



ASIC

Australian Securities &
Investments Commission

Commonwealth of Australia Gazette

No. A09/16, Tuesday 23 February 2016

Published by ASIC

ASIC Gazette

Contents

Notices under Corporations Act 2001

16-0047	16-0058	16-0088	16-0090	16-0091
16-0092	16-0093	16-0099	16-0108	

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 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
Email gazette.publisher@asic.gov.au

© Commonwealth of Australia, 2016

This work is copyright. Apart from any use permitted under the *Copyright Act 1968*, all rights are reserved. Requests for authorisation to reproduce, publish or communicate this work should be made to: Gazette Publisher, Australian Securities and Investment Commission, GPO Box 9827, Melbourne Vic 3001

16-0047

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 16-0047.

Commencement

3. This instrument commences on 1 February 2016.

Declaration

4. Chapter 6 of the Act applies to CIMIC Group Investments Pty Limited ACN 126 876 953 (*CGI*) as if Part 6.5 were modified or varied as follows:
 - (a) in item 6 of the table in subsection 633(1) (as notionally modified by ASIC Class Order [CO 13/528]) omit “item 2.”, insert:

“item 2, unless the bidder is eligible to rely on section 633A and the offers are made on terms set out in a replacement bidder’s statement that differ from the lodgement terms solely in accordance with a permitted variation”.
 - (b) in paragraph 633A(3) (as notionally inserted by ASIC Class Order [CO 13/528]):
 - (i) after “subsection 633(1):” insert:

“*lodgement terms* mean the terms of the offer set out in the original bidder’s statement and offer document (if any) lodged with ASIC under item 2 of the table in subsection 633(1).
permitted variation means a difference arising from an amendment to the terms of the offers to the effect that the bidder is no longer entitled to deduct from the consideration offered under the bid any amount attributable to the value of franking credits attaching to a dividend received by the holders of bid class securities.”; and
 - (ii) omit paragraph (d) of the definition of *replacement bidder’s statement*, substitute:

“(d) sets out or reflects offers under the bid that are on the same terms as the lodgement terms, or terms that differ from

16-0047

the lodgement terms solely in accordance with a permitted variation.”.

Where this instrument applies

5. This instrument applies in relation to the off-market takeover bid (*Bid*) by CGI for all of the ordinary shares in Sedgman Limited ACN 088 471 667 in respect of which a bidder's statement was lodged with ASIC on 13 January 2016, where CGI has lodged a replacement bidder's statement in respect of the Bid which includes a statement describing the need for, and effect of, this instrument.

Dated this 1st day of February 2016



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

16-0058

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 16-0058.

Commencement

3. This instrument commences on 08 February 2016.

Exemption

4. UCA Funds Management Limited ACN 102 469 821 (UFML) in its capacity as the responsible entity of the United Ethical Australian Equities Trust ARSN 610 023 606 and Uniting Ethical Enhanced Cash Trust ARSN 610 022 985 (each a *Scheme*) does not have to comply with subsection 1016A(2) of the Act.

Where this instrument applies

5. The offer or issue of interests in the Scheme to a person who holds interests in the Scheme as at 8 February 2016 (each an *Eligible Holder*) and made under a Product Disclosure Statement dated on or about 08 February 2016.
6. A Product Disclosure Statement dated on or about 08 February 2016 is sent to each Eligible Holder before interests in the Scheme were issued.

Dated this 8th day of February 2016.



Signed by Dulce Asensi
as a delegate of the Australian Securities and Investments Commission

16-0088

**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 16-0088

Commencement

3. This instrument commences on 10 February 2016.

Declaration

4. Chapter 6D of the Act applies to River Rock Energy Limited ACN 128 488 264 (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 all 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
 - (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”;

16-0088

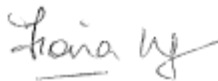
d) after subsection 724(1A), insert:

- “(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 disclosure document lodged with ASIC on 13 November 2015 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 10th day of February 2016.



.....
Signed by Fiona Ng

as a delegate of the Australian Securities and Investments Commission

16-0090

**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 16-0090.

Commencement

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

Declaration

4. Chapter 6D of the Act applies to Commonwealth Bank of Australia ACN 123 123 124 (*CBA*) as if section 713 of the Act were modified or varied as follows:
 - (a) at the end of paragraph 713(1)(b) insert “or”;
 - (b) after paragraph 713(1)(b) insert:
 - “(c) convertible securities convertible into continuously quoted securities of a body; or
 - (d) convertible securities convertible into securities of a body that has become the holding company of another company (“subsidiary”) as a result of a Part 5.1 arrangement between the subsidiary and its members provided that:
 - (i) the securities of the subsidiary were continuously quoted securities at the time of the Part 5.1 arrangement; and
 - (ii) the body’s securities are ED securities at the time of conversion.”
 - (c) at the end of paragraph 713(2)(d) omit “securities.” and substitute “securities; and”;
 - (d) after subparagraph 713(2)(d) insert:
 - “(e) if the securities are convertible securities – the rights and liabilities attaching to:
 - (i) the convertible securities themselves; and
 - (ii) the underlying securities.”

16-0090

5. Chapter 6D of the Act applies to CBA as if the definition of “underlying securities” in section 9 of the Act were modified or varied as follows:
- (a) at the end of subparagraph (b) omit “securities.” and substitute “securities; and”;
 - (b) after subparagraph (b), insert:
 - “(c) in relation to convertible securities – those securities into which the securities may be converted.”

Where this instrument applies

6. This instrument applies in relation to an offer by CBA to issue convertible securities where the terms of the issue are substantially the same as the terms provided to ASIC on 19 January 2016 and the offer is made pursuant to a prospectus lodged with ASIC on or about 16 February 2016 or a replacement prospectus lodged with ASIC on or about 24 February 2016.

Dated this 12th day of February 2016



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



ASIC

Australian Securities & Investments Commission

16-0091

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Forbes Wealth Pty Ltd
ACN 165 422 131 ("the AFS Licensee")
Wang and Associates Solicitors
Suite 2202, level 22, 31 Market 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 445593 held by Forbes Wealth Pty Ltd, with effect from the date on which this notice is given to the Licensee.

Dated this // February 2016

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



ASIC

Australian Securities & Investments Commission

16-0092

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

Notice of Cancellation of an Australian Financial Services Licence

TO: 360 Capital Re Limited
ACN 090 939 192 ("the AFS Licensee")
Level 8, 56 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 223739 held by 360 Capital Re Limited, with effect from the date on which this notice is given to the Licensee.

Dated this 11 February 2016

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



ASIC

Australian Securities & Investments Commission

16-0093

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Financial Advisory Services Pty Ltd
ACN 008 263 705 ("the AFS Licensee")
GPO Box 1500
ADELAIDE SA 5001

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 227929 held by Financial Advisory Services Pty Ltd, with effect from the date on which this notice is given to the Licensee.

Dated this // February 2016

Signed 

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



ASIC

Australian Securities & Investments Commission

16-0099

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

Notice of Cancellation of an Australian Financial Services Licence

TO: The Trust Company (FCNL) Pty Limited
ACN 006 827 738 ("the AFS Licensee")
GPO Box 4172
SYDNEY NSW 2001

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 235141 held by The Trust Company (FCNL) Pty Limited, with effect from the date on which this notice is given to the Licensee.

Dated this 16 February 2016

Signed

A handwritten signature in cursive script, appearing to read "James Nott".

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

16 - 0 1 0 8



**Australian Market Licence (Asia Pacific Stock Exchange Limited)
Variation Notice 2016 (No. 1)**

Corporations Act 2001

I, KELLY O'DWYER, Minister for Small Business and Assistant Treasurer, make this Variation under section 796A and 797A of the *Corporations Act 2001* (the Act).

Dated 15/2/16



Minister for Small Business and Assistant Treasurer

1. Name of variation

This Variation is the *Australian Market Licence (Asia Pacific Stock Exchange Limited) Variation Notice 2016 (No. 1)*.

2. Commencement

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

3. Variation

The *Australian Market Licence (Asia Pacific Stock Exchange Limited) 2004* (as varied by *Australian Market Licence (Australia Pacific Exchange Limited) Variation Notice 2009 (No. 1)*, *Australian Market Licence (Asia Pacific Exchange Limited) Variation Notice 2010 (No. 1)*, *Australian Market Licence (Asia Pacific Exchange Limited) Variation Notice 2013 (No. 1)* and *Australian Market Licence (Asia Pacific Exchange Limited) Variation Notice 2014 (No. 1)*) is varied as described in the Schedule.

16 - 0108

Schedule	Variation (Section 3)
[1] Section 1	<p><i>omit the section, substitute</i></p> <p>1 Name of Licence</p> <p>This Licence is the <i>Australian Market Licence (Sydney Stock Exchange Limited) 2004</i>.</p>
[2] Section 3	<p><i>omit the definition</i></p> <p><i>APX</i> means Asia Pacific Stock Exchange Limited (ACN 080 399 220).</p>
[3] Section 3	<p><i>insert a new definition after "cash flow positive"</i></p> <p><i>CS facility licensee</i> has the meaning given by section 761A of the Act.</p>
[4] Section 3	<p><i>insert a new definition after "fidelity fund"</i></p> <p><i>licensed CS facility</i> has the meaning given by section 761A of the Act.</p>
[5] Section 3	<p><i>insert a new definition after "Service Provider"</i></p> <p><i>Sydney Stock Exchange</i> means Sydney Stock Exchange Limited (ACN 080 399 220).</p>
[6] Sections 3 – 14	<p><i>omit "APX" wherever occurring, substitute</i></p> <p>Sydney Stock Exchange</p>
[7] Section 6	<p><i>insert</i></p> <p>6 omitted with effect from 23 June 2010.</p>
[8] Section 7	<p><i>omit the section, substitute</i></p>

16 - 0108

7 Clearing and settlement arrangements

- (1) Sydney Stock Exchange must have operating rules that specify how transactions effected through the market will be cleared and settled.
- (2) For transactions effected through the market that will be cleared and settled through a licensed CS facility, Sydney Stock Exchange must have clearing and settlement arrangements with:
 - (a) ASX Clear Pty Limited (ACN 001 314 503) and ASX Settlement Pty Limited (ACN 008 504 532); or
 - (b) any other CS facility licensee approved for the purpose by the Minister.
- (3) For each transaction effected through the market that will not be cleared and settled through a licensed CS facility, Sydney Stock Exchange must:
 - (a) notify each party to the transaction of the identity of the other party to the transaction; and
 - (b) have operating rules that provide for the transaction to be settled by the parties to the transaction.
- (4) Each time the clearing and settlement arrangements for transactions effected through the market change, and before any orders which may result in transactions subject to the changed arrangements are accepted by the market, Sydney Stock Exchange must:
 - (a) notify each participant, in writing, of the changed clearing and settlement arrangements; and
 - (b) take reasonable steps to ensure each participant immediately notifies each client of the participant, in writing, of the changed clearing and settlement arrangements.

[9] Section 10*insert***10** omitted with effect from 22 April 2013.**[10] Section 11***insert***11** omitted with effect from 23 June 2010.

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 nineteenth day of February 2016

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

CHIMAERA 20

ARSN

122 844 839

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 nineteenth day of February 2016

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company

ADVANCED MARKETS LLC

ARBN

163 705 879

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 nineteenth day of February 2016

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Scheme

ARSN

CASH MANAGEMENT COMMON FUND NO.1

093 442 294

MORTGAGE INVESTMENT COMMON FUND NO.1

093 442 276

PALADIN MONETIZER FUND

153 294 083

TEMPLEGATE FORESTRY TRUST HAMILTON

093 014 325

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.

AURORA LABS PTY. LTD. ACN 601 164 505 will change to a public company limited by shares. The new name will be AURORA LABS LTD ACN 601 164 505.

KEystone CAPITAL PTY LTD
ACN 163 616 064 will change to a public company limited by shares. The new name will be KEystone CAPITAL LIMITED ACN 163 616 064.

STRATEX PTY ACN 136 702 915 will change to a proprietary company limited by shares. The new name will be STRATEX PTY LTD ACN 136 702 915.

INDEPENDENCE JAGUAR LIMITED
ACN 060 620 751 will change to a proprietary company limited by shares. The new name will be INDEPENDENCE JAGUAR PTY LTD ACN 060 620 751.

PHOENIX GOLD LIMITED ACN 140 269 316 will change to a proprietary company limited by shares. The new name will be EVOLUTION MINING (PHOENIX) PTY LIMITED ACN 140 269 316.