



ASIC
Australian Securities &
Investments Commission

Commonwealth of Australia Gazette
No. A04/22, Tuesday 25 January 2022

Published by ASIC

ASIC Gazette

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RIGHTS OF REVIEW

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

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21-1020

**Australian Securities and Investments Commission
Corporations Act 2001 — Subsection 926A(2)(a) — Exemption**

Enabling legislation

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under s926A(2)(a) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Instrument 21-1020.

Commencement

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

Exemption

4. ASIC exempts Hauck Aufhäuser Lampe Privatbank AG (the *body*), incorporated and listed on the German Commercial Register (HRB 108617), from the requirement to hold an Australian financial services (*AFS*) licence in the case referred to in Schedule A and subject to the requirements in Schedule B.

Cessation

5. The exemption in paragraph 4 ceases to have effect on the earlier of:
 - (a) the date specified in subsection 1(3) of Schedule 2 of the *ASIC Corporations (Repeal and Transitional) Instrument 2016/396*; or
 - (b) the body failing to comply with any written notice given by ASIC directing the body to give to ASIC, within the time specified in the notice, a written statement containing specified information about the financial services business operated by the body in this jurisdiction; or
 - (c) the body being notified in writing by ASIC that it is excluded from relying on this instrument.

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Schedule A

1. The exemption in paragraph 4 applies where all of the following apply:
 - (a) the body holds a German Banking Licence;
 - (b) the body is either a body corporate incorporated in Germany or a partnership formed in Germany;
 - (c) the body:
 - (i) is registered under Div 2 of Pt 5B.2 of the Act; or
 - (ii) has not failed for more than the last 10 business days to have an Agent;
 - (d) the body's primary business is the provision of financial services;
 - (e) neither the body nor its Agent has been notified by ASIC that the body is excluded from relying on this instrument;
 - (f) 10 business days have not elapsed since the body became or should reasonably have become aware of matters that give it reason to believe that it has failed, other than in an immaterial respect, to comply with a requirement set out in Schedule B without full particulars of the failure having been provided to ASIC (to the extent that the body knows those particulars or would have known them if it had undertaken reasonable enquiries) and ASIC having notified the body or its Agent that the body may continue to rely on this instrument; and
 - (g) the body has not notified ASIC that it will not rely on this instrument.
2. Where the body provides any of the following financial services (the *financial services*) in this jurisdiction to wholesale clients:
 - (a) providing financial product advice;
 - (b) dealing in a financial product;
 - (c) making a market for a financial product; or
 - (d) providing a custodial or depository service;in respect of any of the following financial products:
 - (e) derivatives;
 - (f) foreign exchange contracts;
 - (g) securities;
 - (h) debentures, stocks or bonds issued by a government;

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- (i) interests in a managed investment scheme that is not required to be registered under Chapter 5C of the Act;
 - (j) managed investment products;
 - (k) deposit-taking facilities that are not deposit products; or
 - (l) facilities through which a person makes non-cash payments.
3. Where the body has provided ASIC with:
- (a) evidence that paragraph (1)(a) of Schedule A is satisfied and that ASIC has stated in writing is adequate;
 - (b) a notice that it will provide financial services in this jurisdiction in reliance on this instrument;
 - (c) a deed of the body for the benefit of and enforceable by ASIC and the other persons referred to in subsection 659B(1) of the Act that applies notwithstanding that the body may have ceased to rely, or never have relied, on this instrument, which deed provides that:
 - (i) the deed is irrevocable except with the prior written consent of ASIC;
 - (ii) the body submits to the non-exclusive jurisdiction of the Australian courts in legal proceedings conducted by ASIC (including under section 50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in subsection 659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise;
 - (iii) the body covenants to comply with any order of an Australian court in respect of any matter relating to the provision of the financial services;
 - (iv) if the body is not registered under Division 2 of Part 5B.2 of the Act, service of process on the body in relation to legal proceedings conducted by ASIC (including under section 50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in subsection 659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise can be effected by service on the Agent; and
 - (v) the body covenants that, on written request of either BaFin or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist BaFin to disclose to ASIC and ASIC to disclose to BaFin any information or document that BaFin or ASIC has that relates to the body; and
 - (d) written consent to the disclosure by BaFin to ASIC and ASIC to BaFin of any information or document that BaFin or ASIC has that relates to the body (being consent in such form (if any) as ASIC specifies in writing).

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Schedule B

1. The body must provide each of the financial services in this jurisdiction in a manner which would comply, so far as is possible, with the German regulatory requirements if the financial service were provided in Germany in like circumstances.
2. The body must:
 - (a) notify ASIC, as soon as practicable and in such form if any as ASIC may from time to time specify in writing, of the details of:
 - (i) each significant change to, including the termination of, the German Banking Licence applying to the body relevant to the financial services the body provides or intends to provide in this jurisdiction;
 - (ii) each significant change to the German regulatory requirements (including in the power or authority of BaFin to supervise, monitor or procure compliance by the body with the German regulatory requirements with respect to the provision of the financial services) that is relevant to the financial services the body provides or intends to provide in this jurisdiction unless ASIC has stated in writing that notice of that change is not required for the purpose of this instrument;
 - (iii) each significant particular exemption or other relief which the body obtains from the German regulatory requirements; and
 - (iv) each enforcement or disciplinary action taken by BaFin or any other overseas regulatory authority against the body; and
 - (b) provide written disclosure to all persons to whom the financial services are provided in this jurisdiction (before the financial services are provided) containing prominent statements to the following effect:
 - (i) the body is exempt from the requirement to hold an AFS licence under the Act in respect of the financial services; and
 - (ii) the body is regulated by BaFin under German laws, which differ from Australian laws.

Interpretation

In this instrument:

address, in relation to a company, means the address of the registered office of the company;

Agent means a natural person resident in this jurisdiction or a company, whose name and address were last notified to ASIC by the body for the purposes of this instrument, and who is authorised to accept on the body's behalf, service of process from ASIC and, in relation to proceedings relating to a financial services law, from any person referred to in subsection 659B(1) of the Act;

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BaFin means the Bundesanstalt für Finanzdienstleistungsaufsicht of Germany;

custodial or depository service has the meaning given by section 766E of the Act;

deposit product has the meaning given by section 761A of the Act;

derivative has the meaning given by section 761D of the Act;

financial product advice has the meaning given by section 766B of the Act;

financial services law has the meaning given by section 761A of the Act;

foreign exchange contract has the meaning given by section 761A of the Act;

German Banking Act means the Gesetz über das Kreditwesen of Germany;

German Banking Licence means a licence granted by BaFin under section 32 of the German Banking Act or deemed to be so granted under section 61 or section 64e of the German Banking Act;

German regulatory requirements means the rules that apply in relation to the financial services including any applicable legislation, instruments made under that legislation and any relevant policies or other documents (however described) issued by BaFin;

makes non-cash payments has the meaning given by section 763D of the Act;

making a market has the meaning given by section 766D of the Act;

managed investment product has the meaning given by section 761A of the Act;

notice and *notified* mean, respectively, written notice and notified in writing;

overseas regulatory authority means a foreign regulatory authority (other than BaFin) which regulates financial services and which is established by or for the purposes of a foreign government or legislative body;

securities has the meaning given in section 761A of the Act; and

wholesale client has the meaning given in section 761G of the Act.

Dated this 18th day of January 2022



Signed by Natalie Boulizos
as a delegate of the Australian Securities and Investments Commission

21-1033


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

Notice of Cancellation of an Australian Financial Services Licence

TO: Reef Capital Coaching Pty Limited
ACN 092 309 978 ("the Licensee")
PO Box 721
Noosa Heads QLD 4567

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 288200 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 4 January 2022

Signed 

Chun Kei Marco Lam
A delegate of the Australian Securities and Investments Commission

22-0013

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Omega Global Investors Pty Ltd
ACN/ARBN/ABN 126 331 244 ("the Licensee")
11 James Close,
Menai, NSW 2234

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 318125 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 17 January 2022

Signed 

Chun Kei Marco Lam
A delegate of the Australian Securities and Investments Commission

22-0015

**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 22-0015.

Commencement

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

Declarations

4. Chapter 6 of the Act applies to FirstWave Cloud Technology Limited ACN 144 733 595 (the *Company*) as if section 609 of the Act were modified or varied by omitting subsections 609(13C) – 609(13D) (as notionally inserted by ASIC Class Order [CO 13/520]).

Where this instrument applies

5. The declaration in paragraph 4 applies to the acquisition of a relevant interest in up to 413,843,067 securities of the Company (*escrow securities*) arising as a result of the entry into one or more voluntary escrow agreements or deeds (each an *escrow agreement*) between the Company and a Security Holder in connection with the proposed acquisition of all of the issued share capital of Opmantek Limited ACN 147 099 063 (*Opmantek*) where each escrow arrangement:
 - (a) does not restrict the exercise of voting rights attaching to the escrow securities;
 - (b) in the case of a takeover bid (including a proportional takeover bid):
 - (i) allows each Security Holder to accept into the takeover bid where the holders of at least half of the bid class securities that are not subject to escrow have accepted into the bid; and
 - (ii) requires that the escrow securities be returned to escrow if the bid does not become unconditional;
 - (c) allows the escrow securities to be transferred or cancelled as part of a merger by way of a compromise or arrangement under Part 5.1;
 - (d) terminates no later than the second anniversary of the date the escrow securities were issued to the relevant Security Holder;

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- (e) where the Security Holder is permitted to create a security interest in some or all of the escrow securities in favour of a person whose relevant interests in the escrow securities does not arise because of paragraph 5—requires that the Security Holder must not create a security interest in favour of a person unless the person has agreed in writing to take or acquire the security interest in the escrow securities subject to the terms of the escrow agreement; and
- (f) where the Security Holder is permitted to transfer their interests in the escrow securities to another person—requires that the Security Holder must not transfer the escrow securities to another person if:
 - (i) the transfer would result in a change in the beneficial ownership of the escrow securities; or
 - (ii) the transfer would result in an extension in the period of the escrow agreement; or
 - (iii) the transferee does not agree to be subject to the same restrictions on disposal of the escrow securities under the escrow agreement.

Interpretation

6. In this instrument:

FirstWave Takeover Offer means the off-market takeover offer under Chapter 6 of the Act by the Company to acquire all of the fully paid ordinary shares in Opmantek in exchange for consideration of 11.5159 Company shares per Opmantek share on the terms and conditions contained in the bidder's statement dated 3 December 2021 issued by the Company.

Security Holder means a person who holds ordinary shares in the Company other than Mr Daniel Maher and Mr Craig Nelson, and who was issued those shares following acceptance and in accordance with the terms of the FirstWave Takeover Offer.

Dated this 12th day of January 2021



Signed by Roxton Narcis
as a delegate of the Australian Securities and Investments Commission

22-0017

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Lab35 Pty Ltd
ACN 637 821 928 ("the Licensee")
Suite 6
19-35 Gertrude Street
FITZROY VIC 3065

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 521120 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 14/01/2022

Signed *N Vonarx*

Nicholas Vonarx
A delegate of the Australian Securities and Investments Commission

22-0028

**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 declaration under paragraph 655A(1)(b) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Instrument 22-0028.

Commencement

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

Declaration

4. Chapter 6 of the Act applies to Focus Minerals Limited ACN 005 470 799 (*Target*) as if Part 6.5 were modified or varied as follows:

- (a) at the end of section 648C, add:

“; or

(c) in accordance with section 648CA.”;

- (b) after section 648C, insert:

“648CA Deemed manner of sending documents

- (1) A target’s statement is deemed to have been sent to a holder of securities in relation to offers under an off-market bid for the purposes of this Chapter where either:

- (a) all of the following are satisfied:

- (i) the holder has nominated an electronic address for the purposes of receiving electronic copies of shareholder communications from the person sending the target’s statement;
- (ii) an electronic message is sent to the nominated electronic address of the holder, which contains links to an electronic copy of the target’s statement that is in a form that allows text within the copy to be searched by a computer;
- (iii) the person sending the electronic message does not receive a notification to the effect that the electronic message is unable to be delivered to the nominated electronic address; and

22-0028

- (iv) facilities are in place that enable the holder, either through an online portal or website that is accessible by the holder or a telephone number specified in the electronic message or target's statement, to request that the target's statement is to be sent to the holder by a manner specified in paragraph 648C(a) or (b); or
- (b) all of the following are satisfied:
 - (i) the holder has not nominated an electronic address for the purposes of receiving electronic copies of shareholder communications from the person sending the target's statement;
 - (ii) a letter or postcard (the *Postcard*) is sent to the registered address of the holder, which contains a Uniform Resource Locator to an electronic copy of the target's statement that is in a form that allows text within the copy to be searched by a computer; and
 - (iii) facilities are in place that enable the holder, either through an online portal or website that is accessible by the holder or a telephone number specified in the Postcard or target's statement, to request that the target's statement is to be sent to the holder by a manner specified in subsections 648C(a) or (b)."

Where this instrument applies

5. This instrument applies in relation to the off-market takeover bid (*Bid*) by Theta Gold Mines Limited ACN 131 758 177 (*Bidder*) for all of the ordinary shares in the Target that existed as at 21 December 2021, in respect of which a replacement bidder's statement was lodged by the Bidder with ASIC on 4 January 2022 where by 7:30pm AEDT on the date of this declaration, the Target has provided to ASX Limited ACN 008 624 691 (*ASX*) for release on the financial market operated by ASX, an announcement:
 - (a) explaining the effect of the declaration;
 - (b) that includes a statement to the effect that Target shareholders may request to be sent hard copies of the target's statement:
 - (i) if the holder is outside of Australia—by pre-paid airmail post or by courier; or
 - (ii) if the holder is in Australia—by pre-paid ordinary post or by courier,and a statement that explains how shareholders can make this request; and
 - (c) includes a statement to the effect that the fact that ASIC has granted this relief in connection with the Bid should not be taken as a reflection of ASIC's views on any other aspect of the Bid.

22-0028

Dated this 20th day of January 2022

A handwritten signature in blue ink, appearing to read 'B. Dillon', is centered on the page.

Signed by Baldev Dillon
as a delegate of the Australian Securities and Investments Commission

22-0029

**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 (Act)*.

Title

2. This instrument is ASIC Instrument 22-0029.

Commencement

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

Declaration

4. Chapter 6D of the Act applies to a person who holds Shares in the Company as if subsections 707(3) and (4) were omitted and substituted with:

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

- (a) without disclosure to investors under this Part; and
- (b) with the purpose of the person to whom they were issued:
 - (i) selling or transferring them; or
 - (ii) granting, issuing or transferring interests in, or options or warrants over, them;

and section 708 or 708A does not say otherwise”

Where the instrument applies

5. The declaration in paragraph 4 applies where a person who holds Shares in the Company makes an offer of Shares for sale where:

- (a) the sale offer occurs within 12 months of the issue of the Shares; and
- (b) the offer for sale referred to in paragraph 5(a) relates to Shares issued under the Company’s Share Purchase Plan.

Interpretation

6. In this instrument:

ASX means ASX Limited ACN 008 624 691

Company means Corporate Travel Management Limited ACN 131 207 611.

22-0029

Shares means fully paid ordinary shares in the Company.

Share Purchase Plan means the share purchase plan offer announced by the Company on ASX on 15 December 2021 and opened on 23 December 2021.

Dated this 20th day of January 2022



Signed by Baldev Dillon
as a delegate of the Australian Securities and Investments Commission

22-0032

NOTICE UNDER SECTION 920E OF THE CORPORATIONS ACT 2001

Notice is given under section 920E of the Corporations Act 2001 that the Australian Securities and Investments Commission has made a banning order in the terms set out below, which order took effect on 18 January 2022.

Australian Securities and Investments Commission**In the matter of Paul Kevin Bennetts****Banning order under sections 920A and 920B****of the Corporations Act 2001**

To: Paul Kevin Bennetts

Take notice that under sections 920A(1) and 920B(2) of the *Corporations Act 2001* the Australian Securities and Investments Commission prohibits Paul Kevin Bennetts from:

- (a) providing any financial service;
- (b) controlling, whether alone or in concert with one or more other entities, an entity that carries on a financial services business; and
- (c) performing any function involved in the carrying on of a financial services business (including as an officer, manager, employee, contractor or in some other capacity)

for a period of six years.

Dated this 18th day of January 2022.

Signed:



Andrew Stecher

Delegate of the Australian Securities and Investments Commission

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

22-0033

**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 (Act)*.

Title

2. This instrument is ASIC Instrument 22-0033.

Commencement

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

Declaration

4. Chapter 6D of the Act applies to an offer of ordinary shares in Volt Resources Limited ACN 106 353 253 (*Company*) as if paragraph 708A(5)(b) of the Act were modified by deleting the words “5 days” and substituting the words “38 days”.

Where this instrument applies

5. This instrument applies to an offer for sale of the Company’s ordinary shares (*Shares*) where:
 - (a) the Shares are issued to Ropa Investments (Gibraltar) Limited (*Ropa*) (or its nominee) at any time between the date of this instrument and 17 August 2022 (inclusive) as a result of the Company’s acquisition of all the issued share capital of Asena Investment Doo Beograd-Stari grad, a wholly-owned subsidiary of Ropa, on terms which are substantially the same as those outlined in the announcements given by the Company to ASX Limited ACN 008 624 691 (*ASX*) on 18 November 2021;
 - (b) the offer to issue the Shares did not require disclosure under Part 6D.2 of the Act because of subsection 708(8) or subsection 708(11) of the Act;
 - (c) trading in the fully paid shares of the Company on the financial market operated by ASX is not suspended at any time during the period between the date of this instrument and the relevant issue of Shares under paragraph 5(a); and
 - (d) in relation to each relevant issue of Shares, the Company has given ASX a notice under paragraph 708A(5)(e) of the Act which complies with subsection 708A(6) of the Act.

22-0033

Dated this 21st day of January 2022

A handwritten signature in black ink, appearing to read "Brittany Jeffs". The signature is written in a cursive, flowing style.

Signed by Brittany Jeffs
as a delegate of the Australian Securities and Investments Commission

CORPORATIONS ACT 2001
Section 601CL(5)

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

Dated this twenty-first day of January 2022

Name of Company

ARBN

ELSER FARMS CORP.

621 209 961

ENPAC, L.L.C.

615 801 566

THE MEDIA RECRUITMENT EXCHANGE LIMITED

615 933 778

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 twenty-first day of January 2022

Name of Company

ARBN

GENERAL DYNAMICS LAND SYSTEMS - CANADA CORPORATION

103 880 922

CORPORATIONS ACT 2001
Subsection 601PB(2)

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

Dated this twenty-first day of January 2022

Name of Scheme

ARSN

AIL ALMOND GROWER PROJECT - SWAN HILL	122 494 491
PENDAL INTERNATIONAL SHARE INTERFUND	096 494 469
PIANGIL GROWER PROJECT-2008	128 581 644
2004 SWAN HILL ALMOND GROWER PROJECT	108 074 719
2005 SWAN HILL ALMOND GROWER PROJECT	113 186 468
2006 SWAN HILL ALMOND GROWER PROJECT	118 163 929

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.

SOUTHERN CROSS GOLD PTY LTD

ACN 652 166 795 will change to a public company limited by shares. The new name will be SOUTHERN CROSS GOLD LTD ACN 652 166 795.

ZIKSU HOLDINGS PTY LTD ACN 642 533 533

will change to a public company limited by shares. The new name will be ZIKSU HOLDINGS LTD ACN 642 533 533.