-0534

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

PART 9.4AA OF THE CORPORATIONS ACT
INFRINGEMENT NOTICE**To:**

Rhinomed Limited
Suite 1
1233 High Street
ARMADALE VIC 3143

TAKE NOTICE: The Australian Securities and Investments Commission (ASIC) hereby issues an Infringement Notice to Rhinomed Limited ACN 107 903 159 (**Rhinomed**) under subsection 1317DAC(1) of the *Corporations Act 2001* (**the Act**). This Infringement Notice requires Rhinomed 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 **12 May 2015**.

DETAILS OF THE ALLEGED CONTRAVENTION**The Facts**

Rhinomed is an Australian medical technology company that specialises in respiratory technology.

Rhinomed had developed a trademarked respiratory technology product designed to assist with sports performance known as "the Turbine" (**the Turbine Product**).

In 2013 and 2014, Rhinomed made regular public statements about the Turbine Product, including in its company announcements and on its website. Rhinomed's statements referred to developments in connection with its marketing strategy for the Turbine Product and to the importance of the Turbine Product to the future value of Rhinomed.

On 23 April 2014, Rhinomed released an Investor Newsletter in which it stated that:

"Over the next quarter ... The company will: ...Expand our reach into the 'facilitated exercise' or exercise class environment with a focus on gyms and health clubs."

"Building a targeted and loyal customer base for the Turbine is a strategic priority and providing samples of the product to professional and amateur athletes has been a critical part of the marketing plan".

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On 6 June 2014, the media companies of Rhinomed and Fitness First (who own a large, international chain of health clubs) agreed, in principle, that Fitness First would promote the Turbine Product and that Fitness First would provide samples of the Turbine Product in its gyms and health clubs in Australia as part of the promotional campaign.

By reason of the above, by 6 June 2014, Rhinomed was aware of the following information:

- Rhinomed and Fitness First had entered into an agreement concerning a promotional campaign in which Fitness First was to promote the Turbine Product in some of its gyms and health clubs in Australia

(the Information).

Rhinomed and Fitness First later agreed that the Fitness First promotional campaign would start in the week beginning 13 July 2014.

Between 6 June 2014 and early July 2014 Rhinomed and Fitness First undertook various steps in preparation for the promotional campaign.

At 9:29am on 9 July 2014, Rhinomed released a company announcement titled, "Rhinomed: Fitness First Team Up to Promote Turbine® Sports Technology", which stated:

"Australian respiratory technology company Rhinomed (ASX code: RNO) will partner with a major international fitness chain to promote its first in class Turbine technology throughout July.

The Company will work with Fitness First network nationally to use, demonstrate and promote its innovative Turbine technology, which enables improved airflow and easier breathing."

"Rhinomed Chief Executive Officer Mr Michael Johnson described the deal as an 'outstanding commercial opportunity.'

"This is a real coup for our company."

This was the first time the Information became publicly available.

On 9 July 2014, the price of Rhinomed's shares opened at 0.039 and closed at 0.046 and the total volume of shares traded was 13,215,628. On 8 July 2014, the price of Rhinomed's shares had opened at 0.042 and closed at 0.038 and the total volume of shares traded was 4,691,410.

The Contravention

This Infringement Notice has been issued because ASIC has reasonable grounds to believe that Rhinomed contravened subsection 674(2) of the Act in the period between 6 June 2014 and 9:29am on 9 July 2014, in that:

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- (a) Rhinomed is an entity to which subsection 674(2) of the Act applies.
- (b) By 6 June 2014, Rhinomed was aware of the Information.
- (c) The Information was 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 Rhinomed, because information that Fitness First, a major international chain of health clubs and gyms, was going to be involved in a promotional campaign for the Turbine Product was significant information which would, or would be likely to, influence persons who commonly invest in securities in deciding whether to acquire or dispose of Rhinomed shares.
- (d) ASX Listing Rule 3.1 required Rhinomed to tell ASX of the Information on or about 6 June 2014.
- (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 Information was not confidential; and
 - (iii) none of the matters listed in ASX Listing Rule 3.1A3 applied to the Information.
- (f) Between 6 June 2014 and 9:29am on 9 July 2014, the Information was not generally available.

Compliance with the Infringement Notice

Rhinomed 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 12 May 2015 and expires on 10 June 2015: subsection 1317DAH(1) of the Act. ASIC may extend the compliance period for this Infringement Notice once, by up to 28 days: subsection 1317DAH(3) of the Act. If this occurs ASIC will notify Rhinomed in writing.

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 Rhinomed and cannot be regarded as a finding that Rhinomed has contravened subsection 674(2) of the Act for any other purpose: subsection 1317DAF(4) of the Act.

ASIC cannot take civil or criminal proceedings against Rhinomed for the alleged contravention specified in this Infringement Notice, either during the compliance period or after the Infringement Notice is complied with: subsection 1317DAF(5) of the Act.

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However, certain proceedings may be commenced or continued against Rhinomed by third parties or by ASIC on behalf of third parties: section 1317DAF(6) of the Act.

Effect of failure to comply with the Infringement Notice

ASIC cannot enforce compliance with this Infringement Notice: section 1317DAF of the Act. However, if this Infringement Notice is not withdrawn in accordance with section 1317DAI of the Act, it is open to ASIC to take the following action against Rhinomed:

- (a) ASIC may begin civil penalty proceedings against the entity under Part 9.4B of the Act seeking a declaration that Rhinomed 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 section 91 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 subsections 708A(2), 713(6), 1012DA(2) or 1013FA(3) of the Act, or accept an enforceable undertaking under section 93AA of the ASIC Act and bring proceedings to enforce the undertaking: section 1317DAG of the Act.

Certain other proceedings may also be commenced or continued against Rhinomed by third parties or by ASIC on behalf of third parties: subsection 1317DAG(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 Rhinomed, 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.

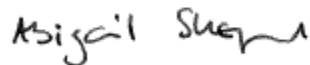
Rhinomed may seek the withdrawal of this Infringement Notice by making a written representation to ASIC: subsections 1317DAI(1) of the Act. Material provided to ASIC in such a representation is not admissible in evidence in proceedings against Rhinomed or a representative of the company: subsections 1317DAI(2) of the Act.

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Publication

If Rhinomed complies with this Infringement Notice ASIC may publish details of Rhinomed's compliance in the manner set out in subsections 1317DAJ(2) or (3) of the Act: subsection 1317DAJ(1) of the Act.

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



Abigail Sheppard
Delegate
Australian Securities and Investments Commission

ANNEXURE 1

Part 9.4AA—Infringement notices for alleged contraventions of continuous disclosure provisions**1317DAA Definitions**

(1) In this Part:

compensation proceedings means:

- (a) proceedings under section 1317HA; and
- (b) proceedings under section 12GF of the ASIC Act in relation to a contravention of section 12DA of that Act; and
- (c) any other proceedings by a person for compensation for loss or damage suffered by the person.

compliance period for an infringement notice has the meaning affected by section 1317DAH.

contravention proceedings means proceedings under section 1101B by a person referred to in paragraph 1101B(1)(b) or (d).

enforcement proceedings means proceedings under section 793C by a person referred to in paragraph 793C(1)(b), (c) or (d).

infringement notice means an infringement notice issued under section 1317DAC.

penalty and disclosure proceedings means the proceedings referred to in column 3 of the table in subsection 1317DAG(2).

public interest proceedings means proceedings under section 50 of the ASIC Act.

(2) For the purposes of applying this Part to a disclosing entity that is an undertaking to which interests in a registered scheme relate:

- (a) references to the disclosing entity are taken to be references to the responsible entity for the registered scheme; and
- (b) references to a financial report for a financial year being lodged by a disclosing entity are taken to be references to such a report being lodged by the responsible entity in relation to the scheme; and
- (c) references to securities of a disclosing entity are taken to be references to interests in the registered scheme; and
- (d) references to a disclosing entity being convicted of an offence based on subsection 674(2) or 675(2) are taken to be references to the responsible entity being convicted of such an offence in relation to the registered scheme; and
- (e) references to a civil penalty order under Part 9.4B being made against a disclosing entity in relation to a contravention of subsection 674(2) or 675(2) are taken to be references to such an order being made against the responsible entity in relation to the registered scheme; and
- (f) references to a disclosing entity having breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2) are taken to be

references to the responsible entity having breached such an undertaking given in relation to the registered scheme.

1317DAB Purpose and effect of this Part

- (1) The purpose of this Part is to provide for the issue of an infringement notice to a disclosing entity for an alleged contravention of subsection 674(2) or 675(2) as an alternative to proceedings for civil penalties under Part 9.4B.
- (2) This Part does not:
 - (a) require an infringement notice to be issued to the disclosing entity for the alleged contravention of subsection 674(2) or 675(2); or
 - (b) affect the liability of the disclosing entity to civil or criminal proceedings in relation to the alleged contravention of subsection 674(2) or 675(2) if:
 - (i) an infringement notice is not issued to the disclosing entity for the alleged contravention; or
 - (ii) an infringement notice issued to the disclosing entity for the alleged contravention is withdrawn under section 1317DAI; or
 - (c) prevent a Court from imposing a higher penalty than the penalty specified in the infringement notice if the disclosing entity does not comply with the infringement notice.

1317DAC Issue of infringement notice

Issue of infringement notice

- (1) Subject to section 1317DAD, if ASIC has reasonable grounds to believe that a disclosing entity has contravened subsection 674(2) or 675(2), ASIC may issue an infringement notice to the disclosing entity.
- (2) ASIC issues the infringement notice to the disclosing entity by serving it on the disclosing entity.
- (3) ASIC must not issue more than one infringement notice to the disclosing entity for the same alleged contravention of subsection 674(2) or 675(2).

ASIC must have regard to certain matters

- (4) In determining whether to issue an infringement notice to a listed disclosing entity for an alleged contravention of subsection 674(2), ASIC must have regard to:
 - (a) any guidelines issued by the relevant market operator for the listed disclosing entity that relate to the provisions of the listing rules referred to in subsection 674(1); and
 - (b) any other relevant matter.

Infringement notice does not have effect

- (5) The infringement notice does not have any effect if the infringement notice:
 - (a) is issued more than 12 months after the day on which the contravention of subsection 674(2) or 675(2) is alleged to have occurred; or
 - (b) relates to more than one alleged contravention of subsection 674(2) or 675(2) by the disclosing entity.

1317DAD Statement of reasons must be given*Statement of reasons*

- (1) Before issuing the infringement notice, ASIC must:
 - (a) give the disclosing entity a written statement that sets out ASIC's reasons for believing that the disclosing entity has contravened subsection 674(2) or 675(2); and
 - (b) give a representative of the disclosing entity an opportunity to:
 - (i) appear at a private hearing before ASIC; and
 - (ii) give evidence to ASIC; and
 - (iii) make submissions to ASIC;in relation to the alleged contravention of subsection 674(2) or 675(2).
- (2) If the disclosing entity is a listed disclosing entity, ASIC must consult with the relevant market operator for the disclosing entity before giving the disclosing entity the statement under this subsection.
- (3) ASIC does not need to consult the relevant market operator under subsection (2) if:
 - (a) the disclosing entity is the relevant market operator; or
 - (b) the disclosing entity conducts a business in competition with a business conducted by the relevant market operator.

Limit on the use of evidence or information given to ASIC

- (4) Evidence or information that a representative of the disclosing entity gives ASIC under paragraph (1)(b) in relation to the alleged contravention of subsection 674(2) or 675(2) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

1317DAE Matters to be included in infringement notice

- (1) The infringement notice:
 - (a) must state the day on which it is issued; and
 - (b) must state the name and address of the disclosing entity to whom it is issued; and
 - (c) must state that it is being issued by ASIC; and
 - (d) must state that ASIC may publish details of the disclosing entity's compliance with the infringement notice under section 1317DAJ if the disclosing entity complies with the notice; and
 - (e) must give details of the alleged contravention by the disclosing entity, including:
 - (i) the date of the alleged contravention; and
 - (ii) the particular provision that was contravened; and
 - (f) must state the maximum pecuniary penalty that a Court could impose under Part 9.4B in relation to the alleged contravention; and
 - (g) must specify the penalty that is payable in relation to the alleged contravention; and

- (h) must state that the penalty is payable to ASIC on behalf of the Commonwealth; and
 - (i) if it is alleged that the disclosing entity contravened subsection 674(2)—may specify information that the disclosing entity must notify to the relevant market operator in accordance with the provisions of the listing rules referred to in subsection 674(1); and
 - (j) if it is alleged that the disclosing entity contravened subsection 675(2)—may require the disclosing entity to lodge a document with ASIC that contains specified information; and
 - (k) must explain the effect of sections 1317DAF, 1317DAG and 1317DAH; and
 - (l) must state that the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice; and
 - (m) must contain any other matters that are prescribed in the regulations.
- (2) Subject to subsection (3), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 1 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 2 entity; or
 - (c) \$33,000 if the disclosing entity is a Tier 3 entity.
- (3) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 2 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 3 entity;
- if:
- (c) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (d) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (e) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (4) Subject to subsection (5), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$33,000.
- (5) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$66,000 if:
- (a) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (b) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (c) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (6) For the purposes of this section:
- (a) a disclosing entity is:
 - (i) a **Tier 1 entity** if its market capitalisation on the relevant day exceeds \$1,000 million; and

- (ii) a **Tier 2 entity** if its market capitalisation on the relevant day exceeds \$100 million but does not exceed \$1,000 million; and
 - (iii) a **Tier 3 entity** if its market capitalisation on the relevant day does not exceed \$100 million or it is not possible to work out its market capitalisation on the relevant day because it has not lodged a financial report with ASIC before the relevant day; and
 - (b) the **relevant day** for an infringement notice is the last day of the financial year in relation to which the latest financial report by the disclosing entity has been lodged with ASIC before the infringement notice is issued.
- (7) This is how to work out a disclosing entity's **market capitalisation** on the relevant day:
- (a) for each class of security of the disclosing entity that is a quoted security:
 - (i) work out the closing price, on the relevant day, for securities in that class on the prescribed financial market on which the securities are quoted; and
 - (ii) multiply that price by the number of securities in that class on issue on the relevant day (as shown in the financial report lodged with ASIC for the period that ends on the relevant day); and
 - (b) add up the amounts obtained under paragraph (a): the result is the disclosing entity's market capitalisation on the relevant day.
- Disregard quoted securities of the disclosing entity that are options.

1317DAF Effect of issue and compliance with infringement notice

Circumstances in which this section applies

- (1) This section applies if subsection (2) or (3) is satisfied.
- (2) This subsection is satisfied if:
 - (a) the compliance period for the infringement notice has not ended; and
 - (b) the infringement notice is not withdrawn under section 1317DAI; and
 - (c) subsection (3) has not been satisfied.
- (3) This subsection is satisfied if, within the compliance period for the infringement notice, the disclosing entity:
 - (a) pays the penalty specified in the infringement notice; and
 - (b) either:
 - (i) if it is alleged in the infringement notice that the disclosing entity contravened subsection 674(2)—notifies the relevant market operator, in accordance with the provisions of the listing rules referred to in subsection 674(1), of any information specified in the infringement notice; or
 - (ii) if it is alleged in the infringement notice that the disclosing entity contravened subsection 675(2)—lodges any required document with ASIC that contains the information specified in the infringement notice.

Note: If this subsection is satisfied, ASIC must not withdraw the infringement notice, see section 1317DAI.

No contravention etc. by the disclosing entity

- (4) The disclosing entity is not, by reason only of subsection (3) being satisfied, regarded as:

- (a) having contravened the provision specified in the infringement notice; or
- (b) having been convicted of an offence constituted by the same conduct that constituted the alleged contravention of the provision specified in the infringement notice.

No proceedings may be started etc.

- (5) Subject to subsection (6), no proceedings (whether criminal or civil) may be started or continued against the disclosing entity in relation to:
 - (a) the alleged contravention of the provision specified in the infringement notice; or
 - (b) an offence constituted by the same conduct that constituted the alleged contravention.
- (6) Subsection (5) does not apply to the following proceedings:
 - (a) compensation proceedings, contravention proceedings, enforcement proceedings and public interest proceedings that relate to the alleged contravention of the provision specified in the infringement notice;
 - (b) proceedings to enforce the following orders of a Court:
 - (i) an order made in relation to proceedings referred to in paragraph (a);
 - (ii) an order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings;
 - (c) any other proceedings in respect of a breach of an order referred to in paragraph (b);
 - (d) an appeal to a Court against the following decisions or orders of a Court:
 - (i) a decision or order made in relation to proceedings referred to in paragraph (a);
 - (ii) a decision or order made under subsection 1335(2) in relation to the proceedings referred to in paragraph (a) other than public interest proceedings.
- (7) To avoid doubt, subsection (5) does not prevent ASIC from:
 - (a) making an order under section 91 of the ASIC Act; or
 - (b) bringing proceedings to enforce the order.

1317DAG Effect of failure to comply with infringement notice

Circumstances in which this section applies

- (1) This section applies if an infringement notice issued to a disclosing entity is not withdrawn under section 1317DAI.

Effect of failure to comply with infringement notice

- (2) If the disclosing entity fails to do a thing specified in column 2 of the following table within the compliance period for the infringement notice, the disclosing entity is liable to the proceedings specified in column 3 of the following table:

Effect of failure to comply with infringement notice		
Column 1	Column 2	Column 3
Item	If the disclosing entity fails to:	the disclosing entity is liable to:
1	pay the penalty specified in the infringement notice	proceedings under Part 9.4B for: (a) a declaration of contravention; and (b) a pecuniary penalty order; in relation to the alleged contravention of the provision specified in the infringement notice.
2	notify the relevant market operator, in accordance with the provisions of the listing rules referred to in subsection 674(1), of any information specified in the infringement notice if it is alleged in the infringement notice that the disclosing entity contravened subsection 674(2)	proceedings for an order under section 1324B in relation to the alleged contravention of the provision specified in the infringement notice.
3	lodge any required document with ASIC that contains the information specified in the infringement notice if it is alleged in the infringement notice that the disclosing entity contravened subsection 675(2)	proceedings for an order under section 1324B in relation to the alleged contravention of the provision specified in the infringement notice.

No other proceedings may be started etc.

- (3) Subject to subsection (4), no other proceedings (whether criminal or civil) may be started or continued against the disclosing entity in relation to:
- (a) the alleged contravention of the provision specified in the infringement notice; or
 - (b) an offence constituted by the same conduct that constituted the alleged contravention.
- (4) Subsection (3) does not apply to the following proceedings:
- (a) compensation proceedings, contravention proceedings, enforcement proceedings and public interest proceedings that relate to the alleged contravention of the provision specified in the infringement notice;
 - (b) proceedings to enforce the following orders of a Court:
 - (i) an order made in relation to penalty and disclosure proceedings;
 - (ii) an order made in relation to proceedings referred to in paragraph (a);
 - (iii) an order made under subsection 1335(2) in relation to penalty and disclosure proceedings;
 - (iv) an order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings;
 - (c) any other proceedings in respect of a breach of an order referred to in paragraph (b);
 - (d) an appeal to a Court against the following decisions or orders of a Court:

- (i) a decision or order made in relation to penalty and disclosure proceedings;
 - (ii) a decision or order made in relation to proceedings referred to in paragraph (a);
 - (iii) a decision or order made under subsection 1335(2) in relation to penalty and disclosure proceedings;
 - (iv) a decision or order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings.
- (5) To avoid doubt, subsection (3) does not prevent ASIC from:
- (a) making a determination under subsection 708AA(3), 708A(2), 713(6), 1012DAA(3), 1012DA(2) or 1013FA(3) of this Act; or
 - (b) making an order under section 91 of the ASIC Act; or
 - (c) accepting an undertaking under section 93AA of the ASIC Act; or
 - (d) bringing proceedings to enforce the determination, order or undertaking.

1317DAH Compliance period for infringement notice

- (1) Subject to this section, the compliance period for an infringement notice is a period of 28 days beginning on the day after the day on which the infringement notice is issued.
- (2) ASIC may extend, by notice in writing, the compliance period for the infringement notice if ASIC is satisfied that it is appropriate to do so.
- (3) Only one extension may be given and the extension must not be for longer than 28 days.
- (4) Notice of the extension must be given to the disclosing entity that was issued with the infringement notice.
- (5) A failure to comply with subsection (4) does not affect the validity of the extension.
- (6) If ASIC extends the compliance period for an infringement notice, a reference in this Act to the compliance period for an infringement notice is taken to be a reference to the compliance period as so extended.

1317DAI Withdrawal of infringement notice

Disclosing entity may seek withdrawal

- (1) If an infringement notice is issued to a disclosing entity, the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice.
- (2) Evidence or information that a representative of the disclosing entity gives ASIC in the course of making representations under subsection (1) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

Withdrawal

- (3) Subject to subsection (4), ASIC may withdraw the infringement notice (whether or not the disclosing entity has made representations seeking the withdrawal) if ASIC is satisfied that it is appropriate to do so.
- (4) ASIC must not withdraw the infringement notice if subsection 1317DAF(3) is satisfied.

Withdrawal notice

- (5) The withdrawal must be made by notice in writing and must be given to the disclosing entity.
- (6) The withdrawal notice must state:
- (a) the name and address of the disclosing entity; and
 - (b) the day on which the infringement notice was issued to the disclosing entity; and
 - (c) that the infringement notice is withdrawn; and
 - (d) that civil proceedings under Part 9.4B may be brought against the disclosing entity for a contravention of the provision specified in the infringement notice; and
 - (e) that a prosecution for an offence based on the provision specified in the infringement notice may be brought against the disclosing entity.

Refund of penalty

- (7) If:
- (a) the disclosing entity pays the penalty specified in the infringement notice; and
 - (b) the infringement notice is withdrawn after the disclosing entity pays the penalty;
- ASIC must refund to the disclosing entity an amount equal to the amount paid.

1317DAJ Publication in relation to infringement notices

- (1) If:
- (a) ASIC issues an infringement notice to a disclosing entity; and
 - (b) subsection 1317DAF(3) (compliance with the infringement notice) is satisfied;
- ASIC may publish details of the disclosing entity's compliance with the infringement notice under subsection (2) or (3) or under both of those subsections.
- (2) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if it publishes a copy of the infringement notice in the *Gazette* together with the following statements:
- (a) a statement that the disclosing entity has complied with the infringement notice;
 - (b) a statement that compliance with the notice is not an admission of guilt or liability;
 - (c) a statement that the disclosing entity is not regarded as having contravened the provision specified in the notice.
-

- (3) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if:
- (a) ASIC issues a statement (whether written or oral) about the disclosing entity's compliance with the infringement notice; and
 - (b) the statement is limited to an accurate summary of the infringement notice including:
 - (i) the name of the disclosing entity; and
 - (ii) the amount of the penalty payable under the notice in relation to the alleged contravention; and
 - (iii) the conduct specified in the notice as the conduct in relation to which the infringement notice was issued;together with the following statements:
 - (iv) a statement that the disclosing entity has complied with the infringement notice;
 - (v) a statement that compliance with the notice is not an admission of guilt or liability;
 - (vi) a statement that the relevant disclosing entity is not regarded as having contravened the provision specified in the notice.
- (4) ASIC must not otherwise publish details of:
- (a) an infringement notice; or
 - (b) a disclosing entity's compliance with an infringement notice.
- Failure to comply with this subsection is not an offence.

Rhinomed Ltd has complied with the Infringement Notice by paying the penalty of \$33,000.

Compliance with the Infringement Notice by Rhinomed Ltd is not an admission of guilt or liability.

Rhinomed Ltd is not regarded as having contravened s674(2) of the Corporations Act 2001

15-0572

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 15-0572.

Commencement

3. This instrument commences on 31 July 2015.

Declaration

4. Chapter 6 of the Act applies to Vision Eye Institute Limited (ACN 098 890 816) (the *Target*) as if item 12 of the table in subsection 633(1) of the Act was modified or varied by omitting the words “15 days” and substituting the words “18 days”.

Where this instrument applies

5. This instrument applies to the off-market takeover bid (*Bid*) by Pulse Health Limited (ACN 104 113 760) for all of the ordinary shares in the Target where:
 - (a) a bidder’s statement was lodged with ASIC on 6 July 2015; and
 - (b) the Target makes an announcement to ASX Limited (ACN 008 624 691) (*ASX*) by 10:00am (AEST) on 3 August 2015:
 - (i) explaining the effect of, and the reasons for, this declaration;
 - (ii) recommending that shareholders in the Target take no action in relation to the Bid until they have considered the Target’s statement; and
 - (iii) stating that the Target’s statement will be sent to Target shareholders on, or before, 7 August 2015.

Dated this 31st day of July 2015



Signed by Joshua Fisher
as a delegate of the Australian Securities and Investments Commission



15-0616

ASIC

Australian Securities & Investments Commission

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 15-0616.

Commencement

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

Exemption

4. Magellan Asset Management Limited ACN 120 593 946 (*responsible entity*) in its capacity as the responsible entity of the Magellan Global Equities Fund (Currency Hedged) ARSN 606 840 206 (*Scheme*) does not have to comply with section 1017B of the Act for as long as the conditions in paragraph 6 are met.

Where this exemption applies

5. The exemption in paragraph 4 applies where the Scheme is an AQUA managed fund and interests in the Scheme remain admitted to Trading Status as Managed Fund Products.

15-0616

Conditions

6. The responsible entity must:
- (a) comply with section 675 of the Act as if the Scheme were an unlisted disclosing entity; and
 - (b) include statements in any Product Disclosure Statement for the interests in the Scheme to the effect that the responsible entity will comply with the continuous disclosure requirements of the Act as if the Scheme were an unlisted disclosing entity.

Interpretation

7. In this instrument:

AQUA managed fund means a registered scheme with interests admitted to Trading Status as a Managed Fund Product 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.

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

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

Dated this 5th day of August 2015



Signed by Janice Chandra
as a delegate of the Australian Securities and Investments Commission



15-0643

ASIC

Australian Securities & Investments Commission

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Victorian Mortgage Investments Limited
A.C.N. 106 565 824 ("The Licensee")
Level 21 55
Collins Street Melbourne VIC 3000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 281292 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated this ^{30th} ~~29th~~ Day of July 2015

Signed

James Nott
A delegate of the Australian Securities and Investments
Commission



15-0689

ASIC

Australian Securities & Investments Commission

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Equity for Living (Australia) Pty Ltd (in liquidation)
ACN 089 809 487 ("the AFS Licensee")
C/- W. Roland Robson
Robson Cotter Insolvency Group Pty Ltd
PO Box 5940
WEST END QLD 4101

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels AFS Licence Number 240616 held by the AFS Licensee with effect from the date on which this notice is given to the AFS Licensee.

Dated this 31 July 2015.

Signed

James Nott, a delegate of the Australian Securities and Investments Commission

15-0696

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 992B(1)(c) — Declaration**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraph 992B(1)(c) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Instrument [15-0696].

Commencement

3. This instrument commences on 3 August 2015.

Declaration

4. Part 7.8 of the Act applies in relation to GAIN Capital FOREX.COM Australia Pty Ltd ABN 97 138 414 605 (*GCF*A) and GAIN Capital Australia Pty Ltd ABN 50 141 774 727 (*GCA*) as if that Part were modified or varied by, after section 981C, inserting:

“981CB Transfer of client monies to related body corporate licensee

- (1) A financial services licensee (the *paying licensee*) may, without the written direction of a person entitled to the money, withdraw money from an account maintained for section 981B and pay it to another financial services licensee (the *receiving licensee*) provided all of the following are satisfied:
 - (a) the paying licensee and the receiving licensee are related bodies corporate;
 - (b) not later than the day after the receiving licensee receives the payment, the receiving licensee pays the money into an account (the *receiving account*) of the receiving licensee maintained for section 981B;
 - (c) the receiving account must be designated as an account of the paying licensee for the purposes of section 981B.
- (2) The receiving licensee:
 - (a) must not pay any other money into the receiving account; and
 - (b) must not charge any fees in relation to the receiving account; and
 - (c) for as long as it holds money in the receiving account, must maintain on its website details of how persons entitled to the money can withdraw their money from the receiving account.
- (3) If money is held in the receiving account:

15-0696

- (a) the receiving licensee is entitled to the interest on the account; and
 - (b) the interest on the account is not required to be paid into the account.
- (4) Despite section 981D and anything in the regulations made for the purposes of section 981C, where money has been paid into the receiving account in accordance with this section, money may only be paid out of that account in the following circumstances:
- (a) making a payment to, or in accordance with the written direction of, a person entitled to the money; or
 - (b) paying the money to ASIC to be held as unclaimed monies in accordance with subsection (5).
- (5) All remaining monies held in the receiving account in accordance with this section must be paid to ASIC, within 7 days after the occurrence of any of the following events, to be held as unclaimed monies under Part 9.7:
- (a) the receiving licensee ceases to carry on a financial services business; or
 - (b) the receiving licensee becomes an externally-administered body corporate; or
 - (c) there is a change in control of the receiving licensee.”.

Where this instrument applies

5. This instrument applies in relation to the payment of monies held by GCFA in connection with the business operated under the business name, GFT Markets, in an account to which section 981B of the Act applies (except where monies held by GCFA were received in reliance on ASIC Instrument 14/0619) to GCA to be held in an account to which section 981B of the Act applies, in connection with an application to cancel the Australian financial services licence of GCFA.
6. For the avoidance of doubt, this instrument does not apply in relation to monies held by GCFA in connection with the business operated under the business name, FOREX.com.

Dated this 3rd day of August 2015



Signed by Sara Eftekhari
as a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities & Investments Commission

15-0704

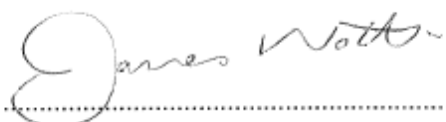
**Australian Securities and Investments Commission
Corporations Act 2001 Section 915B**

Notice of Cancellation of an Australian Financial Services Licence

TO: Energy Brix Australia Corporation Pty Ltd
ACN 074 736 833 ("the AFS Licensee")
Level 1 Unit 9,
677 Springvale Road
MULGRAVE VIC 3170

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 246425 held by Energy Brix Australia Corporation Pty Ltd, with effect from the date on which this notice is given to the Licensee.

Dated this ^{3rd day of} August 2015

Signed 

James Nott, a delegate of the Australian Securities and Investments Commission

15-0717

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 655A(1)(a) – Exemption**

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 15-0717.

Commencement

3. This instrument commences on the date that it is signed.

Exemption

4. Resorts and any person acting as a nominee of Resorts does not have to comply with Chapter 6 of the Act in the circumstances set out in section 5 of this instrument.

Where this instrument applies

5. This instrument applies to an acquisition of a relevant interest in Manager Shares arising as a result of the acquisition by Resorts or any nominee of Resorts of Manager Shares:
 - (a) in accordance with a sale agreement the terms which are substantially the same as the draft sale agreement provided to ASIC on 31 July 2015; and subsequent to that agreement being executed,
 - (b) from Resorts or any nominee of Resorts.

Interpretation

6. In this instrument:

Manager Shares means fully paid Manager Shares in Twin Creeks Holdings (Australia) Limited ACN 105 336 267.

Resorts means TCG Resorts Pty Ltd ACN 603 486 835.

Dated this 3rd day of August 2015



Signed by Kwan Leung
as a delegate of the Australian Securities and Investments Commission

15-0718

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsections 741(1), 911A(2),
992B(1) and 1020F(1) – Exemptions**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsections 741(1), 911A(2), 992B(1) and 1020F(1) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Instrument 15-0718.

Commencement

3. This instrument commences on gazettal.

Disclosure relief*Offers made under the Plan*

4. Technip S.A., a company registered with the Trade and Companies Register of Paris, and each associated body corporate (*Technip*) do not have to comply with Part 6D.2, Part 6D.3 or Part 7.9 of the Act in relation to an offer of an eligible product to an eligible participant under the Plan.
5. The Warrant Issuer does not have to comply with Part 7.9 of the Act in relation to the Warrant Offer.

Subsequent sale offers

6. A person that makes a sale offer of an underlying eligible product within 12 months after the issue of the product does not have to comply with Part 6D.2, 6D.3 or Part 7.9 of the Act in relation to the sale offer where:
 - (a) the product was issued or otherwise granted to an eligible participant under the Plan; and
 - (b) the person has no reason to believe the Plan is not covered by this instrument.
7. A person that makes a sale offer of a financial product within 12 months after the issue of the product does not have to comply with Part 6D.2, 6D.3 or Part 7.9 of the Act in relation to the sale offer where:
 - (a) the product was issued by reason of the exercise or vesting of an eligible

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product issued or otherwise granted to an eligible participant under the Plan; and

- (b) the person has no reason to believe the Plan is not covered by this instrument.

Advisers

- 8. An eligible product offered under the Plan is exempt from section 1012A of the Act to the extent that section requires a person to give a Product Disclosure Statement for an eligible product to an eligible participant, provided the person has no reason to believe the Plan is not covered by this instrument.

Licensing, hawking and other incidental relief*General advice*

- 9. Technip does not have to comply with subsection 911A(1) of the Act in relation to the provision of a financial service consisting of general advice in connection with an offer of an eligible product to an eligible participant under the Plan.
- 10. The Warrant Issuer does not have to comply with subsection 911A(1) of the Act in relation to the provision a financial service consisting of general advice in connection with the Warrant Offer.

Dealing

- 11. Technip does not have to comply with subsection 911A(1) of the Act in relation to the provision of any of the following financial services in relation to an offer of an eligible product to an eligible participant in connection with the Plan:
 - (a) issuing the eligible product;
 - (b) dealing in the eligible product where any acquisition by purchase or disposal of the eligible product by Technip occurs either:
 - (i) through a financial services licensee; or
 - (ii) outside this jurisdiction and through a person which is licensed or otherwise authorised to deal in financial products of that kind in the relevant place.
- 12. The Warrant Issuer does not have to comply with subsection 911A(1) of the Act in relation to the provision of any of the following financial services in relation to the Warrant Offer:
 - (a) issuing the Warrants;
 - (b) dealing in the Warrants where any acquisition by purchase or disposal of the Warrants by Technip occurs either:

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- (i) through a financial services licensee; or
- (ii) outside this jurisdiction and through a person which is licensed or otherwise authorised to deal in financial products of that kind in the relevant place.

Custodial or depository services

13. Société Générale does not have to comply with subsection 911A(1) of the Act in relation to the provision of any of the following financial services in relation to an offer of an eligible product to an eligible participant in connection with the Plan:
- (a) a custodial or depository service in relation to the eligible product where Société Générale performs their duties in good faith and has sufficient resources to perform those duties; and
 - (b) dealing in the eligible product in the course of providing a custodial or depository service covered by subparagraph (a).

Hawking

14. Technip does not have to comply with section 736 or 992A of the Act in relation to making an offer of an eligible product to an eligible participant in the course of, or because of, an unsolicited meeting or telephone call held or made in connection with the Plan.

Advertising

15. Technip does not have to comply with section 1018A of the Act in relation to an advertisement or publication that advertises, or publishes a statement that is reasonably likely to induce eligible participants to acquire, an eligible product under the Plan.

Conditions*Disclosure*

16. Technip must ensure that an offer of an eligible product to an eligible participant under the Plan is made in, or is accompanied by, an offer document.

5% issue limit

17. Technip must, at the time of making an offer of an eligible product under the Plan, have reasonable grounds to believe that the number of underlying eligible products in a class of underlying eligible products that form part of the issued capital of Technip that have been or may be issued in any of the circumstances covered by the following paragraphs will not exceed 5% of the total number of underlying eligible products in

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that class on issue:

- (a) underlying eligible products that may be issued under the offer;
- (b) underlying eligible products issued or that may be issued as a result of offers made at any time during the previous 3 year period under:
 - (i) the Plan; and
 - (ii) an ASIC exempt arrangement of a similar kind.

ASIC power to request documents

18. Technip must, if requested by ASIC and in accordance with the request, make available to ASIC the offer document and all other accompanying information or documents given to eligible participants in connection with an offer under the Plan that is made in reliance on this instrument.

Interpretation

19. In this instrument:

- (a) *ASIC exempt arrangement of a similar kind*, in relation to the Plan, means an arrangement covered or previously covered by ASIC Class Order [CO 03/184] or an instrument expressed to apply to a specified person or persons and which grants or granted similar relief to the relief granted by this instrument;

associated body corporate, in relation to a body, means:

- (a) a body corporate that is a related body corporate of the body.; or
- (b) a body corporate that has voting power in the body of not less than 20%; or
- (c) a body corporate in which the body has voting power of not less than 20%;

casual employee, in relation to Technip, means an individual who is, or might reasonably be expected to be, engaged to work the number of hours that are the pro-rata equivalent of 40% or more of a comparable full-time position with the body;

contractor, in relation to Technip, means:

- (a) an individual with whom the body has entered into a contract for the provision of services under which the individual performs work for the body; or

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- (b) a company with whom the body has entered into a contract for the provision of services under which an individual, who is a director of the company or their spouse, performs work for the body;

where the individual who performs the work under or in relation to the contract is, or might reasonably be expected to be, engaged to work the number of hours that are the pro-rata equivalent of 40% or more of a comparable full-time position with the body;

eligible participant, in relation to Technip, means a full-time or part-time employee (including an executive director), a non-executive director, a contractor, a casual employee or a prospective participant;

eligible product means:

- (a) a fully paid share of the body that is in a class of shares able to be traded on the Euronext Paris; or
- (b) a Share Appreciation Right;

financial product advice has the meaning given by section 766B of the Act;

general advice has the meaning given by section 766B of the Act;

offer, in relation to an eligible product, has a meaning affected by sections 700, 702 and 1010C of the Act and includes:

- (a) an offer to issue the eligible product;
- (b) an issue or grant of the eligible product;
- (c) an offer to transfer the eligible product;
- (d) a transfer of the eligible product; and
- (e) an offer to arrange for the issue or transfer of the eligible product;

offer document, in relation to an offer of eligible products under the Plan, means a document which includes, or is accompanied by, the following information, statements and explanations worded and presented in a clear, concise and effective manner:

- (a) prominent statements to the effect that:
 - (i) any advice given by Technip in relation to eligible products offered under the Plan does not take into account an eligible participant's objectives, financial situation and needs; and

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- (ii) eligible participants should consider obtaining their own financial product advice from a person who is licensed by ASIC to give such advice;
- (b) either:
 - (i) a copy of the terms of the Plan; or
 - (ii) a summary of the terms of the Plan together with a statement that, on request and at no charge and within a reasonable time, the body will provide an eligible participant with a copy of the terms of the Plan;
- (c) general information about the risks of acquiring and holding an eligible product being offered under the Plan;
- (d) the acquisition price of the eligible products in Australian dollars or, where the acquisition price is to be worked out in the future under a formula, an explanation of how an eligible participant could calculate the acquisition price of the eligible products in Australian dollars were that formula applied at the date of the offer;
- (e) an explanation of how an eligible participant could, from time to time, ascertain the market price of the underlying eligible products in Australian dollars;

Plan means the Technip Capital 2015 International Employee Shareholding Plan, the terms of which are substantially in the same form as those provided to ASIC on 3 July 2015;

prospective participant, in relation to an offer of an eligible product under the Plan, means a person to whom the offer is made but who can only accept the offer if an arrangement has been entered into that will result in the person becoming a full-time or part-time employee (including an executive director), a non-executive director, a contractor or a casual employee;

related body corporate has the meaning given in section 50 of the Act;

Share Appreciation Right means a right to receive a cash payment which is determined by reference to (wholly or in part) a change in the price or value of shares in the capital of Technip S.A. over a given period, subject to vesting and satisfaction of certain conditions under the Plan;

Société Générale means Société Générale S.A., a company registered with the French commercial register of companies under the number RCS Paris 552 120 222 or a related body corporate;

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Warrant means a derivative issued by the Warrant Issuer to Technip in accordance with the rules of the Plan in relation to Technip's obligation to an eligible participant under an offer of Share Appreciation Rights;

Warrant Issuer means Crédit Agricole Corporate and Investment Bank, a company registered with the French commercial register of companies under the number RCS Nanterre 304 187 701, or a related body corporate;

Warrant Offer means an offer of Warrants in connection with the Plan;

- (b) an offer of eligible products to an eligible participant under the Plan on terms that the eligible participant may renounce the offer in favour of a person covered by one of the following paragraphs is to be treated as an offer of eligible products to the eligible participant:
 - (i) an immediate family member of the eligible participant;
 - (ii) a company whose members comprise no persons other than the eligible participant or immediate family members of the participant;
 - (iii) a corporate trustee of a self-managed superannuation fund (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) where the eligible participant is a director of the trustee;
- (c) for the avoidance of doubt, a document or other writing to be given in connection with this instrument may be given by electronic means (including, in the case of a document or other writing to be given by Technip, by way of making it available on a website and notifying the intended recipient that it is available on the website).

Dated this 3rd day of August 2015



Signed by Sarah-Jane Farlow
as a delegate of the Australian Securities and Investments Commission

15-0720

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 8 May 2015


AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**IN THE MATTER OF JAMES APPADOO**

To: James Appadoo
6 Burlington Chase
Hampton Park VIC 3976

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

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

Dated this 22nd day of April 2015.

Signed: 
Abigail Sheppard
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.

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AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

PART 9.4AA OF THE CORPORATIONS ACT
INFRINGEMENT NOTICE**To:**

The Waterberg Coal Company Limited
ACN: 065 480 453
Level 2, 1-5 Walker Avenue
WEST PERTH WA 6005

TAKE NOTICE: The Australian Securities and Investments Commission (**ASIC**) hereby issues an Infringement Notice to The Waterberg Coal Company Limited ACN: 065 480 453 (**Waterberg Coal**) under subsection 1317DAC(1) of the Corporations Act 2001 (**the Act**). This Infringement Notice requires Waterberg Coal 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 **28 May 2015**.

Referral from the Australian Securities Exchange (ASX)

This matter arose as a result of a referral from the ASX to ASIC.

DETAILS OF THE ALLEGED CONTRAVENTION**The Facts**

Waterberg Coal is an Australian company involved in coal and mineral exploration in South Africa and mineral exploration in South Australia. Waterberg Coal is the lead partner in a joint venture concerning coal exploration and development at the Waterberg Coal Project in South Africa.

Firestone Energy Limited (**Firestone Energy**) is an Australian company and is dual listed on the Australian and Johannesburg Stock Exchanges. Firestone Energy is also a partner in the Waterberg Coal Project and Waterberg Coal is the major shareholder of Firestone Energy, owning 45.88% of its shares.

The Boards of Directors of Firestone Energy and Waterberg Coal share some common members.

On 4 September 2013, Waterberg Coal released a company announcement in which it stated that:

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".. it had signed a loan agreement with Firestone to provide up to \$3 million in funding to be used for Firestone's project financing obligations in relation to the Waterberg Coal Project."

On 15 July 2014, at a meeting of the Board of Directors, Firestone Energy considered a new proposal from Waterberg Coal to extend the loan agreement announced on 4 September 2013 and to provide a new \$3 million loan on same terms. At the meeting, Firestone Energy's Board of Directors resolved that Firestone Energy would accept Waterberg Coal's offer to extend the existing loan and provide an additional loan. Officers of Waterberg Coal were present at that meeting in their roles as officers of Firestone Energy.

At a meeting on 16 July 2014, the Board of Directors of Waterberg Coal resolved that Waterberg Coal was to extend its existing loan to Firestone Energy on the same conditions and was to enter into a new agreement with Firestone Energy under which Waterberg Coal was to lend up to \$3 million to Firestone Energy on similar terms and conditions as the existing loan.

At the conclusion of the meeting of the Board of Directors of Waterberg Coal on 16 July 2014, officers of Waterberg Coal and Firestone Energy executed and signed an agreement for the new \$3 million loan.

By reason of the above, by 16 July 2014, Waterberg Coal was aware of the following information:

- the Board of Waterberg Coal had resolved to:
 - extend the term of an existing loan (of up to \$3 million) to Firestone Energy, without penalty and on the existing conditions; and
 - enter into and execute a new loan agreement with Firestone Energy in the amount of up to \$3 million on similar terms and conditions as the existing loan agreement

(the Information).

On 31 July 2014 Firestone Energy released a company announcement titled "June 2014 Quarterly Activities Report" that referred to the Information.

This was the first time the Information became publicly available.

The Contravention

This Infringement Notice has been issued because ASIC has reasonable grounds to believe that Waterberg Coal contravened subsection 674(2) of the Act in the period between 16 July 2014 and 31 July 2014, in that:

- (a) Waterberg Coal is an entity to which subsection 674(2) of the Act applies.
- (b) By 16 July 2014, Waterberg Coal was aware of the Information.

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- (c) The Information was 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 Waterberg Coal, because:
- (i) as at 16 July 2014, the combination of the existing loan to Firestone Energy of up to \$3 million together with the new loan of \$3 million represented 27.36% of Waterberg Coal's market capitalisation; and
 - (ii) as at 30 June 2014, Waterberg Coal had \$8,606,000 cash in the bank. Accordingly, the new \$3 million loan represented 34.86% of Waterberg Coal's cash on hand and the combination of the existing loan together with the new loan represented 69.72% of the same.
- (d) ASX Listing Rule 3.1 required Waterberg Coal to tell ASX of the Information on or about 16 July 2014.
- (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 Information was not confidential; and
 - (iii) none of the matters listed in ASX Listing Rule 3.1A3 applied to the Information.
- (f) Between 16 July and 31 July 2014, the Information was not generally available.

Compliance with the Infringement Notice

Waterberg Coal 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 28 May 2015 and expires on 26 June 2015: subsection 1317DAH(1) of the Act. ASIC may extend the compliance period for this Infringement Notice once, by up to 28 days: subsection 1317DAH(3) of the Act. If this occurs ASIC will notify Waterberg Coal in writing.

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 Waterberg Coal and cannot be regarded as a finding that Waterberg Coal has contravened subsection 674(2) of the Act for any other purpose: subsection 1317DAF(4) of the Act.

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ASIC cannot take civil or criminal proceedings against Waterberg Coal for the alleged contravention specified in this Infringement Notice, either during the compliance period or after the Infringement Notice is complied with: subsection 1317DAF(5) of the Act. However, certain proceedings may be commenced or continued against Waterberg Coal by third parties or by ASIC on behalf of third parties: section 1317DAF(6) of the Act.

Effect of failure to comply with the Infringement Notice

ASIC cannot enforce compliance with this Infringement Notice: section 1317DAF of the Act. However, if this Infringement Notice is not withdrawn in accordance with section 1317DAI of the Act, it is open to ASIC to take the following action against Waterberg Coal:

- (a) ASIC may begin civil penalty proceedings against the entity under Part 9.4B of the Act seeking a declaration that Waterberg Coal 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 section 91 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 subsections 708A(2), 713(6), 1012DA(2) or 1013FA(3) of the Act, or accept an enforceable undertaking under section 93AA of the ASIC Act and bring proceedings to enforce the undertaking: section 1317DAG of the Act.
- (e) Certain other proceedings may also be commenced or continued against Waterberg Coal by third parties or by ASIC on behalf of third parties: subsection 1317DAG(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 Waterberg Coal, 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.
-

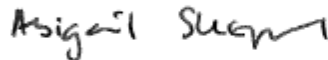
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Waterberg Coal may seek the withdrawal of this Infringement Notice by making a written representation to ASIC: subsection 1317DAI(1) of the Act. Material provided to ASIC in such a representation is not admissible in evidence in proceedings against Waterberg Coal or a representative of the company: subsection 1317DAI(2) of the Act.

Publication

If Waterberg Coal complies with this Infringement Notice ASIC may publish details of Waterberg Coal's compliance in the manner set out in subsections 1317DAJ(2) or (3) of the Act: subsection 1317DAJ(1) of the Act.

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



Abigail Sheppard
Delegate
Australian Securities and Investments Commission

ANNEXURE 1

Part 9.4AA—Infringement notices for alleged contraventions of continuous disclosure provisions

1317DAA Definitions

(1) In this Part:

compensation proceedings means:

- (a) proceedings under section 1317HA; and
- (b) proceedings under section 12GF of the ASIC Act in relation to a contravention of section 12DA of that Act; and
- (c) any other proceedings by a person for compensation for loss or damage suffered by the person.

compliance period for an infringement notice has the meaning affected by section 1317DAH.

contravention proceedings means proceedings under section 1101B by a person referred to in paragraph 1101B(1)(b) or (d).

enforcement proceedings means proceedings under section 793C by a person referred to in paragraph 793C(1)(b), (c) or (d).

infringement notice means an infringement notice issued under section 1317DAC.

penalty and disclosure proceedings means the proceedings referred to in column 3 of the table in subsection 1317DAG(2).

public interest proceedings means proceedings under section 50 of the ASIC Act.

(2) For the purposes of applying this Part to a disclosing entity that is an undertaking to which interests in a registered scheme relate:

- (a) references to the disclosing entity are taken to be references to the responsible entity for the registered scheme; and
- (b) references to a financial report for a financial year being lodged by a disclosing entity are taken to be references to such a report being lodged by the responsible entity in relation to the scheme; and
- (c) references to securities of a disclosing entity are taken to be references to interests in the registered scheme; and
- (d) references to a disclosing entity being convicted of an offence based on subsection 674(2) or 675(2) are taken to be references to the responsible entity being convicted of such an offence in relation to the registered scheme; and
- (e) references to a civil penalty order under Part 9.4B being made against a disclosing entity in relation to a contravention of subsection 674(2) or 675(2) are taken to be references to such an order being made against the responsible entity in relation to the registered scheme; and
- (f) references to a disclosing entity having breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2) are taken to be

references to the responsible entity having breached such an undertaking given in relation to the registered scheme.

1317DAB Purpose and effect of this Part

- (1) The purpose of this Part is to provide for the issue of an infringement notice to a disclosing entity for an alleged contravention of subsection 674(2) or 675(2) as an alternative to proceedings for civil penalties under Part 9.4B.
- (2) This Part does not:
 - (a) require an infringement notice to be issued to the disclosing entity for the alleged contravention of subsection 674(2) or 675(2); or
 - (b) affect the liability of the disclosing entity to civil or criminal proceedings in relation to the alleged contravention of subsection 674(2) or 675(2) if:
 - (i) an infringement notice is not issued to the disclosing entity for the alleged contravention; or
 - (ii) an infringement notice issued to the disclosing entity for the alleged contravention is withdrawn under section 1317DAI; or
 - (c) prevent a Court from imposing a higher penalty than the penalty specified in the infringement notice if the disclosing entity does not comply with the infringement notice.

1317DAC Issue of infringement notice

Issue of infringement notice

- (1) Subject to section 1317DAD, if ASIC has reasonable grounds to believe that a disclosing entity has contravened subsection 674(2) or 675(2), ASIC may issue an infringement notice to the disclosing entity.
- (2) ASIC issues the infringement notice to the disclosing entity by serving it on the disclosing entity.
- (3) ASIC must not issue more than one infringement notice to the disclosing entity for the same alleged contravention of subsection 674(2) or 675(2).

ASIC must have regard to certain matters

- (4) In determining whether to issue an infringement notice to a listed disclosing entity for an alleged contravention of subsection 674(2), ASIC must have regard to:
 - (a) any guidelines issued by the relevant market operator for the listed disclosing entity that relate to the provisions of the listing rules referred to in subsection 674(1); and
 - (b) any other relevant matter.

Infringement notice does not have effect

- (5) The infringement notice does not have any effect if the infringement notice:
 - (a) is issued more than 12 months after the day on which the contravention of subsection 674(2) or 675(2) is alleged to have occurred; or
 - (b) relates to more than one alleged contravention of subsection 674(2) or 675(2) by the disclosing entity.

1317DAD Statement of reasons must be given*Statement of reasons*

- (1) Before issuing the infringement notice, ASIC must:
 - (a) give the disclosing entity a written statement that sets out ASIC's reasons for believing that the disclosing entity has contravened subsection 674(2) or 675(2); and
 - (b) give a representative of the disclosing entity an opportunity to:
 - (i) appear at a private hearing before ASIC; and
 - (ii) give evidence to ASIC; and
 - (iii) make submissions to ASIC;in relation to the alleged contravention of subsection 674(2) or 675(2).
- (2) If the disclosing entity is a listed disclosing entity, ASIC must consult with the relevant market operator for the disclosing entity before giving the disclosing entity the statement under this subsection.
- (3) ASIC does not need to consult the relevant market operator under subsection (2) if:
 - (a) the disclosing entity is the relevant market operator; or
 - (b) the disclosing entity conducts a business in competition with a business conducted by the relevant market operator.

Limit on the use of evidence or information given to ASIC

- (4) Evidence or information that a representative of the disclosing entity gives ASIC under paragraph (1)(b) in relation to the alleged contravention of subsection 674(2) or 675(2) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

1317DAE Matters to be included in infringement notice

- (1) The infringement notice:
 - (a) must state the day on which it is issued; and
 - (b) must state the name and address of the disclosing entity to whom it is issued; and
 - (c) must state that it is being issued by ASIC; and
 - (d) must state that ASIC may publish details of the disclosing entity's compliance with the infringement notice under section 1317DAJ if the disclosing entity complies with the notice; and
 - (e) must give details of the alleged contravention by the disclosing entity, including:
 - (i) the date of the alleged contravention; and
 - (ii) the particular provision that was contravened; and
 - (f) must state the maximum pecuniary penalty that a Court could impose under Part 9.4B in relation to the alleged contravention; and
 - (g) must specify the penalty that is payable in relation to the alleged contravention; and

- (h) must state that the penalty is payable to ASIC on behalf of the Commonwealth; and
 - (i) if it is alleged that the disclosing entity contravened subsection 674(2)—may specify information that the disclosing entity must notify to the relevant market operator in accordance with the provisions of the listing rules referred to in subsection 674(1); and
 - (j) if it is alleged that the disclosing entity contravened subsection 675(2)—may require the disclosing entity to lodge a document with ASIC that contains specified information; and
 - (k) must explain the effect of sections 1317DAF, 1317DAG and 1317DAH; and
 - (l) must state that the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice; and
 - (m) must contain any other matters that are prescribed in the regulations.
- (2) Subject to subsection (3), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 1 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 2 entity; or
 - (c) \$33,000 if the disclosing entity is a Tier 3 entity.
- (3) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 2 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 3 entity;
- if:
- (c) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (d) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (e) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (4) Subject to subsection (5), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$33,000.
- (5) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$66,000 if:
- (a) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (b) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (c) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (6) For the purposes of this section:
- (a) a disclosing entity is:
 - (i) a *Tier 1 entity* if its market capitalisation on the relevant day exceeds \$1,000 million; and

- (ii) a **Tier 2 entity** if its market capitalisation on the relevant day exceeds \$100 million but does not exceed \$1,000 million; and
 - (iii) a **Tier 3 entity** if its market capitalisation on the relevant day does not exceed \$100 million or it is not possible to work out its market capitalisation on the relevant day because it has not lodged a financial report with ASIC before the relevant day; and
 - (b) the **relevant day** for an infringement notice is the last day of the financial year in relation to which the latest financial report by the disclosing entity has been lodged with ASIC before the infringement notice is issued.
- (7) This is how to work out a disclosing entity's **market capitalisation** on the relevant day:
- (a) for each class of security of the disclosing entity that is a quoted security:
 - (i) work out the closing price, on the relevant day, for securities in that class on the prescribed financial market on which the securities are quoted; and
 - (ii) multiply that price by the number of securities in that class on issue on the relevant day (as shown in the financial report lodged with ASIC for the period that ends on the relevant day); and
 - (b) add up the amounts obtained under paragraph (a): the result is the disclosing entity's market capitalisation on the relevant day.
- Disregard quoted securities of the disclosing entity that are options.

1317DAF Effect of issue and compliance with infringement notice

Circumstances in which this section applies

- (1) This section applies if subsection (2) or (3) is satisfied.
- (2) This subsection is satisfied if:
 - (a) the compliance period for the infringement notice has not ended; and
 - (b) the infringement notice is not withdrawn under section 1317DAI; and
 - (c) subsection (3) has not been satisfied.
- (3) This subsection is satisfied if, within the compliance period for the infringement notice, the disclosing entity:
 - (a) pays the penalty specified in the infringement notice; and
 - (b) either:
 - (i) if it is alleged in the infringement notice that the disclosing entity contravened subsection 574(2)—notifies the relevant market operator, in accordance with the provisions of the listing rules referred to in subsection 574(1), of any information specified in the infringement notice; or
 - (ii) if it is alleged in the infringement notice that the disclosing entity contravened subsection 675(2)—lodges any required document with ASIC that contains the information specified in the infringement notice.

Note: If this subsection is satisfied, ASIC must not withdraw the infringement notice, see section 1317DAI.

No contravention etc. by the disclosing entity

- (4) The disclosing entity is not, by reason only of subsection (3) being satisfied, regarded as:

- (a) having contravened the provision specified in the infringement notice; or
- (b) having been convicted of an offence constituted by the same conduct that constituted the alleged contravention of the provision specified in the infringement notice.

No proceedings may be started etc.

- (5) Subject to subsection (6), no proceedings (whether criminal or civil) may be started or continued against the disclosing entity in relation to:
 - (a) the alleged contravention of the provision specified in the infringement notice; or
 - (b) an offence constituted by the same conduct that constituted the alleged contravention.
- (6) Subsection (5) does not apply to the following proceedings:
 - (a) compensation proceedings, contravention proceedings, enforcement proceedings and public interest proceedings that relate to the alleged contravention of the provision specified in the infringement notice;
 - (b) proceedings to enforce the following orders of a Court:
 - (i) an order made in relation to proceedings referred to in paragraph (a);
 - (ii) an order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings;
 - (c) any other proceedings in respect of a breach of an order referred to in paragraph (b);
 - (d) an appeal to a Court against the following decisions or orders of a Court:
 - (i) a decision or order made in relation to proceedings referred to in paragraph (a);
 - (ii) a decision or order made under subsection 1335(2) in relation to the proceedings referred to in paragraph (a) other than public interest proceedings.
- (7) To avoid doubt, subsection (5) does not prevent ASIC from:
 - (a) making an order under section 91 of the ASIC Act; or
 - (b) bringing proceedings to enforce the order.

1317DAG Effect of failure to comply with infringement notice

Circumstances in which this section applies

- (1) This section applies if an infringement notice issued to a disclosing entity is not withdrawn under section 1317DAI.

Effect of failure to comply with infringement notice

- (2) If the disclosing entity fails to do a thing specified in column 2 of the following table within the compliance period for the infringement notice, the disclosing entity is liable to the proceedings specified in column 3 of the following table:

- (i) a decision or order made in relation to penalty and disclosure proceedings;
 - (ii) a decision or order made in relation to proceedings referred to in paragraph (a);
 - (iii) a decision or order made under subsection 1335(2) in relation to penalty and disclosure proceedings;
 - (iv) a decision or order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings.
- (5) To avoid doubt, subsection (3) does not prevent ASIC from:
- (a) making a determination under subsection 708AA(3), 708A(2), 713(6), 1012DAA(3), 1012DA(2) or 1013FA(3) of this Act; or
 - (b) making an order under section 91 of the ASIC Act; or
 - (c) accepting an undertaking under section 93AA of the ASIC Act; or
 - (d) bringing proceedings to enforce the determination, order or undertaking.

1317DAH Compliance period for infringement notice

- (1) Subject to this section, the compliance period for an infringement notice is a period of 28 days beginning on the day after the day on which the infringement notice is issued.
- (2) ASIC may extend, by notice in writing, the compliance period for the infringement notice if ASIC is satisfied that it is appropriate to do so.
- (3) Only one extension may be given and the extension must not be for longer than 28 days.
- (4) Notice of the extension must be given to the disclosing entity that was issued with the infringement notice.
- (5) A failure to comply with subsection (4) does not affect the validity of the extension.
- (6) If ASIC extends the compliance period for an infringement notice, a reference in this Act to the compliance period for an infringement notice is taken to be a reference to the compliance period as so extended.

1317DAI Withdrawal of infringement notice

Disclosing entity may seek withdrawal

- (1) If an infringement notice is issued to a disclosing entity, the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice.
- (2) Evidence or information that a representative of the disclosing entity gives ASIC in the course of making representations under subsection (1) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

Withdrawal

- (3) Subject to subsection (4), ASIC may withdraw the infringement notice (whether or not the disclosing entity has made representations seeking the withdrawal) if ASIC is satisfied that it is appropriate to do so.
- (4) ASIC must not withdraw the infringement notice if subsection 1317DAF(3) is satisfied.

Withdrawal notice

- (5) The withdrawal must be made by notice in writing and must be given to the disclosing entity.
- (6) The withdrawal notice must state:
 - (a) the name and address of the disclosing entity; and
 - (b) the day on which the infringement notice was issued to the disclosing entity; and
 - (c) that the infringement notice is withdrawn; and
 - (d) that civil proceedings under Part 9.4B may be brought against the disclosing entity for a contravention of the provision specified in the infringement notice; and
 - (e) that a prosecution for an offence based on the provision specified in the infringement notice may be brought against the disclosing entity.

Refund of penalty

- (7) If:
 - (a) the disclosing entity pays the penalty specified in the infringement notice; and
 - (b) the infringement notice is withdrawn after the disclosing entity pays the penalty;
 ASIC must refund to the disclosing entity an amount equal to the amount paid.

1317DAJ Publication in relation to infringement notices

- (1) If:
 - (a) ASIC issues an infringement notice to a disclosing entity; and
 - (b) subsection 1317DAF(3) (compliance with the infringement notice) is satisfied;
 ASIC may publish details of the disclosing entity's compliance with the infringement notice under subsection (2) or (3) or under both of those subsections.
- (2) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if it publishes a copy of the infringement notice in the *Gazette* together with the following statements:
 - (a) a statement that the disclosing entity has complied with the infringement notice;
 - (b) a statement that compliance with the notice is not an admission of guilt or liability;
 - (c) a statement that the disclosing entity is not regarded as having contravened the provision specified in the notice.

- (3) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if:
- (a) ASIC issues a statement (whether written or oral) about the disclosing entity's compliance with the infringement notice; and
 - (b) the statement is limited to an accurate summary of the infringement notice including:
 - (i) the name of the disclosing entity; and
 - (ii) the amount of the penalty payable under the notice in relation to the alleged contravention; and
 - (iii) the conduct specified in the notice as the conduct in relation to which the infringement notice was issued;together with the following statements:
 - (iv) a statement that the disclosing entity has complied with the infringement notice;
 - (v) a statement that compliance with the notice is not an admission of guilt or liability;
 - (vi) a statement that the relevant disclosing entity is not regarded as having contravened the provision specified in the notice.
- (4) ASIC must not otherwise publish details of:
- (a) an infringement notice; or
 - (b) a disclosing entity's compliance with an infringement notice.
- Failure to comply with this subsection is not an offence.

The Waterberg Coal Company Limited has complied with the Infringement Notice by paying the penalty of \$33,000.

Compliance with the Infringement Notice by The Waterberg Coal Company Limited is not an admission of guilt or liability.

The Waterberg Coal Company Limited is not regarded as having contravened s674(2) of the Corporations Act 2001.

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AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

PART 9.4AA OF THE CORPORATIONS ACT
INFRINGEMENT NOTICE**To:**

Firestone Energy Limited
ACN: 058 436 794
Level 1, 330 Churchill Avenue
SUBIACO WA 6008

TAKE NOTICE: The Australian Securities and Investments Commission (ASIC) hereby issues an Infringement Notice to Firestone Energy Limited ACN: 058 436 794 (**Firestone Energy**) under subsection 1317DAC(1) of the Corporations Act 2001 (**the Act**). This Infringement Notice requires Firestone Energy 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 **28 May 2015**.

Referral from the Australian Securities Exchange (ASX)

This matter arose as a result of a referral from the ASX to ASIC.

DETAILS OF THE ALLEGED CONTRAVENTION**The Facts**

Firestone Energy is an Australian company and is dual listed on the Australian and Johannesburg Stock Exchanges. Firestone Energy is a partner in a joint venture concerning coal exploration and development at the Waterberg Coal Project in South Africa.

The Waterberg Coal Company Limited (**Waterberg Coal**) is also a partner in the Waterberg Coal Project and is the major shareholder of Firestone Energy, owning 45.88% of its shares.

The Boards of Directors of Firestone Energy and Waterberg Coal share some common members.

On 2 September 2013, Firestone Energy released a company announcement titled "Major Shareholder Provides \$3m Loan to FSE" in which it stated that:

"(Firestone Energy) has signed a loan agreement with its major shareholder, the Waterberg Coal Company Limited ("WCC") to provide up to \$3 million in funding to be used for the Company's project financing obligations in relation to the Waterberg Coal Project".

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On 15 July 2014, at a meeting of the Board of Directors, Firestone Energy considered a new proposal from Waterberg Coal to extend the loan agreement announced on 2 September 2013 and to provide an additional \$3 million loan on same terms. At the meeting, Firestone Energy's Board of Directors resolved that Firestone Energy would accept Waterberg Coal's offer, if made, to extend the existing loan and provide an additional loan.

At a meeting on 16 July 2014, the Board of Directors of Waterberg Coal resolved that Waterberg Coal was to extend its existing loan to Firestone Energy on the same conditions and was to enter into a new agreement with Firestone Energy under which Waterberg Coal was to lend up to \$3 million on similar terms and conditions as the existing loan. Officers of Firestone Energy were present at the meeting in their roles as officers of Waterberg Coal.

At the conclusion of the meeting of the Board of Directors of Waterberg Coal on 16 July 2014, officers of Firestone Energy and Waterberg Coal executed and signed an agreement for the new \$3 million loan.

By reason of the above, by 16 July 2014, Firestone Energy was aware of the following information:

- the Board of Waterberg Coal had resolved to:
 - extend the term of an existing loan (of up to \$3 million) to Firestone Energy, without penalty and on the existing conditions; and
 - enter into and execute a new loan agreement with Firestone Energy in the amount of up to \$3 million on similar terms and conditions as the existing loan agreement

(the Information).

On 31 July 2014 Firestone Energy released a company announcement titled "June 2014 Quarterly Activities Report" that referred to the Information.

This was the first time the Information became publicly available.

The Contravention

This Infringement Notice has been issued because ASIC has reasonable grounds to believe that Firestone Energy contravened subsection 674(2) of the Act in the period between 16 July 2014 and 31 July 2014, in that:

- (a) Firestone Energy is an entity to which subsection 674(2) of the Act applies.
- (b) By 16 July 2014, Firestone Energy was aware of the Information.
- (c) The Information was 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 Firestone Energy, because:

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- (i) as at 16 July 2014, the combination of the existing loan of up to \$3 million together with the new loan of \$3 million represented 33.81% of Firestone Energy's market capitalisation; and
 - (ii) as at 30 June 2014, Firestone Energy had \$28,000 cash in the bank and expected cash outflows for the next quarter of \$100,000.
- (d) ASX Listing Rule 3.1 required Firestone Energy to tell ASX of the Information on or about 16 July 2014.
- (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 Information was not confidential; and
 - (iii) none of the matters listed in ASX Listing Rule 3.1A3 applied to the Information.
- (f) Between 16 July and 31 July 2014, the Information was not generally available.

Compliance with the Infringement Notice

Firestone Energy 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 28 May 2015 and expires on 26 June 2015: subsection 1317DAH(1) of the Act. ASIC may extend the compliance period for this Infringement Notice once, by up to 28 days: subsection 1317DAH(3) of the Act. If this occurs ASIC will notify Firestone Energy in writing.

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 Firestone Energy and cannot be regarded as a finding that Firestone Energy has contravened subsection 674(2) of the Act for any other purpose: subsection 1317DAF(4) of the Act.

ASIC cannot take civil or criminal proceedings against Firestone Energy for the alleged contravention specified in this Infringement Notice, either during the compliance period or after the Infringement Notice is complied with: subsection 1317DAF(5) of the Act. However, certain proceedings may be commenced or continued against Firestone Energy by third parties or by ASIC on behalf of third parties: section 1317DAF(6) of the Act.

Effect of failure to comply with the Infringement Notice

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ASIC cannot enforce compliance with this Infringement Notice: section 1317DAF of the Act. However, if this Infringement Notice is not withdrawn in accordance with section 1317DAI of the Act, it is open to ASIC to take the following action against Firestone Energy:

- (a) ASIC may begin civil penalty proceedings against the entity under Part 9.4B of the Act seeking a declaration that Firestone Energy 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 section 91 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 subsections 708A(2), 713(6), 1012DA(2) or 1013FA(3) of the Act, or accept an enforceable undertaking under section 93AA of the ASIC Act and bring proceedings to enforce the undertaking: section 1317DAG of the Act.
- (e) Certain other proceedings may also be commenced or continued against Firestone Energy by third parties or by ASIC on behalf of third parties: subsection 1317DAG(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 Firestone Energy, 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.

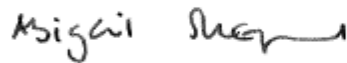
Firestone Energy may seek the withdrawal of this Infringement Notice by making a written representation to ASIC: subsection 1317DAI(1) of the Act. Material provided to ASIC in such a representation is not admissible in evidence in proceedings against Firestone Energy or a representative of the company: subsection 1317DAI(2) of the Act.

Publication

15-0722

If Firestone Energy complies with this Infringement Notice ASIC may publish details of Firestone Energy's compliance in the manner set out in subsections 1317DAJ(2) or (3) of the Act: subsection 1317DAJ(1) of the Act.

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



Abigail Sheppard
Delegate
Australian Securities and Investments Commission

ANNEXURE 1

Part 9.4AA—Infringement notices for alleged contraventions of continuous disclosure provisions

1317DAA Definitions

(1) In this Part:

compensation proceedings means:

- (a) proceedings under section 1317HA; and
- (b) proceedings under section 12GF of the ASIC Act in relation to a contravention of section 12DA of that Act; and
- (c) any other proceedings by a person for compensation for loss or damage suffered by the person.

compliance period for an infringement notice has the meaning affected by section 1317DAH.

contravention proceedings means proceedings under section 1101B by a person referred to in paragraph 1101B(1)(b) or (d).

enforcement proceedings means proceedings under section 793C by a person referred to in paragraph 793C(1)(b), (c) or (d).

infringement notice means an infringement notice issued under section 1317DAC.

penalty and disclosure proceedings means the proceedings referred to in column 3 of the table in subsection 1317DAG(2).

public interest proceedings means proceedings under section 50 of the ASIC Act.

(2) For the purposes of applying this Part to a disclosing entity that is an undertaking to which interests in a registered scheme relate:

- (a) references to the disclosing entity are taken to be references to the responsible entity for the registered scheme; and
- (b) references to a financial report for a financial year being lodged by a disclosing entity are taken to be references to such a report being lodged by the responsible entity in relation to the scheme; and
- (c) references to securities of a disclosing entity are taken to be references to interests in the registered scheme; and
- (d) references to a disclosing entity being convicted of an offence based on subsection 674(2) or 675(2) are taken to be references to the responsible entity being convicted of such an offence in relation to the registered scheme; and
- (e) references to a civil penalty order under Part 9.4B being made against a disclosing entity in relation to a contravention of subsection 674(2) or 675(2) are taken to be references to such an order being made against the responsible entity in relation to the registered scheme; and
- (f) references to a disclosing entity having breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2) are taken to be

references to the responsible entity having breached such an undertaking given in relation to the registered scheme.

1317DAB Purpose and effect of this Part

- (1) The purpose of this Part is to provide for the issue of an infringement notice to a disclosing entity for an alleged contravention of subsection 674(2) or 675(2) as an alternative to proceedings for civil penalties under Part 9.4B.
- (2) This Part does not:
 - (a) require an infringement notice to be issued to the disclosing entity for the alleged contravention of subsection 674(2) or 675(2); or
 - (b) affect the liability of the disclosing entity to civil or criminal proceedings in relation to the alleged contravention of subsection 674(2) or 675(2) if:
 - (i) an infringement notice is not issued to the disclosing entity for the alleged contravention; or
 - (ii) an infringement notice issued to the disclosing entity for the alleged contravention is withdrawn under section 1317DAJ; or
 - (c) prevent a Court from imposing a higher penalty than the penalty specified in the infringement notice if the disclosing entity does not comply with the infringement notice.

1317DAC Issue of infringement notice

Issue of infringement notice

- (1) Subject to section 1317DAD, if ASIC has reasonable grounds to believe that a disclosing entity has contravened subsection 674(2) or 675(2), ASIC may issue an infringement notice to the disclosing entity.
- (2) ASIC issues the infringement notice to the disclosing entity by serving it on the disclosing entity.
- (3) ASIC must not issue more than one infringement notice to the disclosing entity for the same alleged contravention of subsection 674(2) or 675(2).

ASIC must have regard to certain matters

- (4) In determining whether to issue an infringement notice to a listed disclosing entity for an alleged contravention of subsection 674(2), ASIC must have regard to:
 - (a) any guidelines issued by the relevant market operator for the listed disclosing entity that relate to the provisions of the listing rules referred to in subsection 674(1); and
 - (b) any other relevant matter.

Infringement notice does not have effect

- (5) The infringement notice does not have any effect if the infringement notice:
 - (a) is issued more than 12 months after the day on which the contravention of subsection 674(2) or 675(2) is alleged to have occurred; or
 - (b) relates to more than one alleged contravention of subsection 674(2) or 675(2) by the disclosing entity.

1317DAD Statement of reasons must be given*Statement of reasons*

- (1) Before issuing the infringement notice, ASIC must:
 - (a) give the disclosing entity a written statement that sets out ASIC's reasons for believing that the disclosing entity has contravened subsection 674(2) or 675(2); and
 - (b) give a representative of the disclosing entity an opportunity to:
 - (i) appear at a private hearing before ASIC; and
 - (ii) give evidence to ASIC; and
 - (iii) make submissions to ASIC;in relation to the alleged contravention of subsection 674(2) or 675(2).
- (2) If the disclosing entity is a listed disclosing entity, ASIC must consult with the relevant market operator for the disclosing entity before giving the disclosing entity the statement under this subsection.
- (3) ASIC does not need to consult the relevant market operator under subsection (2) if:
 - (a) the disclosing entity is the relevant market operator; or
 - (b) the disclosing entity conducts a business in competition with a business conducted by the relevant market operator.

Limit on the use of evidence or information given to ASIC

- (4) Evidence or information that a representative of the disclosing entity gives ASIC under paragraph (1)(b) in relation to the alleged contravention of subsection 674(2) or 675(2) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

1317DAE Matters to be included in infringement notice

- (1) The infringement notice:
 - (a) must state the day on which it is issued; and
 - (b) must state the name and address of the disclosing entity to whom it is issued; and
 - (c) must state that it is being issued by ASIC; and
 - (d) must state that ASIC may publish details of the disclosing entity's compliance with the infringement notice under section 1317DAJ if the disclosing entity complies with the notice; and
 - (e) must give details of the alleged contravention by the disclosing entity, including:
 - (i) the date of the alleged contravention; and
 - (ii) the particular provision that was contravened; and
 - (f) must state the maximum pecuniary penalty that a Court could impose under Part 9.4B in relation to the alleged contravention; and
 - (g) must specify the penalty that is payable in relation to the alleged contravention; and

- (h) must state that the penalty is payable to ASIC on behalf of the Commonwealth; and
 - (i) if it is alleged that the disclosing entity contravened subsection 674(2)—may specify information that the disclosing entity must notify to the relevant market operator in accordance with the provisions of the listing rules referred to in subsection 674(1); and
 - (j) if it is alleged that the disclosing entity contravened subsection 675(2)—may require the disclosing entity to lodge a document with ASIC that contains specified information; and
 - (k) must explain the effect of sections 1317DAF, 1317DAG and 1317DAH; and
 - (l) must state that the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice; and
 - (m) must contain any other matters that are prescribed in the regulations.
- (2) Subject to subsection (3), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 1 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 2 entity; or
 - (c) \$33,000 if the disclosing entity is a Tier 3 entity.
- (3) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 674(2) is:
- (a) \$100,000 if the disclosing entity is a Tier 2 entity; or
 - (b) \$66,000 if the disclosing entity is a Tier 3 entity;
- if:
- (c) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (d) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (e) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (4) Subject to subsection (5), the penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$33,000.
- (5) The penalty specified in the infringement notice under paragraph (1)(g) for an alleged contravention of subsection 675(2) is \$66,000 if:
- (a) the disclosing entity has at any time been convicted of an offence based on subsection 674(2) or 675(2); or
 - (b) a civil penalty order under Part 9.4B has at any time been made against the disclosing entity in relation to a contravention of subsection 674(2) or 675(2); or
 - (c) the disclosing entity has at any time breached an enforceable undertaking given to ASIC under section 93AA of the ASIC Act in relation to the requirements of subsection 674(2) or 675(2).
- (6) For the purposes of this section:
- (a) a disclosing entity is:
 - (i) a **Tier 1 entity** if its market capitalisation on the relevant day exceeds \$1,000 million; and

- (ii) a *Tier 2 entity* if its market capitalisation on the relevant day exceeds \$100 million but does not exceed \$1,000 million; and
 - (iii) a *Tier 3 entity* if its market capitalisation on the relevant day does not exceed \$100 million or it is not possible to work out its market capitalisation on the relevant day because it has not lodged a financial report with ASIC before the relevant day; and
 - (b) the *relevant day* for an infringement notice is the last day of the financial year in relation to which the latest financial report by the disclosing entity has been lodged with ASIC before the infringement notice is issued.
- (7) This is how to work out a disclosing entity's *market capitalisation* on the relevant day:
- (a) for each class of security of the disclosing entity that is a quoted security:
 - (i) work out the closing price, on the relevant day, for securities in that class on the prescribed financial market on which the securities are quoted; and
 - (ii) multiply that price by the number of securities in that class on issue on the relevant day (as shown in the financial report lodged with ASIC for the period that ends on the relevant day); and
 - (b) add up the amounts obtained under paragraph (a): the result is the disclosing entity's market capitalisation on the relevant day
- Disregard quoted securities of the disclosing entity that are options.

1317DAF Effect of issue and compliance with infringement notice

Circumstances in which this section applies

- (1) This section applies if subsection (2) or (3) is satisfied.
- (2) This subsection is satisfied if:
 - (a) the compliance period for the infringement notice has not ended; and
 - (b) the infringement notice is not withdrawn under section 1317DAI; and
 - (c) subsection (3) has not been satisfied.
- (3) This subsection is satisfied if, within the compliance period for the infringement notice, the disclosing entity:
 - (a) pays the penalty specified in the infringement notice; and
 - (b) either:
 - (i) if it is alleged in the infringement notice that the disclosing entity contravened subsection 574(2)—notifies the relevant market operator, in accordance with the provisions of the listing rules referred to in subsection 574(1), of any information specified in the infringement notice; or
 - (ii) if it is alleged in the infringement notice that the disclosing entity contravened subsection 675(2)—lodges any required document with ASIC that contains the information specified in the infringement notice.

Note: If this subsection is satisfied, ASIC must not withdraw the infringement notice, see section 1317DAI.

No contravention etc. by the disclosing entity

- (4) The disclosing entity is not, by reason only of subsection (3) being satisfied, regarded as:

- (a) having contravened the provision specified in the infringement notice; or
- (b) having been convicted of an offence constituted by the same conduct that constituted the alleged contravention of the provision specified in the infringement notice.

No proceedings may be started etc.

- (5) Subject to subsection (6), no proceedings (whether criminal or civil) may be started or continued against the disclosing entity in relation to:
 - (a) the alleged contravention of the provision specified in the infringement notice; or
 - (b) an offence constituted by the same conduct that constituted the alleged contravention.
- (6) Subsection (5) does not apply to the following proceedings:
 - (a) compensation proceedings, contravention proceedings, enforcement proceedings and public interest proceedings that relate to the alleged contravention of the provision specified in the infringement notice;
 - (b) proceedings to enforce the following orders of a Court:
 - (i) an order made in relation to proceedings referred to in paragraph (a);
 - (ii) an order made under subsection 1333(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings;
 - (c) any other proceedings in respect of a breach of an order referred to in paragraph (b);
 - (d) an appeal to a Court against the following decisions or orders of a Court:
 - (i) a decision or order made in relation to proceedings referred to in paragraph (a);
 - (ii) a decision or order made under subsection 1333(2) in relation to the proceedings referred to in paragraph (a) other than public interest proceedings.
- (7) To avoid doubt, subsection (5) does not prevent ASIC from:
 - (a) making an order under section 91 of the ASIC Act; or
 - (b) bringing proceedings to enforce the order.

1317DAG Effect of failure to comply with infringement notice

Circumstances in which this section applies

- (1) This section applies if an infringement notice issued to a disclosing entity is not withdrawn under section 1317DAL.

Effect of failure to comply with infringement notice

- (2) If the disclosing entity fails to do a thing specified in column 1 of the following table within the compliance period for the infringement notice, the disclosing entity is liable to the proceedings specified in column 3 of the following table:

Effect of failure to comply with infringement notice		
Column 1	Column 2	Column 3
Item	If the disclosing entity fails to:	the disclosing entity is liable to:
1	pay the penalty specified in the infringement notice	proceedings under Part 9.4B for: (a) a declaration of contravention; and (b) a pecuniary penalty order; in relation to the alleged contravention of the provision specified in the infringement notice.
2	notify the relevant market operator, in accordance with the provisions of the listing rules referred to in subsection 674(1), of any information specified in the infringement notice if it is alleged in the infringement notice that the disclosing entity contravened subsection 674(2)	proceedings for an order under section 1324B in relation to the alleged contravention of the provision specified in the infringement notice.
3	lodge any required document with ASIC that contains the information specified in the infringement notice if it is alleged in the infringement notice that the disclosing entity contravened subsection 675(2)	proceedings for an order under section 1324B in relation to the alleged contravention of the provision specified in the infringement notice.

No other proceedings may be started etc.

- (3) Subject to subsection (4), no other proceedings (whether criminal or civil) may be started or continued against the disclosing entity in relation to:
- (a) the alleged contravention of the provision specified in the infringement notice; or
 - (b) an offence constituted by the same conduct that constituted the alleged contravention.
- (4) Subsection (3) does not apply to the following proceedings:
- (a) compensation proceedings, contravention proceedings, enforcement proceedings and public interest proceedings that relate to the alleged contravention of the provision specified in the infringement notice;
 - (b) proceedings to enforce the following orders of a Court:
 - (i) an order made in relation to penalty and disclosure proceedings;
 - (ii) an order made in relation to proceedings referred to in paragraph (a);
 - (iii) an order made under subsection 1335(2) in relation to penalty and disclosure proceedings;
 - (iv) an order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings;
 - (c) any other proceedings in respect of a breach of an order referred to in paragraph (b);
 - (d) an appeal to a Court against the following decisions or orders of a Court:

- (i) a decision or order made in relation to penalty and disclosure proceedings;
- (ii) a decision or order made in relation to proceedings referred to in paragraph (a);
- (iii) a decision or order made under subsection 1335(2) in relation to penalty and disclosure proceedings;
- (iv) a decision or order made under subsection 1335(2) in relation to proceedings referred to in paragraph (a) other than public interest proceedings.

- (5) To avoid doubt, subsection (3) does not prevent ASIC from:
- (a) making a determination under subsection 708AA(3), 708A(2), 713(6), 1012DAA(3), 1012DA(2) or 1013FA(3) of this Act; or
 - (b) making an order under section 91 of the ASIC Act; or
 - (c) accepting an undertaking under section 93AA of the ASIC Act; or
 - (d) bringing proceedings to enforce the determination, order or undertaking

1317DAH Compliance period for infringement notice

- (1) Subject to this section, the compliance period for an infringement notice is a period of 28 days beginning on the day after the day on which the infringement notice is issued.
- (2) ASIC may extend, by notice in writing, the compliance period for the infringement notice if ASIC is satisfied that it is appropriate to do so.
- (3) Only one extension may be given and the extension must not be for longer than 28 days.
- (4) Notice of the extension must be given to the disclosing entity that was issued with the infringement notice.
- (5) A failure to comply with subsection (4) does not affect the validity of the extension.
- (6) If ASIC extends the compliance period for an infringement notice, a reference in this Act to the compliance period for an infringement notice is taken to be a reference to the compliance period as so extended.

1317DAI Withdrawal of infringement notice

Disclosing entity may seek withdrawal

- (1) If an infringement notice is issued to a disclosing entity, the disclosing entity may make written representations to ASIC seeking the withdrawal of the infringement notice.
- (2) Evidence or information that a representative of the disclosing entity gives ASIC in the course of making representations under subsection (1) is:
 - (a) not admissible in evidence against the disclosing entity in any proceedings; and
 - (b) not admissible in evidence against a representative of the disclosing entity in any proceedings (other than proceedings for an offence based on the evidence or information given being false or misleading).

Withdrawal

- (3) Subject to subsection (4), ASIC may withdraw the infringement notice (whether or not the disclosing entity has made representations seeking the withdrawal) if ASIC is satisfied that it is appropriate to do so.
- (4) ASIC must not withdraw the infringement notice if subsection 1317DAF(3) is satisfied.

Withdrawal notice

- (5) The withdrawal must be made by notice in writing and must be given to the disclosing entity.
- (6) The withdrawal notice must state:
- (a) the name and address of the disclosing entity; and
 - (b) the day on which the infringement notice was issued to the disclosing entity; and
 - (c) that the infringement notice is withdrawn; and
 - (d) that civil proceedings under Part 9.4B may be brought against the disclosing entity for a contravention of the provision specified in the infringement notice; and
 - (e) that a prosecution for an offence based on the provision specified in the infringement notice may be brought against the disclosing entity.

Refund of penalty

- (7) If:
- (a) the disclosing entity pays the penalty specified in the infringement notice; and
 - (b) the infringement notice is withdrawn after the disclosing entity pays the penalty;
- ASIC must refund to the disclosing entity an amount equal to the amount paid.

1317DAJ Publication in relation to infringement notices

- (1) If:
- (a) ASIC issues an infringement notice to a disclosing entity; and
 - (b) subsection 1317DAF(3) (compliance with the infringement notice) is satisfied;
- ASIC may publish details of the disclosing entity's compliance with the infringement notice under subsection (2) or (3) or under both of those subsections.
- (2) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if it publishes a copy of the infringement notice in the *Gazette* together with the following statements:
- (a) a statement that the disclosing entity has complied with the infringement notice;
 - (b) a statement that compliance with the notice is not an admission of guilt or liability;
 - (c) a statement that the disclosing entity is not regarded as having contravened the provision specified in the notice.

- (3) ASIC publishes details of the disclosing entity's compliance with the infringement notice under this subsection if:
- (a) ASIC issues a statement (whether written or oral) about the disclosing entity's compliance with the infringement notice; and
 - (b) the statement is limited to an accurate summary of the infringement notice including:
 - (i) the name of the disclosing entity; and
 - (ii) the amount of the penalty payable under the notice in relation to the alleged contravention; and
 - (iii) the conduct specified in the notice as the conduct in relation to which the infringement notice was issued;together with the following statements:
 - (iv) a statement that the disclosing entity has complied with the infringement notice;
 - (v) a statement that compliance with the notice is not an admission of guilt or liability;
 - (vi) a statement that the relevant disclosing entity is not regarded as having contravened the provision specified in the notice.
- (4) ASIC must not otherwise publish details of:
- (a) an infringement notice; or
 - (b) a disclosing entity's compliance with an infringement notice.
- Failure to comply with this subsection is not an offence.

Firestone Energy Ltd has complied with the Infringement Notice by paying the penalty of \$33,000.

Compliance with the Infringement Notice by Rhinomed Ltd is not an admission of guilt or liability.

Firestone Energy Ltd is not regarded as having contravened s674(2) of the Corporations Act 2001.

15-0726

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 741(1)(a) – Exemption**

Enabling legislation

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

Title

2. This instrument is ASIC Instrument [15/0726].

Commencement

3. This instrument commences on 3 August 2015.

Exemption

4. Rio Tinto Limited ACN 004 458 404 (the *Company*) does not have to comply with Part 6D.2 or 6D.3 of the Act (other than sections 736 and 738) for an offer (*offer*) of shares for issue under a purchase plan.

Where the exemption applies

5. This instrument applies where the Company, at the time the offer is made:
 - (a) meets the requirements in paragraph 7 of ASIC Class Order [CO 09/425] (the *class order*) except for subparagraph 7(d), and
 - (b) would meet the requirement in subparagraph 7(d) of the class order if that subparagraph were to read:

“(d) no order under section 340 (other than ASIC Orders [06/53] (as varied by ASIC Order [06/855]), [10/412], [10/1265] (as varied by ASIC Order [12/201]), [15/9], and [15/453]) or 341 of the Act (other than an excluded order) covered the issuer, or any person as director or auditor of the issuer, at any time in the shorter of the period during which the class was quoted, and the period of 12 months before the day on which the offer is made;”.

Conditions

6. The Company must comply with the conditions of the class order.

Interpretation

7. In this instrument:

purchase plan has the meaning given by the class order.

15-0726

Revocation

8. ASIC Instrument [15/0131] is revoked.

Dated this 3rd day of August 2015.



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

15-0728

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraphs 741(1)(b) and 1020F(1)(c) – Declaration**

Enabling legislation

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

Title

2. This instrument is ASIC Instrument [15/0728].

Commencement

3. This instrument commences on 3 August 2015.

Declaration

4. Chapter 6D and Part 7.9 of the Act apply to Rio Tinto Limited ACN 004 458 404 as if:
 - (a) subparagraph (b)(iii) of the definition of *continuously quoted securities* in section 9 of the Act, as notionally modified by ASIC Class Order [CO 01/1455] and ASIC Instruments [05/1104], [06/166], [10/730], [11/274] and [15/132], were further modified or varied by omitting “[15/9]”, and substituting “[15/9] or [15/453]”; and
 - (b) paragraphs 708A(5)(d) and 1012DA(5)(d), as notionally modified by ASIC Class Order [CO 04/672] and ASIC Instruments [05/1104], [06/166], [10/730], [11/274] and [15/132], were further modified or varied by omitting “[15/9]”, and substituting “[15/9] or [15/453]”; and
 - (c) paragraph 708AA(2)(e), as notionally modified by ASIC Class Order [CO 07/571] and ASIC Instruments [09/451], [10/730], [11/274] and [15/132], were further modified or varied by omitting “[15/9]”, and substituting “[15/9] and [15/453]”; and
 - (d) paragraph 1012DAA(2)(e), as notionally modified by ASIC Class Order [CO 07/571] and ASIC Instruments [10/730], [11/274] and [15/132], were further modified or varied by omitting “[15/9]”, and substituting “[15/9] or [15/453]”.

Dated this 3rd day of August 2015



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

15-0731

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 3rd August 2015.

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**IN THE MATTER OF MARTIN ROBERT HODGETTS****BANNING ORDER UNDER SECTIONS 920A AND 920B
OF THE CORPORATIONS ACT 2001**

To: Martin Robert Hodgetts

TAKE NOTICE that under sections 920A(1) and 920B(2) of the Corporations Act 2001 the Australian Securities and Investments Commission prohibits **MARTIN ROBERT HODGETTS** from providing any financial services permanently.

Dated this 31st day of July 2015.

Signed: Mei-lin Loh
Mei-lin Loh
Delegate of the Australian Securities and 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.

15-0732

**Australian Securities and Investments Commission
Corporations Act 2001 – Subsections 741(1), 926A(2) and
992B(1) – Exemptions**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsections 741(1), 926A(2) and 992B(1) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Instrument 15-0732.

Commencement

3. This instrument commences on 6 August 2015.

Disclosure relief

4. The Issuer does not have to comply with Part 6D.2 or 6D.3 of the Act in relation to an offer of an eligible product to an eligible participant under the GESP.
5. A holder of an eligible product that makes a sale offer of that product within 12 months after the issue of the product does not have to comply with Part 6D.2 or 6D.3 of the Act in relation to the sale offer where the product was issued or otherwise granted to an eligible participant under the GESP.

Licensing, hawking and other incidental relief*General advice*

6. The Issuer does not have to comply with subsection 911A(1) of the Act in relation to the provision of a financial service consisting of general advice in connection with an offer of an eligible product to an eligible participant under the GESP.

Dealing

7. The Issuer does not have to comply with subsection 911A(1) of the Act in relation to the provision of any of the following financial services in relation to an offer of an eligible product to an eligible participant in connection with the GESP:
 - (a) issuing the eligible product;
 - (b) dealing in the eligible product where any acquisition by purchase or disposal of the eligible product by the Issuer occurs either:
 - (i) through a financial services licensee; or

15-0732

- (ii) outside this jurisdiction and through a person which is licensed or otherwise authorised to deal in financial products of that kind in the relevant place.

Custodial or depository services

8. The Issuer does not have to comply with subsection 911A(1) of the Act in relation to the provision of any of the following financial services in relation to an offer of an eligible product to an eligible participant in connection with the GESP:
- (a) a custodial or depository service in relation to the eligible product where the Issuer performs its duties in good faith and has sufficient resources to perform those duties;
 - (b) dealing in the eligible product in the course of providing a custodial or depository service covered by paragraph (a).

Hawking

9. The Issuer does not have to comply with section 736 of the Act in relation to making an offer of an eligible product to an eligible participant in the course of, or because of, an unsolicited meeting or telephone call held or made in connection with the GESP.

Where the exemptions apply

10. The exemptions in paragraphs 4 and 6 to 9 of this instrument apply in relation to an offer of an eligible product to an eligible participant under the GESP where, at the time of making the offer:
- (a) at least 45% of employees of the Tabcorp Group entities are casual employees (determined on an aggregate basis, rather than separately for each Tabcorp Group entity); and
 - (b) at least 75% of casual employees of the Tabcorp Group entities have been employees of a Tabcorp Group entity for at least three years (determined on an aggregate basis, rather than separately for each Tabcorp Group entity).

Conditions*Contribution plans and loans not permitted*

11. The Issuer must ensure that the terms of the GESP, so far as they apply to eligible participants in this jurisdiction:
- (a) do not involve a contribution plan; and
 - (b) do not involve a loan to an eligible participant to acquire eligible products.

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Disclosure

12. The Issuer must ensure that an offer of an eligible product to an eligible participant under the GESP is made in, or is accompanied by, an offer document.

5% issue limit

13. The Issuer must, at the time of making an offer of an eligible product under the GESP in reliance on this instrument, have reasonable grounds to believe that the number of eligible products in a class of eligible products that form part of the issued capital of the Issuer that have been or may be issued in any of the circumstances covered by the following paragraphs will not exceed 5% of the total number of eligible products in that class on issue:
- (a) eligible products that may be issued under the offer;
 - (b) eligible products issued or that may be issued as a result of offers made at any time during the previous 3 year period under:
 - (i) the GESP; or
 - (ii) an employee incentive scheme covered by ASIC Class Order [14/1000]; or
 - (ii) an ASIC exempt arrangement of a similar kind to an employee incentive scheme.

ASIC power to request documents

14. The Issuer must, if requested by ASIC and in accordance with the request, make available to ASIC the offer document and all other accompanying information or documents given to eligible participants in connection with an offer under the GESP that is made in reliance on this instrument.

Interpretation

15. In this instrument:

- (a) *able to be traded* has the meaning given by section 761A of the Act;

ASIC Class Order [CO 03/184] includes ASIC Class Order [CO 05/1270] to the extent that it relates to ASIC Class Order [CO 03/184];

ASIC exempt arrangement of a similar kind, in relation to an employee incentive scheme, means an arrangement covered or previously covered by ASIC Class Order [CO 03/184] or an instrument expressed to apply to the Issuer and which

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grants or granted similar relief to the relief granted by that class order;

eligible casual employee, in relation to an offer of an eligible product by the Issuer under the GESP, means an individual who, at the time of the offer:

- (a) is a casual employee of a Tabcorp Group entity; and
- (b) has worked the number of hours that are the pro-rata equivalent of 20% or more of a comparable full-time position with the Tabcorp Group entity in the financial year preceding the date of the offer;
- (c) is reasonably expected to be engaged to work the number of hours that are the pro-rata equivalent of 20% or more of a comparable full-time position with the Tabcorp Group entity in the financial year that the offer is made; and
- (d) has been an employee of a Tabcorp Group entity for at least three years;

contribution plan means a plan under which an eligible participant may make monetary contributions towards the acquisition of eligible products from one or more of the following:

- (a) gross (before-tax) wages or salary;
- (b) net (after-tax) wages or salary;
- (c) other monies;

eligible financial market means the financial market specified in column 1 of Table A;

eligible participant means a person specified in column 3 of Table A;

eligible product means a financial product of the Issuer specified in column 2 of Table A;

employee incentive scheme has the same meaning as in ASIC Class Order [CO 14/1000];

financial product advice has the meaning given by section 766B of the Act;

financial year has the meaning given by section 323D of the Act;

general advice has the meaning given by section 766B of the Act;

GESP means the Tabcorp Holdings Limited General Employee Share Plan which is comprised in documents being in substantially the same form as provided to ASIC on 16 June 2015 and 1 July 2015;

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Issuer means Tabcorp Holdings Limited ACN 063 780 709;

offer, in relation to an eligible product, has a meaning affected by sections 700, 702 and 1010C of the Act and includes:

- (a) an offer to issue the eligible product;
- (b) an issue or grant of the eligible product;
- (c) an offer to transfer the eligible product;
- (d) a transfer of the eligible product;
- (e) an offer to arrange for the issue or transfer of the eligible product;

offer document, in relation to an offer of eligible products under the GESP, means a document which includes, or is accompanied by, the following information, statements and explanations worded and presented in a clear, concise and effective manner:

- (a) prominent statements to the effect that:
 - (i) any advice given by the Issuer in relation to eligible products offered under the GESP does not take into account an eligible participant's objectives, financial situation and needs; and
 - (ii) eligible participants should consider obtaining their own financial product advice from a person who is licensed by ASIC to give such advice;
- (b) either:
 - (i) a copy of the terms of the GESP; or
 - (ii) a summary of the terms of the GESP together with a statement that, on request and at no charge and within a reasonable time, the Issuer will provide an eligible participant with a copy of the terms of the GESP;
- (c) general information about the risks of acquiring and holding an eligible product being offered under the GESP;
- (d) the acquisition price of the eligible products in Australian dollars or, where the acquisition price is to be worked out in the future under a formula, an explanation of how an eligible participant could calculate the acquisition price of the eligible products in Australian dollars were that formula applied at the date of the offer;

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Tabcorp Group entity means each of Tabcorp Holdings Limited ACN 063 780 709 and its related bodies corporate;

- (b) an offer of eligible products to an eligible participant under the GESB on terms that the eligible participant may renounce the offer in favour of a person covered by one of the following paragraphs is to be treated as an offer of eligible products to the eligible participant:
 - (i) an immediate family member of the eligible participant;
 - (ii) a company whose members comprise no persons other than the eligible participant or immediate family members of the participant;
 - (iii) a corporate trustee of a self-managed superannuation fund (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) where the eligible participant is a director of the trustee;
- (c) for the avoidance of doubt, a document or other writing to be given in connection with this instrument may be given by electronic means (including, in the case of a document or other writing to be given by the Issuer, by way of making it available on a website and notifying the intended recipient that it is available on the website).

Dated this 6th day of August 2015



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

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Table A

Column 1 Eligible financial market	Column 2 Eligible product	Column 3 Eligible participant
(a) ASX (also known as the Australian Securities Exchange).	(a) a fully paid share of the Issuer that is in a class of shares able to be traded on an eligible financial market.	(a) an eligible casual employee.

CORPORATIONS ACT 2001
SECTION 601AH(1)& 601AH(2)

Notice is hereby given that the registration of
the companies mentioned below have been reinstated.

Dated this fifth day of August 2015

Rosanne Bell
DELEGATE OF
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company	ACN
A.C.N. 004 234 753 PTY. LTD.	004 234 753
A.C.N. 074 754 279 PTY LTD	074 754 279
A.C.N. 088 663 272 PTY LTD	088 663 272
A.C.N. 153 792 360 PTY LIMITED	153 792 360
A.D. SI PTY LTD	159 459 284
A. DOHERTY NOMINEES PTY LIMITED	152 355 327
A.S.F. ENTERPRISES PTY LTD	076 481 395
A&R FORMWORK CONSTRUCTION PTY LTD	162 199 313
ACHTUND-8 INVESTMENT PTY LTD	095 117 490
ACN 066 181 913 PTY. LTD.	066 181 913
ACN 089 095 394 PTY LTD	089 095 394
ACN 106 333 251 PTY LIMITED	106 333 251
ACN 109 243 058 PTY LTD	109 243 058
ACN 121 784 674 PTY LTD	121 784 674
ACN 148 143 177 PTY LTD	148 143 177
ACQUIRE INSPIRE PTY. LTD.	135 424 805
ADAM'S POULTRY & MEATS PTY LTD	146 865 312
ADELFI PTY. LTD.	103 037 823
AD2 PROPERTY SERVICES PTY LTD	159 751 845
AFFORDABLE DEMOLITIONS & EXCAVATIONS PTY LTD	160 307 371
AFFORDABLE POWER PTY. LTD.	130 689 842
AGANROW INVESTMENTS PTY LIMITED	154 074 594
AHMAYA PTY LIMITED	121 027 325
AL'S RENDERING PTY LTD	139 849 157
ALAZAY ENTERTAINMENT PTY LTD	123 011 932
ALEX'S VEGETATION PTY LTD	142 932 554

Name of Company	ACN
ALIGLAZE CONSTRUCTION PTY LTD	155 059 368
AL RAFEDAIN SERVICES PTY. LTD.	158 503 381
AL3X TRANSPORT PTY LTD	162 638 342
AMA BUILDING PTY LTD	159 686 067
AMFIELD HOME TECHNOLOGY PTY LTD	140 768 841
AMMARK NOMINEES PTY. LTD.	118 042 685
ANDREW VLAHOV & ASSOCIATES PTY LTD	073 556 868
AOOLEN PTY LTD	119 129 510
ARIES GROUP PTY LTD	145 590 218
ARINIA NOMINEES PTY. LTD.	007 812 660
ASPAN HOLDINGS PTY LTD	154 915 401
AUS IT PTY. LTD.	147 914 323
AUSSIE CALL CENTRE PTY. LTD.	144 567 528
AUSSIE POOL & SPA PTY LTD	155 316 975
AUSTIN CONSULTING GROUP PTY LTD	111 037 711
B & A HEIDENREICH LANDSCAPING PTY. LTD.	007 901 215
B & J WALSH PTY LTD	141 993 357
BAR 9 PTY. LTD.	132 962 219
BEACH HOUSE RIGGING PTY LTD	133 510 077
BEING HUMAN RESOURCES PTY LTD	146 357 799
BENADE PTY. LIMITED	007 342 770
BENNELONG FRESH PTY LTD	162 531 964
BERNE NO. 66 PTY LTD	010 346 602
BEST TILING SOLUTIONS PTY LTD	147 554 532
BLATANT SMITH & ASSOCIATES PTY LTD	102 713 940
BLUE CHIP PROPERTY MANAGEMENT (NSW) PTY LIMITED	069 967 826
BLUEPRINT CONSTRUCTIONS PTY LTD	097 393 443
BLUE STAR HALAL BUTCHER PTY LTD	160 263 641
BLUESWAN HOLDINGS PTY LTD	076 017 153
BODYLINE PATIENT CARE PTY. LTD.	148 048 284
BOLDONG INVESTMENTS PTY LTD	143 332 763
BONA FIDES HOMES PTY LTD	129 935 600
BONING INTERNATIONAL INVESTMENT GROUP PTY LTD	132 977 256
BONTEMPO CONSTRUCTIONS PTY. LTD.	007 146 812
BOSUNDHARA GROUP PTY LTD	137 520 373
BOWEN BASIN SERVICES PTY LTD	159 793 576
BRACEFREE DENTAL SERVICES PTY LTD	144 817 194
BREEZELY PTY LTD	107 383 835

Name of Company	ACN
BRESCIA INDUSTRIES PTY LTD	006 359 655
BRK CONTRACTING PTY LIMITED	156 144 526
BULTON HOLDINGS PTY LTD	060 113 797
BUNGLES (AUSTRALIA) PTY. LTD.	058 497 635
BURDEKIN CARPENTRY SERVICES PTY. LTD.	116 413 524
BURKLEIGH CONSTRUCTIONS PTY LTD	079 976 739
B2T CARPENTRY PTY LTD	144 628 973
C.A.P CONSTRUCTION AND PLUMBING PTY LTD	123 558 645
CADZOW CONSTRUCTIONS PTY LTD	154 696 241
CAIRNS RD PROPERTY HOLDINGS PTY LTD	160 241 056
CAMERON"S VALLEY FRUITS PTY. LTD.	007 963 715
CAMIRE PTY LTD	132 653 251
CAPITAL HARVEST PTY. LTD.	131 018 374
CARLISLE BENTLEY PTY LTD	076 373 629
CARRINGBUSH CORPORATION PTY LIMITED	009 812 980
CARROLL & WEBBER PTY. LTD.	084 364 072
CASA PAYNE PTY LTD	122 762 109
CASUARINA ESTATES PTY LTD	098 500 228
CATCH 90 PTY LTD	002 490 968
C E A T SERVICES PTY LTD	002 816 659
CHECK N SAVE PTY. LTD.	162 155 231
CH INVESTMENT SOLUTIONS PTY LTD	106 090 037
CITADEL CARE PTY LTD	156 306 160
CJC CORPORATE PTY LTD	129 799 006
CLASSIC CARS AUSTRALIA PTY LTD	126 565 062
CLASSIC HOMES (1996) PTY LTD	073 175 283
CLOUD BASED CONSULTANTS PTY LTD	155 754 313
COLLENDINA PTY LTD	001 752 076
CULLEN CONSULTING GROUP PTY LTD	162 349 831
CUNNINGHAM DESIGNS PTY LTD	105 697 176
CUVAR GROUP PTY LTD	132 866 025
D. M. HANSEL PTY LIMITED	000 071 189
DAMPIER FINANCE AUSTRALIA SERVICES PTY LTD	139 090 976
DAPPA DEVELOPMENTS PTY LTD	154 261 631
DESIGNER PROPERTY SOLUTIONS PTY LTD	103 159 262
DJL DESIGNED FACADES PTY LTD	146 127 611
DOUBLE YOUJAY INVESTMENTS PTY LIMITED	087 468 380
DPSDOM PTY LTD	152 121 652

Name of Company	ACN
DRC NORRIS PTY LTD	118 156 460
E-STAR SHNOODLE PTY LTD	161 591 813
ECREST PTY LTD	122 068 204
EGENERATE PTY LTD	126 047 747
EIGHTY-SEVENTH STRATEGY PTY. LTD.	005 956 963
ELECTROFIRE PTY LTD	161 784 783
ELIKA SAM PTY. LTD.	161 782 127
ENVIROTEC PTY. LTD.	056 405 666
ESPERENCE II PTY LTD	162 018 368
EULAH PTY. LTD.	064 235 301
EUROPEAN WOOD FLOORING PTY LTD	154 897 515
EVERLONG NO. 2 PTY LTD	152 125 954
EXCELLENT PRO TILING PTY LTD	161 483 361
EXPACIFICON PTY LTD	094 360 077
EYE PRACTITIONER MANAGEMENT PTY LTD	115 716 633
F & D TIPPER HIRE PTY LIMITED	108 750 278
FAGA PTY LTD	004 606 982
FAHID TILING PTY LTD	160 077 136
FAM HAULAGE PTY LTD	122 012 766
FAST&SAFE SECURITY SERVICES PTY. LTD.	161 888 820
FEFOE PTY LTD	001 693 116
FIRE ASSIST PTY LTD	140 452 599
FIVE STRING PTY LTD	142 781 093
FLAVOUR-CONTEMPORARY DRINK CULTURE PTY. LTD.	103 177 788
FLYWILD PTY LTD	158 637 122
FOTO FRENZY PTY LTD	154 813 377
FSSH PTY LTD	134 829 833
G.W.J. TRANSPORT PTY. LTD.	162 089 198
GALAXY BUSINESS SOLUTIONS PTY LTD	140 404 244
GARCON BUGS AND MAGGOT PTY LTD	095 392 975
GARTLAND & COMPANY PTY LTD	002 362 110
GAURA PTY LTD	144 052 862
GEORGETTO PTY LTD	145 588 754
GLENMORE MV PTY LTD	150 170 700
GLENORA II PTY LTD	162 019 310
GLOBAL DRILLING CONSULTANTS PTY LTD	143 892 577
GMR WINDOW CLEANING PTY LTD	152 029 895
GORHAN COUSINS PTY LTD	130 480 492

Name of Company	ACN
GRACE MINING LIMITED	112 159 396
GRAND K PRODUCTIONS PTY LTD	148 212 613
GUSSY 12 PTY LTD	147 408 204
HANA AUSTRALIA PTY LTD	134 547 363
HARCLA CONSTRUCTIONS PTY LTD	063 113 619
HARCOURT ENTERPRISES PTY LTD	159 806 103
HECTARE HOLDINGS PTY LTD	050 219 933
HIGLEY CONSTRUCTIONS PTY LTD	159 474 209
HOME CO PTY LTD	146 901 126
HOOKY INVESTMENTS PTY LTD	126 167 119
HOT COFFEE CAFE PTY LTD	160 090 175
HYDRAULIC STEELS AUSTRALIA PTY LTD	162 892 971
HYVALE PTY. LTD.	150 897 055
IMPERFORATE PTY LTD	159 671 468
IMS DEVELOPMENT PTY LTD	077 822 765
IN HOUSE MASSAGE PTY LTD	149 508 234
INTERNATIONAL FORMWORK GROUP PTY LIMITED	127 858 815
INVET PTY LTD	154 709 752
J & M INTERNATIONAL PTY LTD	155 936 904
J & R DREW HOLDINGS PTY LTD	161 326 825
JADED LION PTY LTD	161 057 898
JAMS CONSULTANTS PTY. LTD.	137 221 473
JGRCO PTY LTD	140 619 790
JJ MCINTOSH PTY LTD	158 036 303
JODY VASSALLO PTY. LTD.	092 815 864
JUGGERNAUT SYSTEMS PTY LTD	153 708 206
JYE COOPER GROUP PTY LTD	148 942 732
K.M.R. ENTERPRISES PTY. LTD.	010 415 577
KADDOUR TARICK PTY LTD	152 225 404
KAYA RENDERING PTY LTD	134 104 699
KAYBA PTY LTD	132 653 242
KDCF PTY LTD	141 048 295
KINGEMEL PTY LTD	061 610 517
KINGSTYLE INVESTMENTS PTY LTD	080 531 086
KKN PROPERTIES PTY LTD	133 730 800
KOSTERS INDOOR PLANT HIRE PTY. LTD.	005 781 779
KRIS ROBERTS CONSULTANTS PTY. LTD.	146 646 559
L. & J. HAWLEY INVESTMENTS PTY LIMITED	125 167 375

Name of Company	ACN
L. & L. SAUNDERS INVESTMENTS PTY. LTD.	082 046 553
L.E.K. HOLDINGS PTY LTD	002 352 310
LAND TENURE SERVICES PTY LTD	131 744 502
LANKEY PTY LTD	159 921 427
LA REHN INVESTMENTS PTY LTD	129 812 451
LECRAB PTY. LTD.	063 277 092
LEITHEAD PTY. LTD.	154 703 232
LEX GROUP HOLDING PTY. LTD.	112 087 591
LFRG PTY LTD	153 723 338
LH CLARK PTY LTD	136 851 075
LINDEN DISTRIBUTORS PTY LTD	059 623 111
LM ENTERPRISE GROUP PTY LTD	153 988 080
LOGAN FAMILY PTY LTD	121 337 657
LONGREACH BRICKLAYING PTY LTD	139 355 570
LYONS EARTHMOVING & DEMOLITION PTY. LTD.	117 738 084
M.I. GROUP (AUST) PTY LTD	105 339 688
M.L.R. CINCOTTA PTY. LTD.	100 581 020
M.R. WORKS PTY LTD	106 987 240
M.T. CORPORATION INTERNATIONAL PTY. LTD.	112 161 047
MACHICO PTY LTD	003 432 184
MAINLAND PROPERTY DEVELOPMENT PTY LTD	107 581 359
MAINLAND PROPERTY GROUP PTY LTD	106 989 208
MAINLAND PROPERTY SYNDICATE PTY LTD	108 955 415
MARIBELS BUILDING & PLUMBING PTY LTD	153 985 141
MARINE SCAFFOLDING & RIGGING PTY LTD	152 351 034
MARIPOSA GROUP HOLDINGS PTY LTD	068 913 879
MARJADE (QLD) PTY LTD	123 055 783
MARKAM PARK PTY LTD	061 370 303
MARKETX PTY LTD	153 188 713
MARKTAN PTY LTD	128 434 177
MASTER STEEL (AUS) PTY LTD	145 099 921
MAXING PTY. LTD.	154 818 425
MELBOURNE HOLDINGS PTY LTD	009 254 166
MELISHAN INVESTMENTS PTY LTD	142 713 620
M I D GROUP PTY LTD	128 146 967
MIRAGE PHOTOGRAPHIC LABORATORIES PTY LTD	072 129 929
MIRIKLIS INVESTMENTS PTY LTD	147 953 071
MJ CORPORATION AUSTRALIA PTY LTD	154 639 522

Name of Company	ACN
MOONTRAN PTY LTD	003 260 795
MORELECT PTY LTD	146 632 377
MOVEMENT CONTROL PTY LTD	154 403 862
MOVING ON NOW PTY. LTD.	150 936 815
MST.D PTY LTD	160 982 589
MTD INVESTMENTS PTY LTD	159 276 810
MY HOME LAND PTY LTD	145 703 304
NAHLE 1ST GRADE TILING PTY LTD	160 276 737
NATE SHILLO INVESTMENTS PTY LTD	156 604 161
NEWSEST PTY LTD	063 452 666
NEWTOWN PROPERTY GROUP PTY LTD	153 100 791
NEW YOUNG GREEN GROUP PTY. LTD.	131 269 326
NG SUN LI TRANSPORT PTY LTD	155 048 285
NIMLANE PTY. LTD.	010 949 185
NJM BUILDING PTY LTD	144 614 246
NORTH 26 BUILDING SUPPLIES PTY LTD	132 714 893
NORVALE PROPERTIES PTY LTD	159 353 232
NPV SERVICES PTY LTD	144 845 518
NSJ MOTORS PTY LTD	138 195 972
OCIMS SOLUTIONS PTY LTD	159 297 202
OK SUPPORT SERVICES PTY LTD	137 956 793
ORANMEAD PTY LTD	002 295 847
OUR TRADING COMPANY PTY. LTD.	148 815 267
OZAKMAN PTY LTD	094 888 785
P.P. INVESTMENT NOMINEES PTY LTD	078 095 842
P & B BACCIARELLI PTY LTD	104 029 432
P AND J ANDERSON PTY LTD	114 671 037
PARADIES FRUITS PTY LTD	159 906 831
PARSLOW SERVICES PTY LTD	102 519 433
PAULA PRIOR CONSULTANTS PTY LTD	108 483 370
PCH EVENTS PTY LTD	121 488 962
PERREE-MIUM PTY LTD	158 290 530
PERSONAL INJURY COMPENSATION SERVICES PTY LIMITED	149 328 174
PITHARA INVESTMENTS PTY LTD	155 853 786
PLANNING PRINCIPLES PTY LTD	148 186 752
PLATINUM PRESTIGE SMASH REPAIRS PTY LTD	162 071 749
PORTAL PROPERTY GROUP PTY LTD	132 326 580
PRIME URBAN PROJECTS PTY LTD	109 231 085

Name of Company	ACN
PRINT ON DEMAND PTY LTD	133 651 475
PRO BUILD AUS PTY LTD	139 340 551
PROVIDENCE GULLY PTY LTD	108 949 542
PURWAY ENTERPRISES PTY. LTD.	092 811 857
QUICK LIFT DOORS PTY. LTD.	005 335 464
R. & L. HARRIS PROPRIETARY LIMITED	006 019 487
R.T. ROOF RESTORATIONS PTY LTD	095 634 432
RAW INTERNATIONAL CORPORATION PTY LTD	146 497 038
RAWMAX PTY LTD	154 384 371
RC GROUP AUST PTY LTD	164 000 462
REEF BALL AUSTRALIA PTY LTD	140 741 260
RESTAURANT GROUP (SYD) PTY LTD	162 773 935
REYWOB PTY LTD	127 225 361
RICHMOND BIZ PTY. LTD.	151 536 211
RNC INSTALATION PTY LTD	123 613 481
ROBIANS INVESTMENTS PTY LIMITED	074 395 789
ROD DODDRIDGE CONSULTING PTY LTD	152 418 892
RPEP HOLDINGS PTY LTD	120 840 397
RUTHERFORD COATINGS PTY LTD	152 691 300
S.A.B. DEVELOPMENTS PTY. LTD.	094 891 531
SAVVY AND SUCCESSFUL PTY LIMITED	137 237 202
SCHERHAZADE RESTAURANTS PTY LTD	120 249 809
SEBASTIAN ENGINEERING PTY LTD	001 695 807
SEBASTIAN FABRICATION SERVICES PTY LTD	111 171 843
SENGUPTA PTY LTD	002 171 539
SERENE SOLUTIONS PTY LTD	092 136 975
SHEOAK (AUST.) PTY LTD	076 392 204
SLIMEY INVESTMENTS PTY LTD	123 819 572
SMART ENERGY SERVICES PTY LTD	149 939 257
SMD LOGISTICS PTY LTD	132 949 467
SNIJDERS GROUP PTY LTD	161 401 823
SOLAR MART AUS PTY LTD	159 496 689
SONGLY COURIERS PTY LTD	160 679 514
SOUTHERN CROSS WORKSPACE AUSTRALIA PTY LTD	159 663 091
SPRINTTEC PTY LTD	085 133 080
STREETFIGHTER PTY LTD	141 232 313
SUN BUILDTECH PTY LTD	143 666 013
SUPERSTAR WAFFLES PTY. LTD.	155 125 901

Name of Company	ACN
SUPER WALSH PTY LTD	132 183 825
SURFSIDE 6 PTY. LTD.	124 295 272
SWAIN FAMILY SUPER PTY LTD	153 745 816
SWITCHTRONICS (QLD) PTY LTD	138 488 632
SYS SERVICES PTY LTD	112 219 002
T. & A. HOLDINGS PTY LTD	008 933 953
TAPPAT ENGINEERING PTY LTD	002 595 780
TB & LJ CONCRETING PTY. LTD.	152 217 420
TECHNOLOGY PROFESSIONALS PROPRIETARY LIMITED	117 917 432
TELLUS PTY LTD	149 010 873
THE MEDIPEDI NAIL SPA PTY LIMITED	152 014 607
THE PTH SUPER FUND PTY LTD	161 681 241
THIRTY-SECOND VOCATION PTY. LTD.	007 235 681
THIS IS MY LIFE (AUST) PTY LTD	161 283 558
THORP TRANSPORT PTY LTD	088 994 067
THREEBM PTY LTD	139 039 857
TIEMAN HOLDINGS PROPRIETARY LIMITED	004 570 129
TIMESTAR INVESTMENTS PTY LTD	107 942 110
TIROFOG PTY. LTD.	134 702 971
TJ & LM JAMES INVESTMENTS PTY LTD	140 519 160
TOMATO RELISH PTY LTD	110 591 798
TOORANGTOO PTY LTD	147 203 085
TPM HOLDINGS (VIC.) PTY LTD	106 986 001
TREVITT INVESTMENTS (AUST) PTY LTD	153 850 161
TREVITT SUPER INVESTMENTS (AUST) PTY LTD	153 850 170
TWOELS PTY LTD	133 042 645
TYRONE PART 2 PTY LTD	154 531 898
U-TURN PTY. LTD.	161 858 420
UNDERWOOD PUBLISHING PTY. LIMITED	003 037 901
VASHISHT ADVERTISING AND MEDIA PTY LTD	159 817 964
VINYL & DISC PTY LTD	132 939 121
VMAKS BUILDERS PTY LTD	141 054 613
VUECON PTY LTD	118 297 215
WANDANI PTY LTD	001 698 684
WANG'S TRADING PTY LTD	154 596 540
WANG AND YANG HEALTH SERVICE PTY LTD	155 721 323
WANG MASTER PLASTER PTY LTD	156 219 448
WCD SUPER FUND PTY LTD	153 939 710

Name of Company	ACN
WHISTLER HARDE INVESTMENTS PTY LTD	127 361 951
WONGALA HOLDINGS PTY LTD	000 903 542
WOODY POINT INVESTMENTS PTY LTD	104 441 081
XE SERVICES PTY LTD	107 608 462
XPRESSO MOBILE COFFEE PTY LTD	103 910 023
XTU PTY LTD	140 390 307
YOUNGHEART ANIMATION PTY. LIMITED	106 039 454
YOUNG POH FAMILY PTY LTD	137 509 678
YOUR BREAK PTY. LTD.	129 676 786
YOUR PROPERTY PARTNERS AUSTRALASIA PTY LTD	147 961 537
YUSEON PTY. LTD.	161 569 535
ZAHTON PTY LTD	063 889 047
ZANARI (NT) PTY LTD	105 159 797
ZANDA PTY LTD	091 381 458
1300 BUGMAN PTY LTD	159 351 390
3G DEVELOPMENTS PTY LIMITED	119 998 382

CORPORATIONS ACT 2001

Section 601CC(3)

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

Dated this seventh day of August 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company

ARBN

INSTITUTE OF FINANCIAL SERVICES INC.

124 697 178

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 seventh day of August 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

ARSN

AUSBIL INVESTMENT TRUSTS - AUSBIL AUSTRALIAN SPECIAL SITUATIONS FUND	133 486 567
AUSBIL INVESTMENT TRUSTS - DEXIA DIVERSIFIED INCOME FUND	130 665 502

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 seventh day of August 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

ARSN

BRISBANE INDUSTRIAL PROPERTY TRUST

110 841 140

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.

ALCEON EAGLE PTY LIMITED

ACN 602 320 712 will change to a public company limited by shares. The new name will be ALCEON EAGLE LIMITED ACN 602 320 712.

BLUE-LEAFED MALLEE LIMITED

ACN 122 824 275 will change to a proprietary company limited by shares. The new name will be BLUE-LEAFED MALLEE PTY LTD ACN 122 824 275.

CARSELDINE GARDENS PTY LIMITED

ACN 606 191 271 will change to a public company limited by shares. The new name will be CARSELDINE GARDENS LIMITED ACN 606 191 271.

COSMETIC CHOICE LTD ACN 116 411 708

will change to a proprietary company limited by shares. The new name will be COSMETIC CHOICE PTY LTD ACN 116 411 708.

SUMMIT CAPITAL LTD ACN 097 771 634

will change to a proprietary company limited by shares. The new name will be SUMMIT CAPITAL PTY LTD ACN 097 771 634.

Corporations Act 2001