



**ASIC**

Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette

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# ASIC Gazette

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#### RIGHTS OF REVIEW

Persons affected by certain decisions made by ASIC under the *Corporations Act 2001* and the other legislation administered by ASIC may have rights of review. ASIC has published Regulatory Guide 57 *Notification of rights of review* (RG57) and Information Sheet *ASIC decisions – your rights* (INFO 9) to assist you to determine whether you have a right of review. You can obtain a copy of these documents from the ASIC Digest, the ASIC website at [www.asic.gov.au](http://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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15-0882

**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: APGF Property Limited  
ACN 091 545 354  
GPO Box 3119  
BRISBANE QLD 4001

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 223422 held by APGF Property Limited, with effect from the date on which this notice is given to APGF Property Limited.

Dated this 11 day of December 2015

Signed

James Nott

A delegate of the Australian Securities and Investments Commission

15-1013

**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- 1013.

**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 MyBond – Macquarie Bank March 2020 Trust, ARSN 608 058 493 (*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 Scheme aim to provide investors with exposure to the performance of a single specified corporate bond (*Underlying Bond*). The Scheme will obtain exposure to the Underlying Bond by investing substantially all of its assets directly in the Underlying Bond;
    - (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;

## 15-1013

- (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 Scheme's portfolio; 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 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.

## 15-1013

**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.

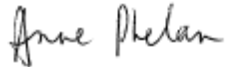
**Trading Participant** has the same meaning as in the ASX operating rules as at the date of this instrument.

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

15-1013

*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 17<sup>th</sup> day December of 2015



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

15-1014

**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 15-1014

**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 MyBond – Macquarie Bank March 2020 Trust, ARSN 608 058 493 (*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.

15-1014

**Interpretation**

7. In this instrument:

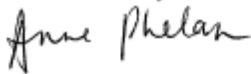
*AQUA managed fund* means a registered scheme with interests admitted to Trading Status as a Managed Fund Product on the financial market operated by ASX under the provisions of the operating rules of ASX relating to what is referred to in those rules as the AQUA market.

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

Dated this 17<sup>th</sup> day of December 2015



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



15- 1022

**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 15-1022.

**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 MyBond - CBA October 2019 Trust ARSN 608 057 996 (*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 Scheme aim to provide investors with exposure to the performance of a single specified corporate bond (Underlying Bond). The Scheme will obtain exposure to the Underlying Bond by investing substantially all of its assets directly in the Underlying Bond;
    - (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;

## 15- 1022

- (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 Scheme's portfolio of securities; 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 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.

## 15- 1022

**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.

15- 1022

*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 17<sup>th</sup> day of December 2015



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

15-1023

**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 15-1023.

**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 MyBond – CBA October 2019 Trust ARSN 608 057 996 (*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.

15-1023

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

Dated this 17<sup>th</sup> day of December 2015



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



ASIC

Australian Securities &amp; Investments Commission

15-1113

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

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

TO: Mark Daniel Ten Hove ("the AFS Licensee")  
Unit 3A-3A Kia Peng Condominium  
3 Jalan Kia Peng  
50450 Kuala Lumpur WP  
Malaysia

Pursuant to section 915B(1)(e) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 422294 held by Mark Daniel Ten Hove, with effect from the date on which this notice is given to the Licensee.

Dated this // December 2015

Signed ..... 

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



ASIC

Australian Securities &amp; Investments Commission

15-1136

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

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

TO: Portigon AG  
ACN 076 170 039 ("the AFS Licensee")  
Level 11, 255 Pitt Street  
SYDNEY NSW 2000

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 239193 held by Portigon AG, with effect from the date on which this notice is given to the Licensee.

Dated this // December 2015

Signed .....

A handwritten signature in cursive script that reads "James Nott".

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





15-1140

ASIC

Australian Securities & Investments Commission

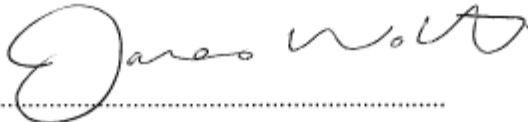
**Australian Securities and Investments Commission  
Corporations Act 2001 Section 915B**

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

TO: RBS Securities (Australia) Limited  
ACN: 120 541 988  
c/- The Royal Bank of Scotland plc  
Level 23, 88 Phillip Street  
SYDNEY NSW 2000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 303766 held by RBS Securities (Australia) Limited, with effect from the date on which this notice is given to RBS Securities (Australia) Limited.

Dated this // day of December 2015

Signed ..... 

James Nott  
A delegate of the Australian Securities and Investments Commission



15-1145

**ASIC**

Australian Securities &amp; Investments Commission

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

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

TO: RBS (Australia) Pty Ltd  
ACN 088 574 270  
c/- Level 23, 88 Phillip Street  
SYDNEY NSW 2000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 302612 held by RBS (Australia) Pty Ltd, with effect from the date on which this notice is given to RBS (Australia) Pty Ltd.

Dated this // day of December 2015

Signed

A handwritten signature in cursive script, appearing to read 'James Nott', written over a dotted line.

James Nott

A delegate of the Australian Securities and Investments Commission

15-1174

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-1174.

**Commencement**

3. This instrument commences on 11 December 2015.

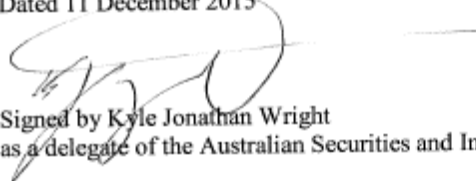
**Variation**

4. ASIC Instrument 15-1103 dated 20 November 2015 is varied by replacing in paragraph 8:
  - (a) “D & K Runciman Pty Limited ACN 109 080 757 as trustee for the D & K Runciman Trust” with “Charliewill Pty Ltd ACN 608 977 395 as trustee for the Charliewill Trust”;
  - (b) “Hayshall Pty Limited ACN 120 255 101 as trustee for the Cindy Hayes Family Trust” with “Cindy Jane Pty Ltd ACN 609 143 884 as trustee for the Cindy Jane Family Trust”;
  - (c) “M D Petersen Pty Limited ACN 003 534 503” with “Tocamac Pty Ltd ACN 609 578 225 as trustee for Petersen Family Trust, M C Petersen Family Pty Ltd ACN 609 580 298 as trustee for the Petersen Investment Trust and MDP Super Pty Ltd as trustee for the MDP Superannuation Fund ABN 53 308 644 240”;
  - (d) “J A Johnstone Pty Limited ACN 003 534 405” with “JA Johnstone Pty Ltd as trustee for the Waterhouse Superannuation Fund ABN 95 230 461 851 and Four Post Investments Pty Ltd ACN 609 579 517 as trustee for Johnstone Investment Trust”;
  - (e) “Roger Charles Carmody” with “Roger Charles Carmody & Maris Moore Carmody as trustee for Sandridge Superannuation Fund ABN 99 026 852 293, Roger Charles Carmody & Maris Moore Carmody as trustee for the R&M Carmody Trust ABN 48 914 705 382”;

15-1174

- (f) "Kate Judith Howison" with "Kate Judith Malin as trustee for the Howison Family Trust ABN 35 621 567 565 and Morgex Pty Ltd ACN 151 499 973 as trustee for the Morgex Superannuation Fund ABN 54 603 497 468";
- (g) "Colin Micheal McAuliffe" with "Fronton Pty Ltd as trustee for the McAuliffe Super Fund";
- (h) "Serena Maree Moore" with "Serena Maree Moore and Malcolm Neville Moore as trustees for the SMM Superannuation Fund".

Dated 11 December 2015



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

## 15-1175

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-1175.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to New Energy Solar Limited (ACN 609 396 983) (*Company*) as if that Chapter were modified or varied by omitting paragraph 708(13)(b) and substituting:  
  
“(b) an offer of fully-paid shares in a body to 1 or more existing holders of shares in the body, under a plan for the reinvestment of at least one of the following:  
  
    (i) dividends in respect of shares in the body;  
  
    (ii) distributions in respect of managed investment products which, under the terms on which they may be traded, must only be transferred together with share in the body.”.
5. Part 7.9 of the Act applied in relation to Walsh & Company Investments Limited (ACN 152 367 649) in its capacity as responsible entity of New Energy Solar Fund ARSN 609 154 298 (*Scheme*) as if paragraph 1012D(3)(b) were modified or varied as follows:  
  
    a) omit “either.”, substituted “one or more of the following applied.”;  
  
    b) in subparagraph (i) omit “or” (second occurring);  
  
    c) in subparagraph (ii) omit “facility.”, substituting “facility.”;  
  
    d) after subparagraph (ii) insert:  
  
        “(iii) in a recommendation situation – the advice that constitutes the relevant conduct relates to an offer of managed investment products, under a plan for reinvestment of at least one of the following:

**15-1175**

- (A) distributions in respect of the managed investment products;
  - (B) dividends in respect of shares in a body which, under the terms on which they may be traded, must only be transferred together with the managed investment products;
- (iv) in an issue situation – the offer or issue that constitutes the relevant conduct is an offer or issue of managed investment products, under a plan for the reinvestment of at least one of the following:
- (A) distributions in respect of the managed investment products;
  - (B) dividends in respect of shares in a body which, under the terms on which they may be traded, must only be transferred together with the managed investment products.”.

**Where this instrument applies**

6. This declaration applies where:

- (a) each ordinary interest in the Scheme and each ordinary share in the Company must, under the terms on which each is to be traded, only be transferred together (*Stapled Security*); and
- (b) an offer or issue of, or recommendation to acquire a component of a Stapled Security is made, under a plan for the reinvestment of dividends in respect of shares in the Company or distributions in respect of interests in the Scheme.

**Dated this 10<sup>th</sup> day of December 2015**



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

15-1176

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-1176.

**Commencement**

3. This instrument commences on upon execution.

**Declaration**

4. Part 7.9 of the Act applies to the Responsible Entity and the Company as if subsection 1017E(2) as notionally inserted by subregulation 7.9.08(4) of the *Corporations Regulations 2001* were modified or varied as follows:
  - a) at the beginning of paragraph 1017E(2)(b), insert “subject to paragraph (ba),”; and
  - b) after paragraph 1017E(2)(b), insert:
    - (ba) any money may be paid into the account, provided that:
      - (i) money paid to acquire the financial product together with any securities or financial products that must, under the terms on which the financial product is to be traded, be transferred with the financial product; and
      - (ii) any other money to which this section applies; and
      - (iii) interest on the amount from time to time standing to the credit of the account,

is identified and held in accordance with all other provisions of this section; and”.

**Where this declaration applies**

5. This declaration applies where:
  - a) each ordinary interest in the Trust and each ordinary share in the Company, must, under the terms on which each is to be traded, only be transferred together; and
  - b) the Responsible Entity or the Company receive money paid to acquire Stapled Securities.

15-1176

**Where this declaration ceases to apply**

6. This declaration ceases to apply if:
- a) a component of a Stapled Security is issued which on the terms on which it is traded, can be transferred separately without also transferring any other component of a Stapled Security; or
  - b) any class of interests in the Trust (other than an ordinary interest), or any share in the Company (other than an ordinary share), are issued.
7. In this instrument:

**Company** means New Energy Solar Limited ACN 609 396 983;

**Responsible Entity** means Walsh & Company Investments Limited ACN 152 367 649 as responsible entity of the Trust;

**Stapled Securities** means an ordinary share in the Company and a unit in the Trust, which, under the terms on which each is to be traded, must be transferred together.

**Trust** means the New Energy Solar Fund ARSN 609 154 298 established under an instrument of trust dated 19 November 2015.

**Dated this 10<sup>th</sup> day of December 2015**



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



15-1177

**Australian Securities and Investments Commission  
Corporations Act 2001 - Subsection 601QA(1) - Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15-1177.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Walsh & Company Investments Limited ACN 152 367 649 in its capacity as the responsible entity of New Energy Solar Fund ARSN 609 154 298 (the *scheme*) as if the following provisions of that Chapter were modified or varied:

- (a) after section 601FE insert:

**“601FEA Modification of duties: stapled securities**

- (1) This section applies to a registered scheme where the interests in the scheme and shares in a company are components of stapled securities.
- (2) For the purposes of paragraph 601FD(1)(c), an obligation to act in the best interests of the members of the scheme is an obligation to act in the best interests of the members of the scheme having regard to their interests as members of the scheme and of the company.
- (3) For the purposes of paragraphs 601FD(1)(d) and 601FD(1)(e), and subsection 601FE(1), an obligation to not make use of information, or not make improper use of position, in order to cause detriment to the members of the scheme is an obligation not to do those things in order to cause detriment to the members of the scheme having regard to their membership of both the scheme and the company.”;

- (b) after subsection 208(2) as notionally inserted by section 601LC, insert:

“(2A) Member approval is not required for the giving of a financial benefit and the benefit need not be given within 15 months if all the following conditions are satisfied:

- (a) the benefit either:
-

- (i) is given out of the scheme property of a registered scheme; or
    - (ii) could endanger the scheme property;
  - (b) all of the interests in the scheme and all of the shares in a company are components of stapled securities;
  - (c) the benefit is given by:
    - (i) the responsible entity of the scheme; or
    - (ii) an entity that the responsible entity controls; or
    - (iii) an agent of, or person engaged by, the responsible entity;
  - (d) the benefit is given to:
    - (i) an entity wholly owned, whether directly or indirectly, by the scheme; or
    - (ii) the company or an entity that is wholly owned, whether directly or indirectly, by the company; or
    - (iii) an entity wholly owned, whether directly or indirectly, jointly by the scheme and the company.
- (2B) For the purposes of this section:
- (a) an entity is wholly owned by another entity if all of the shares or interests (as applicable) in the first-mentioned entity are held by, or held by a nominee for (in the case of the second-mentioned entity being a company), or form part of the trust property of (in the case of the second-mentioned entity being a trust), the second-mentioned entity or a wholly owned entity of it; and
  - (b) a reference to the giving of a benefit to an entity which is a trust is a reference to the giving of a benefit to the trustee of the trust so as to form part of the trust property of the trust or for the benefit of the trust beneficiaries.”;
-

15-1177

- (c) insert after section 601PC:

**“601PD      Stapled securities**

For the purposes of this Chapter:

*stapled securities* means two or more financial products including at least one interest in a registered scheme where:

- (a) under the terms on which each of the products are to be traded, they must be transferred together; and
- (b) there are no financial products in the same class as those financial products which may be transferred separately.”.

**Where this declaration applies**

5. This declaration applies where each interest in the scheme must, under the terms upon which it is to be traded, only be transferred with a share in New Energy Solar Limited (ACN 609 396 983).

**Dated this 10<sup>th</sup> day of December 2015**



**Signed by**

**Anne Phelan**

**As a delegate of the Australian Securities and Investments Commission**

15-1187

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 741(1)(b) –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 15-1187.

**Commencement**

3. This instrument commences on 16 December 2015.

**Declaration**

4. Chapter 6D of the Act applies to an offer for sale of ordinary shares in Enzumo Limited ACN 119 383 578 (*Enzumo*) as if paragraph 708A(5)(b) of the Act, as notionally modified by ASIC Class Order [CO 08/25], was further modified or varied as follows:

- (a) Omit subparagraph 708A(5)(b)(i), substitute:

"(i) if this section applies because of subsection (1) — the period from 7 May 2015 up to the day on which the relevant securities were issued; or".

**Where this instrument applies**

5. The modification in paragraph 4 applies to an offer for sale of ordinary shares in Enzumo where:
  - (a) the ordinary shares were issued on or around 23 December 2015 to sophisticated and professional investors and other investors under an offer which did not require disclosure under Part 6D.2 of the Act because of subsection 708(1), subsection 708(8), subsection 708(10), subsection 708(11) or subsection 708(12) of the Act; and
  - (b) Enzumo has given ASX a notice under paragraph 708A(5)(e) of the Act which complies with subsection 708A(6) of the Act.

**Interpretation**

6. In this instrument:
-

**15-1187**

*ASX* means ASX Limited ACN 008 624 691.

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



Signed by Jessica Reid  
as a delegate of the Australian Securities and Investments Commission

15-1188

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 15/1188.

**Commencement**

3. This instrument commences on 15 December 2015.

**Exemption**

4. A person that makes a sale offer of a MMG CDI within 12 months after the issue of the underlying share to which the MMG CDI relates does not have to comply with Part 6D.2 or 6D.3 of the Act in relation to the sale offer where:
  - (a) the underlying share was issued as a result of the exercise of options issued by MMG under an Employee Share Scheme:
    - (i) prior to the date of this instrument; and
    - (ii) without disclosure because subsections 708(8) or 708(12) applied; and
  - (b) at the time of the sale offer, MMG is admitted to the official list of the ASX as a foreign exempt listing.

**Conditions**

5. MMG must, prior to the sale offer of a MMG CDI described in paragraph 4, give a notice to ASX, for release on the ASX Company Announcements Platform that includes an explanation of the need for, and effect of, this instrument.

**Interpretation**

6. In this instrument:

*ASX* means ASX Limited ACN 008 624 691.

15-1188

*ASX Settlement* means ASX Settlement Pty Ltd ACN 008 504 532.

*CDN* means CHESS Depository Nominees Pty Limited ACN 071 346 506.

*depository interest means* units of beneficial ownership in securities that are issued for the purpose of enabling the securities to be recorded and transferred in accordance with the operating rules of ASX Settlement.

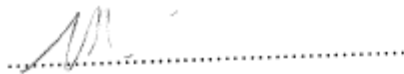
*Employee Share Scheme* means the MMG 2004 Share Option Scheme, the MMG 2013 Share Option Scheme or the MMG Long Term Incentive Equity Plan 2015.

*MMG* means MMG Limited ARBN 150 889 151, a body incorporated in Hong Kong.

*MMG CDI* means a depository interest in relation to the underlying shares of MMG held by CDN in accordance with the operating rules of ASX Settlement.

*underlying shares*, in relation to MMG CDIs, means shares of MMG which are, or proposed to be, admitted to quotation on the Hong Kong Stock Exchange.

Dated this 15th day of December 2015



Signed by Tanya Tang  
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 eighteenth day of December 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

**ARBN**

ALTUS LOGISTICS PTE. LTD.	124 939 340
ATLANTIC GOLD CORPORATION	600 024 397
DIGITAL CONXIONS LIMITED	605 033 547
GABBA RPR B.V.	114 325 067
INTERNATIONAL CABLE MANAGEMENT LIMITED	167 398 629
NAPLES ROAD BUILDING CORPORATION	011 066 818
NORTHROP GRUMMAN INTERNATIONAL, INC.	099 780 533
S E SHIPPING LINES PTE. LTD.	136 398 680
SWETTENHAM STUD	093 395 941
THE HOFFMAN GROUP LLC	147 022 357
TH OFFSHORE INVESTMENT INC	109 125 448
WIDE WORLD PHOTOS, INC.	159 813 993

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CORPORATIONS ACT 2001

Section 601CL(4)

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

Dated this eighteenth day of December 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

GFI BROKERS LIMITED

**ARBN**

110 212 185

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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 eighteenth day of December 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

**ARSN**

AMP CAPITAL STRUCTURED HIGH YIELD FUND

104 312 290

TEMPLEGATE FORESTRY TRUST MOSSGROVE

093 014 272

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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 eighteenth day of December 2015

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

PHILLIP ISLAND PRIVATE RESIDENCE CLUB

**ARSN**

136 538 648

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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.

**HOWARD COMMERCIAL LENDING LIMITED**  
ACN 000 033 143 will change to a proprietary company limited by shares. The new name will be HOWARD COMMERCIAL LENDING PTY LTD ACN 000 033 143.

**PIGMENT MANUFACTURERS OF AUSTRALIA LIMITED** ACN 004 801 843 will change to a proprietary company limited by shares. The new name will be PIGMENT MANUFACTURERS OF AUSTRALIA PTY LTD ACN 004 801 843.

**REPUBLIC CAPITAL MANAGEMENT PTY LTD** ACN 602 654 964 will change to a public company limited by shares. The new name will be REPUBLIC CAPITAL MANAGEMENT LIMITED ACN 602 654 964.

**NXT ENTERPRISE LTD** ACN 165 379 162 will change to a proprietary company limited by shares. The new name will be NXT ENTERPRISE PTY LTD ACN 165 379 162.

**PROPERTYLINK INVESTMENT MANAGEMENT PTY LTD** ACN 136 865 417 will change to a public company limited by shares. The new name will be PROPERTYLINK INVESTMENT MANAGEMENT LTD ACN 136 865 417.

**VYYKN WATER HOLDINGS LTD** ACN 168 030 662 will change to a proprietary company limited by shares. The new name will be VYYKN WATER HOLDINGS PTY LTD ACN 168 030 662.