



**ASIC**

Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette  
No. A35/16, Tuesday 19 July 2016

Published by ASIC

# ASIC Gazette

## Contents

### Notices under Corporations Act 2001

|         |         |         |         |         |
|---------|---------|---------|---------|---------|
| 16-0097 | 16-0640 | 16-0641 | 16-0642 | 16-0666 |
| 16-0667 | 16-0683 | 16-0689 | 16-0690 | 16-0694 |

### 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.

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)

© 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

16-0097

**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 16-0097.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to Viva Energy REIT Limited ACN 612 986 517 (*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 applies in relation to VER Limited ACN 609 868 000 in its capacity as responsible entity of Viva Energy REIT Trust ARSN 613 146 464 (*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:

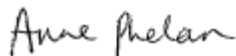
**16-0097**

- (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 7<sup>th</sup> day of July 2016



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

16-0640

**NOTICE UNDER SECTION 915F OF THE CORPORATIONS ACT 2001**

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has taken the action set out in the Notice below, which action took effect on 23 June 2016.

**Australian Securities & Investments Commission****Notice of Cancellation of Australian Financial Services Licence**

To: Ergo Capital Pty Ltd  
ACN 154 749 934

**TAKE NOTICE** that under s915C(1) of the *Corporations Act 2001*, the Australian Securities and Investments Commission (ASIC) hereby cancels Australian financial services licence number 420978 held by Ergo Capital Pty Ltd ACN 154 749 934.

Dated this 23rd day of June 2016.



Signed .....

Kate Druzniak  
Delegate of the Australian Securities & Investments Commission

16-0641

**NOTICE UNDER SECTION 915F OF THE CORPORATIONS ACT 2001**

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has taken the action set out in the Notice below, which action took effect on 9 May 2016.

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION****IN THE MATTER OF BRADLEY THOMAS SHERWIN****BANNING ORDER UNDER SECTIONS 920A AND 920B  
OF THE CORPORATIONS ACT 2001**

To: Bradley Thomas Sherwin

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

Dated this 28th day of April 2016.

Signed:



Kate Dluzniak  
Delegate of the Australian Securities & Investments  
Commission

Your attention is drawn to subsection 920C(2) of the Corporations Act 2001 which provides that a person must not engage in conduct which breaches a banning order that has been made against the person. Contravention of subsection 920C(2) is an offence.

16-0642

**NOTICE UNDER SECTION 915F OF THE CORPORATIONS ACT 2001**

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has taken the action set out in the Notice below, which action took effect on 5 May 2016.

**Australian Securities and Investments Commission  
Corporations Act 2001 section 915B****Notice of cancellation of Australian Financial Services Licence**

To: Sherwin Financial Planners Pty Ltd  
ACN 010 675 260

Under s915B(3)(b) of the *Corporations Act 2001*, the Australian Securities and Investments Commission (ASIC) hereby cancels Australian financial services licence number 230149 held by Sherwin Financial Planners Pty Ltd ACN 010 675 260.

Dated this 28<sup>th</sup> day of April 2016.

Signed:



Kate Dluzniak  
Delegate of the Australian Securities and Investments Commission

16-0666

**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 16-0666.

**Commencement**

3. This instrument commences on 7 July 2016.

**Exemption**

4. A Stapled Security is exempt from subsection 1020B(2) of the Act.

**Where this instrument applies**

5. The exemption applies to a sale of Stapled Securities where all of the following are satisfied:
  - (a) ASX has declared a conditional market in relation to the trading of the Stapled Securities in accordance with the ASX operating rules;
  - (b) the Stapled Securities 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 Stapled Securities has, before the time of sale, entered into a contract to buy those Stapled Securities (including a contract formed under the Offer Document) and has a right to have those Stapled Securities 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 Stapled Securities;

16-0666

- (iii) the issue of Stapled Securities to successful applicants under the Offer Document;
- (iv) settlement occurring in accordance with the terms of the Offer Management 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.

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

*Company* means Viva Energy REIT Limited ACN 612 986 517.

*Offer Document* means the combined prospectus and product disclosure statement in respect of the initial public offering of Stapled Securities lodged with ASIC on or about XX July 2016.

*Offer Management Agreement* means the agreement in substantially the same form as that provided to ASIC on 7 July 2016 between Viva Energy Australia Pty Ltd ACN 004 610 459, the Company, the Responsible Entity and each of Deutsche Bank AG, Sydney Branch and Merrill Lynch Equities (Australia) Limited acting as joint lead managers for the offer of Stapled Securities made under the Offer Document.

*Responsible Entity* means VER Limited ACN 609 868 000 (AFSL 483795) as responsible entity of the Viva Energy REIT Trust ARSN 613 146 464.

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

*Stapled Security* means an ordinary share in the Company and an interest in Viva Energy REIT Trust ARSN 613 146 464 which, under the terms on which each is to be traded, must only be transferred together.

Dated this 7<sup>th</sup> day of July 2016



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



**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)(b) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument 16-0667.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to VER Limited ACN 609 868 000 in its capacity as the responsible entity of Viva Energy REIT ARSN 613 146 464 (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 paragraphs 601FC(1)(c) and 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 601FC(1)(e), 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:

16-0667

- (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.”;
-

16-0667

- (c) insert after section 601PC:

**“601PD      Stapled securities**

For the purposes of this Chapter:

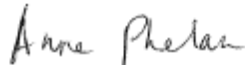
*stapled securities* means two or more financial products including at least one interest in a registered scheme where:

- (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 Viva Energy REIT Limited (ACN 612 986 517).

Dated this 7<sup>th</sup> day of July 2016



Signed by

Anne Phelan

As a delegate of the Australian Securities and Investments Commission



16-0683

ASIC

Australian Securities &amp; Investments Commission

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

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

**TO:** Next Financial Limited ("The Licensee")  
Wilson Group Limited  
'Riparian Plaza'  
Level 24 71 Eagle Street  
Brisbane QLD 4000

Pursuant to section 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Licence Number 235 671 held by the Licensee with effect from the date on which this notice is given to the Licensee.

Dated 8 July 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

16-0689

**Australian Securities and Investments Commission**  
**Corporations Act 2001 – Section 340 and paragraphs 741(1)(b) and 1020F(1)(c) –**  
**Revocation**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under section 340 and paragraphs 741(1)(b) and 1020F(1)(c) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument [16/0689].

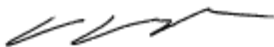
**Commencement**

3. This instrument commences on 12 July 2016.

**Revocation**

4. The following instruments are revoked:
  - (a) ASIC Order [03/614];
  - (b) ASIC Order [05/645];
  - (c) ASIC Instrument [05/1104];
  - (d) ASIC Order [06/53];
  - (e) ASIC Order [06/855];
  - (f) ASIC Instrument [06/166];
  - (g) ASIC Instrument [09/451];
  - (h) ASIC Order [10/412];
  - (i) ASIC Instrument [10/730];
  - (j) ASIC Instrument [10/731];
  - (k) ASIC Order [10/1265];
  - (l) ASIC Instrument [11/273];
  - (m) ASIC Order [12/201];
  - (n) ASIC Instrument [12/1059];
  - (o) ASIC Instrument [12/1060];
  - (p) ASIC Order [15/9];
  - (q) ASIC Instrument [15/131];
  - (r) ASIC Instrument [15/132];
  - (s) ASIC Order [15/453];
  - (t) ASIC Instrument [15/726]; and
  - (u) ASIC Instrument [15/728].

Dated this 12<sup>th</sup> day of July 2016



Signed by Owen Rayner,  
as a delegate of the Australian Securities and Investments Commission

16-0690

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument [16/0690].

**Commencement**

3. This instrument commences on 12 July 2016.

**Declaration**

4. Chapter 6D and Part 7.9 of the Act apply to Rio Tinto Limited ACN 004 458 404 (the *Company*) as if the following provisions were modified or varied:
  - (a) in section 9 insert the following definition:

*dual listing instrument* means any of the following:

    - (i) ASIC Order [15/453];
    - (ii) ASIC Instrument [15/726];
    - (iii) ASIC Instrument [15/728];
    - (iv) ASIC Order [15/1181]; and
    - (v) ASIC Instrument [16/0690].
  - (b) in section 9 in the definition of *continuously quoted securities*, after “technical relief instrument” (wherever occurring), insert “or dual listing instrument”;
  - (c) in paragraphs 708AA(2)(e), 708A(5)(d), 1012DAA(2)(e) and 1012DA(5)(d), after “technical relief instrument” (wherever occurring), insert “or dual listing instrument”.

Note: *ASIC Corporations (Disregarding Technical Relief) Instrument 2016/73* notionally inserts a definition of *technical relief instrument* into section 9 of the Act and makes other consequential notional modifications to other provisions of the Act.

16-0690

**Exemption**

5. The Company does not have to comply with Part 6D.2 or 6D.3 of the Act (other than sections 736 and 738) for an offer of shares for issue under a purchase plan (within the meaning of ASIC Class Order [CO 09/425] (the *class order*)) where the Company, at the time the offer is made:
  - (a) meets the requirements in paragraph 7 of the class order except for subparagraph 7(d); and
  - (b) would meet the requirement in subparagraph 7(d) of the class order if that subparagraph were to read:
    - “(d) no order under section 340 or 314 of the Act (other than an excluded order or dual listing instrument) covered the issuer, or any person as director or auditor of the issuer, at any time in the shorter of the period during which the class was quoted, and the period of 12 months before the day on which the offer is made;”.
6. The Company must comply with the conditions of the class order.

Dated this 12<sup>th</sup> day of July 2016



Signed by Owen Rayner,  
as a delegate of the Australian Securities and Investments Commission

16-0694

**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 16-0694.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Macquarie Investment Management Ltd ACN 002 867 003 (the *responsible entity*) in its capacity as the responsible entity of the Wellington Global Bond Fund (Australia) ARSN 133 325 818 (the *Scheme*) as if section 601FL of the Act were modified or varied as follows:
  - (a) in subsection (1) omit all the text after the word “it”, substitute:

“must propose a company (the *proposed responsible entity*) to be the new responsible entity in accordance with subsection (1A).”
  - (b) after subsection 601FL(1), insert:

“(1A) The responsible entity can retire and the proposed responsible entity can become the new responsible entity if all of the following requirements are met:

    - (a) the proposed responsible entity must provide its consent in writing to become the scheme's responsible entity;
    - (b) as soon as practicable and in any event within 2 business days after the proposed responsible entity has given its written consent to becoming the scheme's responsible entity, the responsible entity must lodge a notice with ASIC asking it to alter the record of the scheme's registration to name the proposed responsible entity as the scheme's responsible entity;
    - (c) if the current responsible entity does not lodge the notice required by paragraph (b), the proposed entity may lodge that notice; and



16-0694

(d) ASIC must comply with the notice when it is lodged.”

**Where this declaration applies**

5. This instrument applies where:
  - (a) Equity Trustees Limited ACN 004 031 298 (*Equity Trustees*) is to be appointed as the new responsible entity of the Scheme;
  - (b) the Scheme has no members; and
  - (c) the responsible entity receives no remuneration in relation to the establishment of, the retirement as the responsible entity of the Scheme and the appointment of Equity Trustees as the new responsible entity of the Scheme. For the avoidance of doubt, remuneration does not include reimbursement for reasonable expenses incurred for the establishment of the Scheme and retirement of the responsible entity.
6. This instrument ceases to apply on 13 October 2016.

Dated this 13<sup>th</sup> day of July 2016.



Signed by Mai Go  
as a delegate of the Australian Securities and Investments Commission

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 fifteenth day of July 2016

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

ARUNDEL PACIFIC LIMITED

**ARBN**

603 261 258

---

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.

**ANDAW PTY** ACN 113 171 501 will change to a proprietary company limited by shares. The new name will be **ANDAW PTY LTD** ACN 113 171 501.

**MITCOR MARINE INNOVATION & TECHNOLOGY PTY LTD** ACN 612 682 603 will change to a public company limited by shares. The new name will be **MITCOR MARINE INNOVATION & TECHNOLOGY LIMITED** ACN 612 682 603.

**SCHOOL OF HARMONIC STUDIES LIMITED** ACN 111 190 937 will change to a proprietary company limited by shares. The new name will be **DELIGA LIMITED** ACN 111 190 937.

**STATEWIDE FINANCIAL MANAGEMENT SERVICES LIMITED** ACN 092 109 209 will change to a proprietary company limited by shares. The new name will be **STATEWIDE FINANCIAL MANAGEMENT SERVICES PTY LTD** ACN 092 109 209.

**DANBURY (NSW) PTY** ACN 113 171 529 will change to a proprietary company limited by shares. The new name will be **DANBURY (NSW) PTY LTD** ACN 113 171 529.

**PEPPERMINT TECHNOLOGY LTD** ACN 600 876 024 will change to a proprietary company limited by shares. The new name will be **PEPPERMINT TECHNOLOGY PTY LTD** ACN 600 876 024.

**SPHERE MINERALS LIMITED** ACN 009 134 847 will change to a proprietary company limited by shares. The new name will be **SPHERE MINERALS PTY LIMITED** ACN 009 134 847.

**WANDOO GOLD PTY LIMITED** ACN 603 812 997 will change to a public company limited by shares. The new name will be **COLONIAL GOLDFIELDS LIMITED** ACN 603 812 997.