



**ASIC**

Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette

No. A45/15, Tuesday, 27 October 2015

Published by ASIC

# ASIC Gazette

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#### RIGHTS OF REVIEW

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

ISSN 1445-6060 (Online version)  
ISSN 1445-6079 (CD-ROM version)

Available from [www.asic.gov.au](http://www.asic.gov.au)  
Email [gazette.publisher@asic.gov.au](mailto:gazette.publisher@asic.gov.au)

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15-0940

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-0940.

**Commencement**

3. This instrument commences on 14 October 2015.

**Declaration**

4. Chapter 6D of the Act applies to Soon Mining Limited ACN 603 637 083 (the *Issuer*) as if Part 6D.2 were modified or varied as follows:
  - (a) omit paragraph 723(3)(b), substitute:
    - “(b) the securities are not admitted to quotation within 3 months after the later of:
      - (i) the date of the disclosure document; and
      - (ii) the date of the latest supplementary disclosure document for the offer lodged with ASIC which:
        - (A) discloses that the securities are not admitted to quotation; and
        - (B) gives applicants 1 month to withdraw their application and be repaid”;
  - (b) in paragraph 724(1)(a), omit the words “and that condition is not satisfied within 4 months after the date of the disclosure document”, substitute:
    - “and that condition is not satisfied within 4 months after the later of:
      - (iii) the date of the disclosure document; and
      - (iv) the date of the latest supplementary disclosure document for the offer lodged with ASIC which:
        - (A) discloses that the condition has not been satisfied; and
        - (B) gives applicants 1 month to withdraw their application and be repaid”;

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(c) omit subparagraph 724(1)(b)(ii), substitute:

“(ii) the securities are not admitted to quotation within 3 months after the later of:

- (A) the date of the disclosure document; and
- (B) the date of the latest supplementary disclosure document for the offer lodged with ASIC that discloses that the securities are not admitted to quotation and gives applicants 1 month to withdraw their application and be repaid”; and

(d) after subsection 724(1A), insert:

“(1B) Where a supplementary disclosure document of the kind referred to in subparagraphs (1)(a)(iv) or (1)(b)(ii)(B) is lodged with ASIC, the person offering the securities must give the applicants:

- (i) that supplementary disclosure document; and
- (ii) 1 month to withdraw their application and be repaid.”

**Where this instrument applies**

5. This instrument applies in relation to an offer or issue of securities of the Issuer under a prospectus lodged with ASIC on 17 July 2015 where the Issuer has advised ASIC that it will lodge a supplementary prospectus with ASIC on or around 16 October 2015 which describes the need for, and effect of, the relief provided in this instrument.

Dated this 14th day of October 2015



.....

Signed by Ben Phillips  
as a delegate of the Australian Securities and Investments Commission

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**Australian Market Licence (Chi-X Australia Pty Ltd) Variation  
Notice 2015 (No. 1)**

*Corporations Act 2001*

I, KENY O'DWYER, make this Variation  
under section 796A of the *Corporations Act 2001* (the Act).

Dated 10 October 2015

  
Signed: \_\_\_\_\_

**1. Name of variation**

This variation is the *Australian Market Licence (Chi-X Australia Pty Ltd) Variation Notice 2015 (No. 1)*.

**2. Commencement**

This Variation commences on the day it is published in the *Gazette*.

**3. Variation**

The Schedule varies the Australian Market Licence (Chi-X Australia Pty Ltd) 2011.

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**Schedule      Variation****[1] Section 3***Omit the following definitions**Cash, cash flow, cash flow positive, eligible financial provider, net tangible assets, quarter.***[2] Section 3***Insert new definitions****compensation rules** has the meaning given by section 880B of the Act.****derivative** has the meaning given by section 781D of the Act.****operating rules** has the meaning given by section 761A of the Act.***[3] Subsection 5(b)***Omit  
"Act; and"**Substitute  
"Act;"***[4] Subsection 5(c)***Omit  
"Act."**Substitute  
"Act; and"***[5] After subsection 5(c)***Insert  
"(d) derivatives."***[6] Section 7***Omit the section, substitute**\*(1) The minimum amount of cover required for the Division 3 arrangements is the greater of:*

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- (a) \$ 10,200,000; and
  - (b) the total of the amounts specified in paragraphs 11.2(a) and (b) of the Chi-X compensation rules.
- (2) The source of funds for the Division 3 arrangements must include a fidelity fund of a minimum amount of the greater of:
- (a) \$200,000; and
  - (b) the amount specified under paragraph 11.2(a) of the Chi-X compensation rules,
- and may include one or more of the following:
- (a) insurance arrangements;
  - (b) an irrevocable letter of credit

Note: Any change to paragraphs 11.2(a) or 11.2(b) of the Chi-X compensation rules requires the approval of the Minister under section 884C of the Act.

[8] **Section 8**

*Omit the section and substitute*

**8. Conditions which must be satisfied before Chi-X permits a class of financial product admitted to quotation on the market under the Chi-X operating rules, to be quoted and traded on the market**

- (1) Chi-X must not permit any class of financial product admitted to quotation on the market under the Chi-X operating rules, to be quoted and traded on the market, unless all of the following are satisfied:
- (a) the documents and information referred to in subsections (2) to (5) are given to ASIC, dated not more than 30 days before being given to ASIC;
  - (b) ASIC has confirmed to Chi-X in writing that the conditions set out in subsections (2) to (6) are satisfied; and
  - (c) 14 days have elapsed after the confirmation mentioned in paragraph (b) was given.
- (2) For each class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules Chi-X must give to ASIC copies of Chi-X board resolutions attesting to the following:
- (a) that Chi-X's governance framework is adequate for the purposes of testing of technology systems that will be used to support the market for the relevant class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market;

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- (b) that Chi-X's testing of its technology systems that will be used to support the market for the relevant class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market, is adequate and appropriate including without limitation, testing of all necessary external connections which Chi-X needs to have in place to operate the market according to the governance framework; and
- (c) that Chi-X's technology systems are operationally ready to permit the relevant class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules, to be quoted and traded on the market.
- (3) Chi-X must confirm to ASIC in writing that it has employed or engaged all necessary people in all of the positions described in its application under subsection 798A(2) of the Act, and that as a result, it has sufficient human resources to operate the market properly in accordance with its obligations under paragraph 792A(d) of the Act;
- (4) For the purposes of section 7 (Compensation arrangements):
- (a) For each new class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market Chi-X must give to ASIC a written confirmation by a person approved by ASIC and engaged on terms and conditions acceptable to ASIC, including as to the scope of the person's work:
- (i) of the adequacy of Chi-X's current Division 3 arrangements; and
  - (ii) the minimum amount of cover required for Division 3 arrangements taking into account the new class of financial product proposed to be admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market ;
- (b) if the minimum amount of cover under subparagraph (4)(a)(ii) is greater than \$10,200,000:
- i. Chi-X must apply to change the minimum amount of cover required for its Division 3 arrangements, under section 884C of the Act;
  - ii. if approved by the Minister, Chi-X must change rule 11.2 of the Chi-X compensation rules to give effect to the change that has been approved; and
  - iii. Chi-X must give to ASIC written evidence of the source of funds for the changed Division 3 arrangements;

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iv. Chi-X must give to ASIC written evidence that Chi-X has in place its Division 3 arrangements as required in section 7.

(5) Chi-X must give to ASIC:

- (a) written confirmation that it has an agreement in place with a CS facility licensee for the clearing and settlement of any new class of financial product admitted to quotation on the market under the Chi-X operating rules, and made available for quotation and trade on the market;
- (b) Chi-X must give to ASIC a copy of the agreement(s) it has entered into with any CS facility licensee and any third party service provider that enable the clearing and settlement of any new class of financial product admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market;
- (c) for any CS facility licensee which Chi-X has entered into an agreement described in paragraph (5)(a), Chi-X must give to ASIC a written confirmation that that CS facility licensee has systems and procedures in place to manage the clearing and settlement of the proposed new class of financial product admitted to quotation on the market under the Chi-X operating rules and made available for quotation and trade on the market.

(6) ASIC must be satisfied that Chi-X is operationally ready to permit a proposed new class of financial product admitted to quotation on the market under the Chi-X operating rules, to be quoted and traded on the market.

[9] Section 9

*Omit the section*





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**ASIC**

Australian Securities &amp; Investments Commission

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

**Notice of Suspension of an Australian Financial Services Licence**

**TO:** Provident Capital Limited  
ACN 082 735 573 ("the Licensee")  
c/o PPB Advisory  
Level 11, MLC Centre  
19 Martin Place  
Sydney NSW 2000.

Under paragraph 915B(3)(b) of the *Corporations Act 2001* (the *Act*), the Australian Securities and Investments Commission (*ASIC*) hereby suspends Australian Financial Services Licence Number 225172 (*Licence*) held by Provident Capital Limited ACN 082 735 573 (the *Licensee*) until 15<sup>th</sup> April 2016 unless the suspension is revoked earlier by ASIC.

Under section 915H of the *Act*, ASIC specifies that the Licence continues in effect as though the suspension had not happened for the purposes of the provisions of the *Act* specified in Schedule B in relation to the matters specified in Schedule A.

**Schedule A**

The provision by the Licensee of financial services that:

- (a) are reasonably necessary for, or incidental to, the winding up of the Provident Capital Monthly Income Fund ARSN 134 487 362; and

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(b) only relate to dealing in debentures.

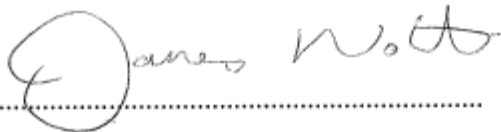
### Schedule B

The following provisions of the Act:

- (a) Chapter 5C; and
- (b) Chapter 7, other than the provisions of Parts 7.2, 7.3, 7.4 and 7.5.

Dated this 16<sup>th</sup> day of October 2015.

Signed

.....

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

15-0962

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-0962.

**Commencement**

3. This instrument commences on gazettal.

**Exemption**

4. Yacht Share Mediterranean Pty Ltd ACN 602 811 290 (Yacht Share) does not have to comply with subsection 601ED(5) of the Act in relation to the operation of a Yacht Share Syndicate.
5. Yacht Share does not have to comply with the requirement to hold an Australian financial services licence for the provision of financial services in relation to a Yacht Share Syndicate.

**Where this instrument applies**

6. Yacht Share in relation to a Yacht Share Syndicate, must take reasonable steps to ensure that:
  - (a) the Product Disclosure Statement for offers of Yacht Share Syndicate interests for issue or sale prominently discloses the following in a clear, concise and effective manner:
    - (i) a Yacht Share Syndicate interest is not an investment product and is not intended to provide the holder of the interest with a financial return;
    - (ii) a Yacht Share Syndicate interest is likely to be illiquid because of the absence of a secondary market for the trading of the interest;

- (iii) a description of the material terms and conditions of the Yacht Share Mediterranean Syndicate Agreement and Rule Book in relation to the Yacht Share Syndicate, including:
    - (A) the rights of a person to withdraw an application for Yacht Share Syndicate interests and that there is no obligation for Yacht Share to purchase or redeem a Yacht Share Syndicate interest after the expiration of the period to make such an application; and
    - (B) the circumstances in which the holders of Yacht Share Syndicate interests may elect a new manager of the Yacht Share Syndicate;
  - (iv) that Yacht Share does not hold an Australian financial services licence under the Act for the provision of financial services in relation to the Yacht Share Syndicate and is not regulated by ASIC as financial services licensees; and
  - (v) the Yacht Share Syndicate is not registered as a managed investment scheme under the Act; and
  - (vi) a person who applies for a Yacht Share Syndicate interest may, by written notice to Yacht Share within 14 days after the date the application form is signed by the person (**Cooling Off Period**), withdraw the application and require Yacht Share promptly to repay any application money (without deducting any fees or expenses, except for those reasonable fees or expenses permitted under the Yacht Share Mediterranean Syndicate Agreement and Rule Book); provided that the person is not in material default of the Yacht Share Mediterranean Syndicate Agreement and Rule Book .
7. All application monies for the acquisition for a Yacht Share Syndicate interests are held in a trust account with an Australian ADI until the interests are issued or transferred to the applicant or the application monies are returned to the applicant.
  8. Scheme property held in cash or on deposit in financial institutions must be held in a trust account.
  9. Syndicate interests are not issue or transferred before the expiration of the Cooling Off Period.
-

10. Yacht Share must take reasonable steps to become and remain a member of an external dispute resolution scheme:
- (a) approved by ASIC under subparagraph 912A(2)(b)(i) of the Act; and
  - (b) that covers complaints in relation to a Yacht Share Syndicate made by holders of Yacht Share Syndicate interests in connection with the operation of that Yacht Share Syndicate.

#### **Interpretation**

11. For the purpose of this instrument:

*Yacht Share Syndicate interest* means an interest in a Yacht Share Syndicate.

*Yacht Share Syndicate* means a managed investment scheme, each interest in which confers rights and entitlements on a holder of a share in a syndicate to own as tenants in common, use, occupy or possess (except for illegal activities or for the purpose of providing transportation of passengers or cargo in sea commerce for compensation or hire) for recreation on a limited time share basis over the three year period for which the scheme is to operate, a yacht and certain associated equipment, where:

- (a) the number of holders of interests in each Yacht Share Syndicate does not exceed 6 persons; and
- (b) the management of the yacht, including as to maintenance, repairs, scheduling, berthing, regulatory compliance and sale, is carried out by Yacht Share in accordance with Yacht Share Mediterranean Syndicate Agreement and Rule Book .

*Yacht Share Mediterranean Syndicate Agreement and Rule Book* means an agreement between Yacht Share and the Yacht Share Syndicate members under which the Yacht Share Syndicate members appoint Yacht Share to purchase, manage the day to day operation and maintenance and which is in substantially the same form as that provided to ASIC on 14 October 2015.

Dated this 21<sup>st</sup> day of October 2015



Signed by Gerald Yip  
as a delegate of the Australian Securities and Investments Commission

15-0967

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-0967.

**Commencement**

3. This instrument commences on 16 October 2015.

**Declaration**

4. Chapter 6D of the Act applies to a person who holds ordinary shares in BWX Limited ACN 163 488 631 (*BWX*) as if section 707 was modified or varied by omitting subsections 707(3) and (4) and substituting the following subsections:

"(3) An offer of a body's securities for sale within 12 months after their issue needs disclosure to investors under this Part if the body issued the securities:

(a) without disclosure to investors under this Part; and

(b) with the purpose of the person to whom they were issued:

(i) selling or transferring them; or

(ii) granting, issuing or transferring interests in, or options or warrants over, them;

and section 708 or 708A does not say otherwise.

(4) Unless the contrary is proved, a body is taken to issue securities with the purpose referred to in paragraph (3)(b) if any of the securities are subsequently sold, or offered for sale, within 12 months after their issue."

**Where this instrument applies**

5. This instrument applies to an offer of ordinary shares in BWX for sale by the holder of those shares where:
  - (a) disclosure was not required under section 708 of the Act when the shares were issued to the holder of those shares in connection with a bookbuild or other

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process for the application for ordinary shares in BWX (*Bookbuild Process*);  
and

- (b) the Bookbuild Process was conducted prior to lodgement with ASIC of the prospectus for the proposed initial public offer of fully paid ordinary shares in BWX (*IPO*); and
- (c) the shares are issued after the completion of the IPO; and
- (d) a prospectus is lodged with ASIC by BWX in relation to the IPO on or about 20 October 2015; and
- (e) the offer of the shares for sale occurs within 12 months of the issue of those shares.

Dated this 16<sup>th</sup> day of October 2015



Signed by Sebastian Strykowski  
as a delegate of the Australian Securities and Investments Commission

15-0972

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-0972.

**Commencement**

3. This instrument commences on 19 October 2015.

**Declaration**

4. Chapter 6D of the Act applies to Golden Eagle Mining Ltd ACN 145 676 900 (the *Issuer*) as if Part 6D.2 were modified or varied as follows:
  - (a) omit paragraph 723(3)(b), substitute:
    - “(b) the securities are not admitted to quotation within 3 months after the later of:
      - (i) the date of the disclosure document; and
      - (ii) the date of the latest supplementary disclosure document for the offer lodged with ASIC which:
        - (A) discloses that the securities are not admitted to quotation; and
        - (B) gives applicants 1 month to withdraw their application and be repaid”;
  - (b) in paragraph 724(1)(a), omit the words “and that condition is not satisfied within 4 months after the date of the disclosure document”, substitute:
    - “and that condition is not satisfied within 4 months after the later of:
      - (iii) the date of the disclosure document; and
      - (iv) the date of the latest supplementary disclosure document for the offer lodged with ASIC which:
        - (A) discloses that the condition has not been satisfied; and
        - (B) gives applicants 1 month to withdraw their application and be repaid”;
  - (c) omit subparagraph 724(1)(b)(ii), substitute:
    - “(ii) the securities are not admitted to quotation within 3 months after the later of:
      - (A) the date of the disclosure document; and



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- (B) the date of the latest supplementary disclosure document for the offer lodged with ASIC that discloses that the securities are not admitted to quotation and gives applicants 1 month to withdraw their application and be repaid"; and

(d) after subsection 724(1A), insert:

“(1B) Where a supplementary disclosure document of the kind referred to in subparagraphs (1)(a)(iv) or (1)(b)(ii)(B) is lodged with ASIC, the person offering the securities must give the applicants:

- (i) that supplementary disclosure document; and  
(ii) 1 month to withdraw their application and be repaid.”.

**Where this instrument applies**

5. This instrument applies:

- (a) in relation to an offer or issue of securities of the Issuer under a disclosure document lodged with ASIC on 3 August 2015 that replaces a disclosure document dated 20 July 2015 lodged with ASIC; and
- (b) where the Issuer has lodged a supplementary disclosure document on or after the date of this instrument which describes the need for, and effect of, the relief provided in this instrument.

Dated this 19<sup>th</sup> day of October 2015



Signed by Tashreen Tourabaly  
as a delegate of the Australian Securities and Investments Commission

15-0973

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument [15/0973].

**Commencement**

3. This instrument commences on 19 October 2015.

**Exemption**

4. A fully paid ordinary share (*Share*) in BWX is exempt from subsection 1020B(2) of the Act.

**Where exemption applies**

5. The exemption applies to a sale of Shares where all of the following are satisfied:
  - (a) ASX has declared a conditional market in relation to the trading of the Shares in accordance with the ASX operating rules;
  - (b) the Shares are sold within the period covered by the declaration where:
    - (i) the sale occurs on a financial market operated by ASX or Chi-X; or
    - (ii) the sale is required to be reported to an operator of a financial market under the *ASIC Market Integrity Rules (Competition in Exchange Markets) 2011*;
  - (c) the seller of those Shares has, before the time of sale, entered into a contract to buy those Shares (including a contract formed under the Prospectus) and has a right to have those Shares vested in the seller that is conditional only upon all or any of the following:
    - (i) payment of the consideration in respect of the purchase;
    - (ii) the receipt by the seller of a proper instrument of transfer in respect of the Shares;

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- (iii) the transfer to SaleCo of some or all Existing Shares held by the Selling Shareholders;
- (iv) the issue of New Shares by BWX to successful applicants under the Prospectus;
- (v) the transfer of Existing Shares by SaleCo to successful applicants under the prospectus; and
- (vi) settlement occurring in accordance with the Underwriting Agreement.

**Interpretation**

6. In this instrument:

*ASX* means ASX Limited ACN 008 624 691.

*ASX operating rules* means the operating rules of ASX as in force as at the date of this instrument.

*BWX* means BWX Limited ACN 163 488 631.

*Chi-X* means Chi-X Australia Pty Limited ACN 129 584 667.

*Existing Shares* means Shares held by shareholders of BWX as at the date of lodgement of the Prospectus with ASIC.

*New Shares* means the Shares to be issued by BWX under the Prospectus.

*Prospectus* means the prospectus of BWX and SaleCo dated on or about 20 October 2015.

*SaleCo* means BWX SaleCo Limited ACN 607 622 480.

*sell* has a meaning affected by subsection 1020B(7) of the Act.

*Selling Shareholder* means those shareholders of BWX who are specified in the Prospectus as having agreed to sell some or all of their Existing Shares to SaleCo prior to BWX being listed on the financial market operated by ASX.

*Underwriting Agreement* means the agreement dated 1 October 2015 between the BWX, SaleCo and Bell Potter Securities Limited ACN 006 390 772 for the offer of Shares made under the Prospectus.

Dated this 19<sup>th</sup> day of October 2015



Signed by Sebastian Strykowski  
as a delegate of the Australian Securities and Investments Commission

15-0974

**NOTICE UNDER SECTION 920E OF THE CORPORATIONS ACT 2001**

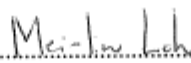
Notice is given under section 920E of the Corporations Act 2001 that the Australian Securities and Investments Commission has made a banning order in the terms set out below, which order took effect on 14<sup>th</sup> October 2015.

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

To: Isaac Hakim

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

Dated this 7th day of October 2015.

Signed:  .....  
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.



15-0976

**ASIC**

Australian Securities &amp; Investments Commission

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsection 601CK(7) — Revocation and Declaration**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this revocation and declaration under subsection 601CK(7) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument [15-0976].

**Commencement**

3. This instrument commences on gazettal.

**Revocation**

4. ASIC Instrument [15-0964] is revoked.

**Declaration**

5. Section 601CK does not apply to the Board of Trade of the City of Chicago, Inc. ARBN 110 594 459 (*CBOT*), a foreign company incorporated in the State of Delaware in the United States of America in relation to a financial year ending on or after 31 December 2015 (*the relevant financial year*).

**Where this instrument applies**

6. This instrument applies where:
  - (a) CBOT is registered under Division 2 of Part 5B.2 of the Act; and
  - (b) CBOT is not required by the law of the place of its incorporation or formation to prepare:
    - (i) a balance sheet at the end of the relevant financial year;
    - (ii) a profit and loss statement for the relevant financial year; or
    - (iii) a cash flow statement for the relevant financial year;
  - (c) CBOT has not engaged in any activities in Australia other than those contemplated by the *Australian Market Licence (Board of Trade of City of Chicago Inc) 2005* granted to CBOT by the Minister on 7

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December 2005 (as varied from time to time) during the relevant financial year;

- (d) CBOT has not been a disclosing entity, a borrower in relation to a debenture or a guarantor of such a borrower in Australia at any time during the period commencing at the start of the relevant financial year and ending on the day on which CBOT lodges a return under s601CK(9) of the Act following the end of the relevant financial year;
- (e) CBOT's ultimate holding company is CME Group Inc., a company incorporated in the State of Delaware in the United States of America;
- (f) CME Group Inc. has lodged with the United States Securities and Exchange Commission an annual report (*Form 10-K*) which includes in relation to CME Group Inc. and its subsidiaries (including CBOT), the following:
  - (i) Consolidated Balance Sheets;
  - (ii) Consolidated Statements of Income;
  - (iii) Consolidated Statements of Comprehensive Income;
  - (iv) Consolidated Statements of Equity; and
  - (v) Consolidated Statements of Cash Flows;(collectively, *the consolidated financial statements*), for the relevant financial year within 4 months after the end of the relevant financial year.
- (g) CBOT has lodged a return in the form prescribed for the purposes of s601CK(9) of the Act with ASIC within 4 months after the end of the relevant financial year with a copy of the most recent Form 10-K and most recent consolidated financial statements for CME Group Inc. attached.

#### Cessation

7. The declaration in paragraph 5 of this instrument ceases to apply on 20 October 2018.

Dated the 20<sup>th</sup> day of October 2015.



Signed by Lorraine Mizzi  
as a delegate of the Australian Securities and Investments Commission



15-0977

ASIC

Australian Securities &amp; Investments Commission

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsection 601CK(7) — Revocation and Declaration**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this revocation and declaration under subsection 601CK(7) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument [15-0977].

**Commencement**

3. This instrument commences on gazettal.

**Revocation**

4. ASIC instrument [15-0965] is revoked.

**Declaration**

5. Section 601CK does not apply to the New York Mercantile Exchange, Inc. ARBN 113 929 436 (*NYMEX*), a foreign company incorporated in the State of Delaware in the United States of America in relation to a financial year ending on or after 31 December 2015 (*the relevant financial year*).

**Where this instrument applies**

6. This instrument applies where:
  - (a) NYMEX is registered under Division 2 of Part 5B.2 of the Act; and
  - (b) NYMEX is not required by the law of the place of its incorporation or formation to prepare:
    - (i) a balance sheet at the end of the relevant financial year;
    - (ii) a profit and loss statement for the relevant financial year; or
    - (iii) a cash flow statement for the relevant financial year;
  - (c) NYMEX has not engaged in any activities in Australia other than those disclosed to ASIC on 13 October 2015 during the relevant financial year;

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- (d) NYMEX has not been a disclosing entity, a borrower in relation to a debenture or a guarantor of such a borrower in Australia at any time during the period commencing at the start of the relevant financial year and ending on the day on which CBOT lodges a return under s601CK(9) of the Act following the end of the relevant financial year;
- (e) NYMEX's ultimate holding company is CME Group Inc., a company incorporated in the State of Delaware in the United States of America;
- (f) CME Group Inc. has lodged with the United States Securities and Exchange Commission an annual report (*Form 10-K*) which includes in relation to CME Group Inc. and its subsidiaries (including NYMEX), the following:
  - (i) Consolidated Balance Sheets;
  - (ii) Consolidated Statements of Income;
  - (iii) Consolidated Statements of Comprehensive Income;
  - (iv) Consolidated Statements of Equity; and
  - (v) Consolidated Statements of Cash Flows;(collectively, *the consolidated financial statements*) for the relevant financial year within 4 months after the end of the relevant financial year.
- (g) NYMEX has lodged a return in the form prescribed for the purposes of s601CK(9) of the Act with ASIC within 4 months after the end of the relevant financial year with a copy of the most recent Form 10-K and most recent consolidated financial statements for CME Group Inc. attached.

**Cessation**

7. The declaration in paragraph 5 of this instrument ceases to apply on 20 October 2018.

Dated the 20<sup>th</sup> day of October 2015.

Signed by Lorraine Mizzi  
as a delegate of the Australian Securities and Investments Commission



15-0978

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

**Enabling Legislation**

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

**Title**

2. This instrument is ASIC instrument 15-0978.

**Commencement**

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

**Exemption**

4. BetaShares Capital Ltd ACN 139 566 868 (*responsible entity*) in its capacity as the responsible entity for the BetaShares Managed Risk Global Share Fund (managed fund), ARSN 608 056 962 (*Scheme*), an AQUA managed fund, does not have to comply with paragraph 601FC(1)(d) of the Act to the extent that it would prevent the responsible entity from permitting only authorised participants to withdraw from the Scheme.

**Where the exemption applies**

5. The exemption in paragraph 4 applies where all of the following are satisfied:
  - (a) there is a Product Disclosure Statement (the *PDS*) in relation to interests in the Scheme that are admitted to Trading Status as a Managed Fund Product that includes statements to the effect that:
    - (i) The Responsible Entity will aim to achieve the investment objective by investing the Fund's assets into a portfolio that provides exposure to a passively managed, broadly diversified basket of global shares, generally consisting of at least 1,500 of the largest companies listed on the stock exchanges of the world's major economies, weighted by their market capitalisation (the "Securities Portfolio") and selling exchange-traded futures contract to manage volatility and cushion down side risk;

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

**Conditions**

6. The responsible entity must take reasonable steps to ensure that the following information is publicly available during each Trading Day on the responsible entity's website:
  - (a) full particulars of the composition of the Securities Portfolio and futures contracts; and
  - (b) the net asset value per interest in the Scheme, or where there is more than one class of interests, the net asset value per interest for each class of interests.

**Interpretation**

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

## 15-0978

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.

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

*authorised participant* means, in relation to the Scheme, a person who:

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

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

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

*net asset value per interest* means:

- (a) for the Scheme, the total assets of the Scheme less the total liabilities of the Scheme (disregarding any liability to a member of the Scheme as a member), divided by the number of interests in the Scheme; and
- (b) for a class of interests in the Scheme, the total assets attributable to that class of interests less the total liabilities attributable to that class of interests (disregarding any liability to a member of the Scheme as a member), divided by the number of interests in that class.

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

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

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

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*withdrawal fee per interest* means, in relation to the Scheme, the fee that is payable in relation to a withdrawal from the Scheme divided by the number of interests in the Scheme to which the withdrawal relates.

Dated this 21<sup>st</sup> day of October 2015

A handwritten signature in black ink, appearing to be 'Jonathan Hatch', written in a cursive style.

Signed by Jonathan Hatch  
as a delegate of the Australian Securities and Investments Commission

15-0979

**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 15-0979.

**Commencement**

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

**Exemption**

4. BetaShares Capital Ltd ACN 139 566 868 (*responsible entity*) in its capacity as the responsible entity for the BetaShares Managed Risk Global Share Fund (managed fund), ARSN 608 056 962 (*Scheme*), an AQUA managed fund, does not have to comply with section 1017B of the Act.

**Where this exemption applies**

5. The exemption in paragraph 4 applies where interests in the Scheme remain admitted to Trading Status as a Managed Fund Product.

**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:

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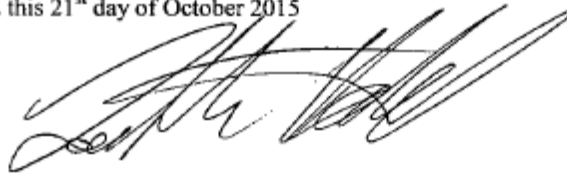
***AQUA managed fund*** means a registered scheme with interests admitted to Trading Status as a Managed Fund Product on the financial market operated by ASX under the provisions of the operating rules of ASX relating to what is referred to in those rules as the AQUA market.

***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 ASX operating rules as at the date of this instrument.

Dated this 21<sup>st</sup> day of October 2015

A handwritten signature in black ink, appearing to read 'Jonathan Hatch', is written over a faint, illegible stamp or watermark.

Signed by Jonathan Hatch  
as a delegate of the Australian Securities and Investments Commission

15-0980

**Australian Securities and Investments Commission  
Corporations Act 2001 — Paragraphs 601QA(1)(a), 911A(2)(l) and 1020F(1)(a) —  
Exemptions**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-0980.

**Commencement**

3. This instrument commences on gazettal.

**Exemptions**

2. Sirius Resources NL ACN 009 150 083 (*Sirius*) does not have to comply with:
  - (a) section 601ED of the Act in relation to the Sale Facility; and
  - (b) Divisions 2 to 5 of Part 7.9 of the Act in relation to an interest in the Sale Facility; and
  - (c) the requirement to hold an Australian financial services licence for the provision of the following financial services:
    - (i) dealing in an interest in the Sale Facility; and
    - (ii) the provision of general advice in relation to an interest in the Sale Facility.

**Where this instrument applies**

3. The exemptions in paragraphs 2 apply in relation to the Sale Facility where that facility satisfies all of the following:
  - (a) the financial products that may be sold through the facility are S2 Shares that will be admitted to quotation on the licensed market operated by ASX;
  - (b) under the terms of the Sale Facility:

**15-0980**

- (i) the S2 Shares of participating holders to be sold through the facility are pooled; and
- (ii) a Nominee sells the S2 Shares in the ordinary course of trading on the licensed market operated by ASX; and
- (iii) the proceeds of the sale net of expenses (to the extent (if any) that they are not met by Sirius) are distributed to participating holders; and
- (iv) each participating holder is paid their proportion of the proceeds of sale as soon as practicable and, in any event, within 8 weeks after the later of the date on which Sirius received the participating holder's election in relation to the facility and the Implementation Date.

**Conditions**

4. In order to rely on the exemptions in subparagraphs 2(a) or (b), Sirius must:
- (i) include the following information in the Demerger Scheme Booklet:
    - (a) information about any expenses relating to the sale of S2 Shares that will be paid by the participating holders; and
    - (b) information about how the proceeds of sale of S2 Shares sold through the facility will be allocated between participating holders; and
    - (c) information about any other significant characteristics or features of the Sale Facility or of the rights and obligations of persons who participate in the Sale Facility; and
  - (ii) take reasonable steps to ensure the facility is not operated during any period where a control transaction has been publicly proposed and has not ended.

**Exclusion from reliance**

5. Sirius is excluded from relying on subparagraph 2(c) of this instrument if it becomes aware of matters that give it reason to believe it has failed in a material respect to comply with a condition of this instrument and it does not give full particulars of the failure to ASIC in writing within 15 business days after becoming so aware.

**Interpretation**

6. In this instrument:

*ASX* means ASX Limited ACN 008 624 691



15-0980

**Demerger Scheme** means the demerger scheme of arrangement between Sirius and its shareholders pursuant to which S2 is demerged from Sirius.

**Demerger Scheme Booklet** means the booklet in relation to the Demerger Scheme dated 31 July 2015.

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

**Implementation Date** has the meaning given in the Demerger Scheme Booklet.

**Ineligible Overseas Shareholder** has the meaning given in the Demerger Scheme Booklet.

**licensed market** has the meaning given by section 761A of the Act.

**Nominee** means Saltbush Nominees Pty Ltd ABN 92 106 385 184, a wholly owned subsidiary of Hartleys Limited ABN 33 104 195 057, or any other persons appointed as its nominee to perform its obligations under the Sale Facility.

**Option Scheme** means a proposed scheme between the Sierra and its option holders as disclosed in its Explanatory Statement in the same form as that provided to ASIC on 8 April 2014.

**participating holder** means an Ineligible Overseas Shareholder.

**S2** means S2 Resources Ltd ACN 606 128 090.

**S2 Share** means a fully paid ordinary share in the capital of S2.

**Sale Facility** means a facility operated by Sirius through which a participating holder can sell a S2 Share in accordance with the terms set out in the Demerger Scheme Booklet.

Dated this 21<sup>st</sup> day of October 2015



Signed by Tashreen Tourabaly  
as a delegate of the Australian Securities and Investments Commission

CORPORATIONS ACT 2001

Section 601CL(5)

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

Dated this twenty-third day of October 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

**ARBN**

EII CAPITAL MANAGEMENT, INC.

121 680 180

IFX MARKETS LTD

114 282 174

MAHINDRA & MAHINDRA LTD

109 356 774

NATIONAL INSTRUMENTS AUSTRALIA CORPORATION

052 166 346

PACKERS PLUS ENERGY SERVICES (CYPRUS) LIMITED

603 448 095

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CORPORATIONS ACT 2001

Subsection 601CC(4)

ASIC has struck the registered Australian bodies listed below off the register.

Dated this twenty-third day of October 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

**ARBN**

TRUSTEES OF THE CONGREGATION OF THE MARIST SISTERS

103 151 640

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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 twenty-third day of October 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

UNIVERSAL PROPERTY FUND

**ARSN**

137 371 101

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CORPORATIONS ACT 2001

Subsection 601PB(2)

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

Dated this twenty-third day of October 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

**ARSN**

ACL EMPLOYEE PARTICIPATION TRUST	102 269 116
ADVANCE CONCENTRATED AUSTRALIAN SHARE FUND	115 641 328
ALLERON AUSTRALIAN EQUITY GROWTH FUND	115 639 159
KNIGHTS TOURIST PARK FUND	108 243 947
LCL CAPITAL ABSOLUTE RETURNS FUND	125 377 746
MACQUARIE EQUINOX ASIA TRUST	115 798 368
MACQUARIE EQUINOX ASIA 2 TRUST	117 868 336
MACQUARIE EQUINOX SELECT OPPORTUNITIES TRUST	119 029 355
MQ ATLAS SERIES TRUST	116 069 062
PERPETUAL PROTECTED INVESTMENTS - SERIES 2	127 614 966
PERPETUAL PROTECTED INVESTMENTS - SERIES 3	130 261 255
SANDHURST PROFESSIONAL IML VALUE AND INCOME FUND	135 917 421
TURQUOISE AUSTRALIAN EQUITY FUND	153 361 972
TURQUOISE AUSTRALIAN EQUITY SUB FUND	153 322 359

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.

**ADVANCED HYBRID SOLUTIONS PTY LTD**

ACN 605 530 452 will change to a public company limited by shares. The new name will be ADVANCED HYBRID SOLUTIONS LTD ACN 605 530 452.

**CIMB CAPITAL MARKETS (AUSTRALIA) LTD**

ACN 000 757 111 will change to a proprietary company limited by shares. The new name will be CIMB CAPITAL MARKETS (AUSTRALIA) PTY LTD ACN 000 757 111.

**LJ HOOKER REAL-ESTATE SERVICES PTY LTD**

ACN 606 520 192 will change to a public company limited by shares. The new name will be LJ HOOKER REAL-ESTATE SERVICES LIMITED ACN 606 520 192.

**M2M GLOBAL TECHNOLOGY LIMITED**

ACN 603 499 869 will change to a public company limited by shares.

**TAPP COMMERCE AUSTRALIA PTY LTD**

ACN 166 637 323 will change to a public company limited by shares. The new name will be TAPP COMMERCE AUSTRALIA LTD ACN 166 637 323.

**ASIAPAC PAYMENT SOLUTIONS PTY LTD**

ACN 150 033 926 will change to a public company limited by shares. The new name will be ASIAPAC PAYMENT SOLUTIONS LTD ACN 150 033 926.

**KNIGHTGATE GROUP PTY. LTD.**

ACN 607 918 669 will change to a public company limited by shares. The new name will be KNIGHTGATE GROUP LIMITED ACN 607 918 669.

**MARKET SYSTEMS LIMITED** ACN 162 942 261

will change to a proprietary company limited by shares. The new name will be MARKET SYSTEMS PTY LIMITED ACN 162 942 261.

**OZ CONTACTS LIMITED** ACN 137 805 371

will change to a proprietary company limited by shares. The new name will be OZ CONTACTS PTY LIMITED ACN 137 805 371.

**TOP GOLD LIMITED** ACN 152 341 458

will change to a proprietary company limited by shares. The new name will be TOP GOLD PTY LTD ACN 152 341 458.