



**ASIC**  
Australian Securities &  
Investments Commission

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# ASIC Gazette

## Contents

Notices under Corporations Act 2001

23-0480	23-0588	23-0628	23-0641	23-0642
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Company/scheme deregistrations

Change of company type

### 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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23-0480

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION***Superannuation Industry (Supervision) Act 1993*  
**Subsection 130F(2)****DISQUALIFICATION ORDER**

To: Brian Townhill

Approved SMSF auditor registration number 100207485

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Brian Townhill from being an approved SMSF auditor with effect from 21 June 2023.

Dated this 13<sup>th</sup> day of June 2023

Signed: .....

Craig Angove

Delegate of the Australian Securities and Investments Commission



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (Amendment) Instrument 2023/588**

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I, Kate Metz, delegate of the Australian Securities and Investments Commission,  
make the following legislative instrument.

Date 4 August 2023

A handwritten signature in blue ink, appearing to read 'Kate Metz'.

Kate Metz

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*ASIC Corporations (Amendment) Instrument 2023/588*

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## Contents

<b>Part 1—Preliminary</b>	<b>3</b>
1 Name of legislative instrument.....	3
2 Commencement .....	3
3 Authority.....	3
4 Schedules .....	3
<b>Schedule 1—Amendments</b>	<b>4</b>
<i>ASIC Corporations (Repeal and Transitional) Instrument 2016/396</i> .....	4
<i>ASIC Corporations (CSSF-Regulated Financial Services Providers) Instrument 2016/1109</i> .....	4
<i>ASIC Corporations (Foreign Financial Services Providers—Limited Connection) Instrument 2017/182</i> .....	4
<i>ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199</i> .....	4

## Part 1—Preliminary

### 1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2023/588*.

### 2 Commencement

This instrument commences on the later of:

- (a) the date of its gazettal; and
- (b) the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au)

### 3 Authority

This instrument is made under paragraph 911A(2)(l) and subsection 926A(2) of the *Corporations Act 2001*.

### 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *ASIC Corporations (Repeal and Transitional) Instrument 2016/396*

#### **1 Subitem 1(3) of Schedule 2**

Omit “31 March 2024”, substitute “31 March 2025”.

### *ASIC Corporations (CSSF-Regulated Financial Services Providers) Instrument 2016/1109*

#### **2 Section 3**

Repeal the section, substitute:

##### **3 Repeal**

This instrument is repealed at the end of 31 March 2025.

### *ASIC Corporations (Foreign Financial Services Providers—Limited Connection) Instrument 2017/182*

#### **3 Section 3**

Repeal the section, substitute:

##### **3 Repeal**

This instrument is repealed at the end of 31 March 2025.

### *ASIC Corporations (Foreign Financial Services Providers—Funds Management Financial Services) Instrument 2020/199*

#### **4 Section 2**

Omit “1 April 2024”, substitute “1 April 2025”.

23-0628



## Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2023 (No. 1)

*Corporations Act 2001*

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I, Nathan Bourne, Senior Executive Leader, Australian Securities and Investments Commission, make this Variation under paragraph 796A(1)(b) of the *Corporations Act 2001*.

Dated 10 August 2023

A handwritten signature in black ink, appearing to be 'N. Bourne', written over a horizontal line.

Signed .....

as a delegate of the Minister under s1101J of the Act

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### 1. Name of Variation

This Variation is the *Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2023 (No. 1)*.

### 2. Commencement

This Variation commences on the day after it is executed.

### 3. Variation

The *Australian Market Licence (Yieldbroker Pty Limited) 2004* (as varied by *Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2010 (No. 1)* and *Australian Market Licence (Yieldbroker Pty Limited) Variation Notice 2016 (No. 1)*) is varied as described in the Schedule.

23-0628

**SCHEDULE****Variation**

(Section 3)

**[1] Section 3***Insert:*

**MAS** means Monetary Authority of Singapore.

**Recognised Market Operator** means a body corporate recognised by the MAS as a recognised market operator.

**Reporting period** means each period of 3 months, or part thereof, during which a market is operated in Australia, ending on 31 March, 30 June, 30 September, or 31 December.

**RMO MAS Recognition Letter** means the letter from MAS to Yieldbroker Pty Limited dated 16 September 2019 which recognises Yieldbroker Pty Limited as a Recognised Market Operator with effect from 16 September 2019.

**[2] Section 6***Repeal the section and substitute:***6. Clearing and settlement arrangements**

(1) It is a condition of this Licence that Yieldbroker Pty Limited must:

- (a) clearly inform participants of the market of their respective responsibilities in relation to the clearing and/or settlement of trades entered into on the market; and
- (b) have in place adequate arrangements to facilitate the efficient clearing and/or settlement of trades entered into on the market, which must be arrangements of one or more of the following types:
  - (i) arrangements for the clearing and settlement of the trades with a clearing and settlement facility; or
  - (ii) arrangements to:
    - a. notify each party to a trade entered into on the market of the identity of the other party to the trade; or
    - b. otherwise be satisfied that each party to a trade entered into on the market knows the identity of the other party to the trade,

so that the parties to the trade can settle the trade in accordance with arrangements agreed between them.

**[6] Section 7***Repeal the section and substitute:***7. Participants**



23-0628

Yieldbroker Pty Limited must not allow a person to be a participant in a market unless Yieldbroker Pty Limited is satisfied on a reasonable basis that:

(a) either:

- (i) the person is a professional investor; or
- (ii) in the case of a person who is ordinarily resident in Singapore or who carries on a business in Singapore - the person satisfies the Trading Access requirements outlined under the RMO MAS Recognition Letter; and

(b) where the person enters into transactions on the market on behalf of another person, that other person is not a retail client.

[7] **At the end of the Licence**

*Add:*

**9. Periodic trade reporting**

- (1) It is a condition of this Licence that Yieldbroker Pty Limited must give to ASIC, in a machine-readable format, at least the following information within 30 days after the end of each reporting period, for each product (traded or offered on its market) of a kind specified in the following table:

Category	Products known as
Commodity derivatives	Agricultural derivatives, energy derivatives, metals derivatives, index derivatives, environmental derivatives, freight derivatives, multi commodity derivatives
Credit derivatives	Index derivatives, index tranche derivatives, single name derivatives, swaptions, total return swap, total return swap index, exotic derivatives
Interest rate and inflation derivatives	FRA, interest rate swap, cross currency swap, inflation swap, forward debt, CapFloor, swaption, debt option, inflation CapFloor, exotic
Interest rate financial products other than interest rate derivatives	Australian Commonwealth Government debt instruments, Australian State or Local Government debt instruments, Supranational and Foreign Government debt instruments, corporate debt instruments, Deposits (Cash deposits), Term deposits, Negotiable certificates of deposits

23-0628

- (a) the total number of trades and their total value, in AUD-equivalent terms, of trades during the reporting period by all participants; and
- (b) the total number of trades and their total value, in AUD-equivalent terms, of trades during the reporting period by each Australian participant, identifying each Australian participants by their registered name and, if applicable, their branch name and, if available, their Legal Entity Identifier; and
- (c) the total number of trades and their total value, in AUD-equivalent terms, of trades during the Reporting period by each foreign participant but only in relation to the trades that the Licensee believes to be trades on behalf of one or more Australian clients, identifying each foreign participant by their registered name and, if applicable, their branch name and, if available, their Legal Entity Identifier; and
- (d) the total number of trades and their total value, in AUD-equivalent terms, of the trades that are included in the information in (b) and (c) above and which are trades between any two participants listed in (b) and (c) above.

#### 10. Record keeping

- (1) It is a condition of this Licence that Yieldbroker Pty Limited must have adequate arrangements in place for the recording of order information and trades entered into through the market.
- (2) It is a condition of this Licence that Yieldbroker Pty Limited must keep for a period of at least 7 years the records of order information and trades entered into through the market.

#### 11. Market ceases to operate

- (1) It is a condition of this Licence where Yieldbroker Pty Limited intends to cease operating the market in this jurisdiction, Yieldbroker Pty Limited must:
  - (a) establish, document and implement adequate arrangements for ensuring, as applicable, the orderly cessation of the market;
  - (b) notify ASIC:
    - (i) that Yieldbroker Pty Limited intends to cease operating the market in this jurisdiction, as soon as reasonably practicable;
    - (ii) of the arrangements referred to in paragraph (a), as soon as reasonably practicable before ceasing to operate the market in this jurisdiction; and
    - (iii) of any changes to the arrangements referred to in paragraph (a) following the notification in subparagraph (ii), as soon as reasonably practicable after making those changes.

23-0641

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has made an order in the terms set out below, which order took effect on 8<sup>th</sup> August 2023

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****NOTICE OF CANCELLATION OF AUSTRALIAN FINANCIAL SERVICES LICENCE**

To: **Professional Wealth Management Services Pty Ltd ACN 600 953 606**

Under section 915C(1) of the Corporations Act 2001, the Australian Securities and Investments Commission cancels Australian Financial Services Licence number 468125 held by Professional Wealth Management Services Pty Ltd ACN 600 953 606.

Under s 915H of the Act ASIC specifies that the Licence continues in effect until 7 August 2024, while cancelled, as though the cancellation had not happened for the purpose of:

- (a) Paragraphs 912A(1)(g) to the extent that it requires **Professional Wealth Management Services Pty Ltd** to have a dispute resolution system complying with Section s912A(2)(c). Section 912A(2)(c) requires **Professional Wealth Management Services Pty Ltd** to be a member of the AFCA scheme.
- (b) Section 912B and regulations 7.6.02AAA and 7.6.02AA of the *Corporations Regulations 2001* (which requires **Professional Wealth Management Services Pty Ltd** to have arrangements for compensating retail clients including the holding of professional indemnity insurance cover); and
- (c) Chapter 7 regarding the provision of a financial service to a person as a retail client or wholesale client if that person was a client immediately prior to the cancellation taking effect and if the financial service relates to the termination of an existing arrangement with a client.

Dated this 7<sup>th</sup> day of August 2023.

Signed:



Melanie Baxter  
Delegate of the Australian Securities and Investments Commission

Your attention is drawn to s911A(1) of the Corporations Act 2001 which provides that subject to this section, a person who carries on a financial services business in this jurisdiction must hold an Australian financial services licence covering the provision of the financial services and that a failure to comply with this subsection is an offence (see s1311(1) of the Corporations Act 2001).

23-0642

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 8th August 2023

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****IN THE MATTER OF Donald James CUTHBERTSON****SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001**

To: Donald James CUTHBERTSON

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

**TAKE NOTICE** that, under s920A(1) and s920B of the Corporations Act 2001, the Australian Securities and Investments Commission prohibits Donald James CUTHBERTSON permanently from:

- I. providing any financial services;
- II. performing one or more functions as an officer of an entity that carries on a financial services business; and
- III. controlling, whether alone or in concert with one or more entities, an entity that carries on a financial services business.

Dated this 7<sup>th</sup> day of August 2023

Signed:   
Melanie Baxter  
Delegate of the Australian Securities  
and Investments Commission

Your attention is drawn to s911A(1) of the Corporations Act 2001 which provides that subject to this section, a person who carries on a financial services business in this jurisdiction must hold an Australian financial services licence covering the provision of the financial services and that a failure to comply with this subsection is an offence (see s1311(1) of the Corporations Act 2001).

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this eleventh day of August 2023

**Name of Company**

**ARBN**

ARMSTRONG'S MOTOR GROUP LIMITED

653 659 011

EDGE DIGITAL (AUSTRALIA) LIMITED

653 154 360

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this eleventh day of August 2023

**Name of Company**

**ARBN**

GOLDEN BUCKET ALLIED EARTHMOVERS ASSOCIATION  
INCORPORATED

119 629 695

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 eleventh day of August 2023

**Name of Company**

**ARBN**

FAST ENTERPRISES, L.L.C.	631 490 812
FORCE TECHNOLOGY NORWAY AS	168 035 694
GDF NEW ZEALAND LIMITED	614 168 633
PODCAST MEDIA LLC	628 013 374
RAFI INDICES, LLC	628 053 145
RESEARCH AFFILIATES, LLC	625 693 656
THE COUTURE CLUB LTD	659 312 357

CORPORATIONS ACT 2001  
Section 601CC(3)

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

Dated this eleventh day of August 2023

**Name of Company**

**ARBN**

THE PARACLETE INSTITUTE INCORPORATED

111 454 383



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.

**VANGO MINING LIMITED** ACN 108 737 711 will change to a proprietary company limited by shares. The new name will be VANGO MINING PTY LTD ACN 108 737 711.