



**ASIC**  
Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette  
No. A18/21, Tuesday 4 May 2021

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](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)

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21-0272

**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 14 April 2021.

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****IN THE MATTER OF ANDREW CARL HILLS****BANNING ORDER UNDER SECTIONS 920A AND 920B  
OF THE CORPORATIONS ACT 2001**

To: Andrew Carl Hills

**TAKE NOTICE** that under subsections 920A(1) and 920B(2) of the Corporations Act 2001 the Australian Securities and Investments Commission prohibits Andrew Carl Hills from providing any financial services for a period of four years.

Dated this 6<sup>th</sup> day of April 2021

Signed:   
6 April 2021  
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.

21-0278

**Australian Securities and Investments Commission  
Corporations Act 2001 — Paragraphs 951B(1)(a) — Exemption**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraph 951B(1)(a) of the *Corporations Act 2001 (Act)*.

**Title**

2. This instrument is ASIC Instrument [21-0278].

**Commencement**

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

**Exemption**

4. An authorised representative (the *providing entity*) of Findex Advice Services Pty Ltd ACN 090 684 521 (*Findex*) does not have to comply with section 946A of the Act in relation to the provision of personal advice (the *further advice*) by the providing entity to a person (the *existing client*) as a retail client where all the following are satisfied:
  - (a) the existing client was a client of the providing entity when the providing entity was an authorised representative of Financial Index Australia Pty Limited ACN 094 287 037 (*FIA*);
  - (b) the providing entity provides the further advice to the existing client in circumstances where:
    - (i) the providing entity has previously given the existing client a Statement of Advice that sets out the client's relevant personal circumstances in relation to the advice (the *previous advice*) set out in that Statement;
    - (ii) the existing client's relevant personal circumstances in relation to the further advice (determined having regard to the existing client's objectives, financial situation and needs as currently known to the providing entity) are not significantly different from the existing client's relevant personal circumstances in relation to the previous advice;
    - (iii) so far as the basis on which the advice is given relates to other matters – the basis on which the further advice is given is not significantly different from the basis on which the previous advice was given; and

- (c) had the providing entity remained an authorised representative of FIA, the providing entity would have been able to rely on section 946B of the Act as notionally substituted by regulation 7.7.10AE of the *Corporations Regulations 2001* in respect of the further advice; and
- (d) the providing entity keeps a record of the further advice in accordance with regulation 7.7.09 of the *Corporations Regulations 2001*.

Dated this 26<sup>th</sup> day of April 2021

A handwritten signature in blue ink, appearing to read 'M Stockfeld', written in a cursive style.

Signed by Martin Stockfeld  
as a delegate of the Australian Securities and Investments Commission

21-0290

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 21-0290.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to BT Funds Management Limited ACN 002 916 458 in its capacity as responsible entity of:

1. Multi-Manager Balanced Fund ARSN 098 405 380; and
2. BT Wholesale Multi-Manager Moderate Fund ARSN 626 161 573; and
3. Multi-Manager Conservative Fund ARSN 098 405 479; and
4. BT Wholesale Multi-Manager Fixed Interest Fund ARSN 118 469 659; and
5. Multi-Manager Growth Fund ARSN 098 405 308; and
6. Multi-Manager High Growth Fund ARSN 102 760 896; and
7. BT Wholesale Multi-Manager International Shares Fund ARSN 124 773 628

together (Schemes) as if section 601FL were modified or varied as follows:

- (a) in subsection (1) omitting all the text after the word “it”, substitute:

“must either:

- (a) call a members’ meeting to explain its reason for wanting to retire and to enable the members to vote on a resolution (which must be an extraordinary resolution if the scheme is not listed) to choose a company to be the new responsible entity; or

## 21-0290

- (b) propose a related body corporate of the responsible entity to be the new responsible entity in accordance with subsection (1A).”;
- (b) after subsection (1), inserting:
  - “(1A) The requirements for proposing a related body corporate (proposed responsible entity) to be the new responsible entity are as follows:
    - (a) The responsible entity must give members of the scheme notice of a proposal to choose the proposed responsible entity, to be the scheme’s new responsible entity.
    - (b) The notice to members must:
      - (i) set out the following information:
        - (A) the responsible entity’s reasons for wanting to retire;
        - (B) such information as can reasonably be expected to be material to a member in forming a view as to the choice of the proposed responsible entity;
        - (C) information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur;
        - (D) how members can access on the responsible entity’s website current information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur;
      - (ii) state prominently that if:
        - (A) members who together hold at least 5% of the total value of the interests held by members; or
        - (B) 100 members,who would be entitled to vote if the proposal were put as a proposed resolution to a meeting of members under paragraph (1)(a), ask for a vote on the choice of the proposed responsible entity by giving written notice received by the responsible entity within 21 days from the date the notice is sent, the responsible entity will either arrange a postal vote or convene a meeting to

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- vote on a resolution for the choice of the proposed responsible entity; and
- (iii) be accompanied by a form which can be ticked to ask for a vote; and
  - (iv) state prominently a reply-paid address of the responsible entity to which the form may be sent.
- (c) The responsible entity must prominently disclose on its website current information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur.
- (d) If sufficient members ask for a vote in accordance with the notice, the responsible entity must arrange for a postal vote or, if the responsible entity chooses, convene a meeting in accordance with Part 2G.4 to vote on the choice of the proposed responsible entity as soon as possible.
- (e) If there is a postal vote:
- (i) a voting paper must be sent to each member stating a reply-paid address of the responsible entity to which the voting paper may be sent; and
  - (ii) the responsible entity must notify the members in, or in a document accompanying, the voting paper that:
    - (A) the proposed responsible entity will be chosen as the new responsible entity if at least 50% of the total votes that may be cast by members that would be eligible to vote at a meeting under paragraph (1)(a) are cast in favour of the choice; and
    - (B) only votes received by the responsible entity within 28 days after the issue of the voting paper will be counted.
- (f) If a meeting is convened the resolution to choose the new responsible entity must be an extraordinary resolution if the scheme is not listed.;"
- (c) after subsection (2) insert:
- “(2A) If a postal vote is arranged under paragraph (1A)(d) and at least 50% of the total votes that may be cast by members that would be eligible to



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vote at a meeting under paragraph (1)(a) are cast in favour of the proposed responsible entity, that entity is taken for the purposes of subsection (2) to have been chosen by a resolution of members on the last day on which postal votes may be received in order to be counted.

(2B) If:

- (a) a related body corporate is proposed to be the new responsible entity in accordance with subsection (1A); and
- (b) sufficient members do not ask for a vote to choose the entity in accordance with the notice referred to in paragraph (1A)(b); and
- (c) the entity has consented in writing to becoming the scheme's responsible entity,

then:

- (d) as soon as practicable and in any event within 2 business days after the end of the period in which a member may ask for such a vote, the current 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; and
- (e) the notice must be accompanied by a certificate from the current responsible entity that it reasonably considers that the appointment of the proposed responsible entity would be in the best interests of members with a summary of the responsible entity's reasons as to why this is the case; and
- (f) unless ASIC reasonably believes that the appointment of the proposed responsible entity would not be in the best interests of members, ASIC must comply with the notice as soon as practicable after the notice and summary are lodged."

**Where this declaration applies**

5. This declaration applies where Westpac Financial Services Limited ACN 000 241 127 has agreed in writing to become the new responsible entity of the Schemes.

**Where this declaration ceases to apply**

6. This declaration ceases to apply on 28 October 2021.

Dated this 28th day of April 2021



21-0290



Signed by Joshua Bradbury  
as a delegate of the Australian Securities and Investments Commission

21-0295

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

**Enabling provisions**

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

**Title**

2. This instrument is ASIC Instrument 21-0295.

**Commencement**

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

**Exemptions**

4. Challenger Limited (ACN 106 842 371) (*Challenger*) does not have to comply with Division 5A of Part 7.9 of the Act in relation to unsolicited offers it makes to Eligible CCN1 Holders to participate in the Repurchase Invitation as described in the Challenger Capital Notes 1 Repurchase Invitation Booklet dated on or about 27 April 2021 (*Repurchase Booklet*).

**Conditions of the relief**

5. Challenger must give or send to each Eligible CCN1 Holder, a copy of the Repurchase Booklet, by:
  - a. giving the Repurchase Booklet to the Eligible CCN1 Holder; or
  - b. sending the Repurchase Booklet:
    - i. by post to the address for the Eligible CCN1 Holder in the Register of Members or an alternative address (if any) nominated by the Eligible CCN1 Holder; or
    - ii. to the fax number or electronic address (if any) nominated by the Eligible CCN1 Holder;
6. The Repurchase Booklet must contain the following statements and information:
  - a. a statement that the Repurchase Invitation is open until the closing date set out in the Repurchase Invitation; and
  - b. information about the minimum and maximum number (if any) of CCN1 a participating Eligible CCN1 Holder can elect to participate in the Repurchase Invitation; and

21-0295

- c. a statement that the market price of CCN1 is subject to change from time to time; and
- d. a statement that an Eligible CCN1 Holder may be able to sell or dispose of their CCN1 at a price higher or lower than the price they would receive if they were to participate in the Repurchase Invitation; and
- e. information about how to obtain up-to-date information on the market price of CCN1; and
- f. information about any other significant characteristics or features of the Repurchase Invitation or of the rights and obligations of Eligible CCN1 Holders who elect to participate in the Repurchase Invitation; and
- g. information about any alternatives that the Eligible CCN1 Holder may have to participating in the Repurchase Invitation.

**Interpretation**

In this instrument:

**CCN1** means the perpetual, subordinated, unsecured notes issued by Challenger under a replacement prospectus dated 4 September 2014 that are trading on the ASX under the code "CGFPA";

**Eligible CCN1 Holder** means a person who is a registered holder of CCN1 at 7.00pm (Sydney time) on 22 April 2021, shown on the Register of Members as having an address in Australia, and is not an individual residing in a member state of the European Union or the United States or acting as a nominee for, or for the account or benefit of, a person in the United States and not otherwise prevented from receiving the Repurchase Invitation under the laws of any jurisdiction;

**Register of Members** means the register of members of Challenger required to be set up and maintained under section 169 of the Act; and

**Repurchase Invitation** means the invitation to holders of CCN1 to tender their CCN1 for repurchase as described in the Repurchase Booklet.

Dated 23 April 2021



Signed by Adam Prior  
as a delegate of the Australian Securities and Investments Commission

21-0314

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

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

TO: Langham Business Services Pty Ltd  
ACN 141 656 662 ("the Licensee")  
37 Kinlock Avenue  
MURRUMBEENA VIC 3163

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 489117 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 29 April 2021

Signed *George Podaras*  
.....

George Podaras  
A delegate of the Australian Securities and Investments Commission

21-0320

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 601QA(1)(b) – Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 21-0320.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Colonial First State Investments Limited ACN 002 348 352 (*CFS*) as responsible entity of the Colonial First State Investment Fund 3 ARSN 168 564 010 (*CFS Investment Fund 3*) as if the definition of *extraordinary resolution* in section 9 of the Act were modified or varied by omitting paragraphs (a) and (b) of the definition and substituting:

“(a) of which:

- (i) notice as set out in paragraph 252J(c) has been given; or
  - (ii) a new notice under section 252K for an adjourned meeting has been given; and
- (b) that has been passed by at least 50% of the total votes that may be cast by eligible persons.

For the purposes of this definition of “extraordinary resolution”:

*abstaining member* means a member of the scheme that:

- (a) is an operator or custodian of an IDPS;
- (b) has a written policy of not voting their interests in relation to a resolution arising from the client's investments in the IDPS; and
- (c) has abstained from voting on the resolution.

*custodian* in relation to an IDPS, has the meaning given in ASIC Class Order [CO 13/763].

**21-0320**

*eligible persons* means members of the scheme (excluding abstaining members) entitled to vote on the resolution at the meeting (including members who are not present in person or by proxy).

*IDPS* has the meaning given in ASIC Class Order [CO 13/763].

*operator* in relation to an IDPS, has the meaning given in ASIC Class Order [CO 13/763].”

**Where this instrument applies**

5. This instrument applies where:
- (a) CFS has adjourned a meeting of scheme members of CFS Investment Fund 3 to vote on resolutions to the effect that The Trust Company (RE Services) Ltd ACN 003 278 831 replaces CFS as responsible entity of CFS Investment Fund 3 upon the retirement of CFS as responsible entity;
  - (b) members of CFS Investment Fund 3 are given the right to withdraw or change any proxies that were submitted to CFS prior to the date the meeting was adjourned, such right being able to be exercised for a period of at least 10 business days after being given the new notice of the adjourned meeting; and
  - (c) the notice of the adjourned meeting includes the following information:
    - (i) an explanation of the effect of this instrument in relation to the resolutions to be considered at the adjourned meeting; and
    - (ii) a statement that members of CFS Investment Fund 3 that had submitted proxies to CFS in relation to the meeting that was adjourned have the right to withdraw or change the proxies, and an explanation of the process to be followed to exercise the right.

Dated this 27<sup>th</sup> day of April 2021



Signed by Natasha Gomez  
as a delegate of the Australian Securities and Investments Commission

21-0323

**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 26 April 2021.

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**  
**IN THE MATTER OF CHRISTOPHER CHAN**

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

To: Christopher Chan

**TAKE NOTICE** that under subsections 920A(1) and 920B(2) of the Corporations Act 2001 the Australian Securities and Investments Commission prohibits **Christopher Chan** from providing any financial services, performing one or more functions as an officer of an entity that carries on a financial services business; and controlling an entity that carries on a financial services business under sections 920A and 920B of the Corporations Act 2001 for a period of five (5) years.

Dated this 19<sup>th</sup> day of April 2021

  
Signed:  
19 April 2021  
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.



21-0324

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

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

TO: Irish & Saunders Pty Limited  
ACN 100 548 196 ("the Licensee")  
Suite 3  
7 Parraween Street  
CREMORNE NSW 2090

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 486023 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 29 April 2021

Signed



.....  
Margaret Stone  
A delegate of the Australian Securities and Investments Commission

21-0327

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

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

TO: 3CSG Pty Ltd  
ACN 603 719 099 ("the Licensee")  
31 Murray Street  
BOWEN HILLS QLD 4006

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 472666 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 29 April 2021

Signed 

Margaret Stone  
A delegate of the Australian Securities and Investments Commission

21-0334

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsection 340(1) – Variation**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsection 340(1) of the *Corporations Act 2001 (Act)*.

**Title**

2. This instrument is ASIC Instrument 21-0334.

**Commencement**

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

**Variation**

4. ASIC Instrument 20-0310 dated 31 March 2020, as varied by ASIC Instrument 20-0424 dated 30 April 2020, ASIC Instrument 20-0463 dated 15 May 2020, ASIC Instrument 21-0072 dated 22 January 2021 and ASIC Instrument 21-0176 dated 11 March 2021, is further varied as follows:
  - (a) delete paragraph 7(a);
  - (b) in subparagraph (i) of the definition of “*auditors report extension period*”, replace “30 April 2021” with “31 December 2021”;
  - (c) in subparagraph (i) of the definition of “*reporting to members extension period*”, replace “30 April 2021” with “31 December 2021”.

Dated this 29<sup>th</sup> day of April 2021



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

21-0335

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsection 340(1) – Variation**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsection 340(1) of the *Corporations Act 2001 (Act)*.

**Title**

2. This instrument is ASIC Instrument 21-0335.

**Commencement**

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

**Variation**

4. ASIC Instrument 20-0464 dated 15 May 2020, as varied by ASIC Instrument 21-0073 dated 22 January 2021 and ASIC Instrument 21-0178 dated 11 March 2021, is further varied as follows:
  - (a) delete paragraph 7(b);
  - (b) in paragraph (a) of the definition of “*deferral period*”, replace “30 April 2021” with “31 December 2021”.

Dated this 29<sup>th</sup> day of April 2021



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

21-0336

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

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

TO: IGNITION WEALTH LTD  
A.B.N. 28 602 351 968 ("the Licensee")  
L 17 100 MILLER ST  
NORTH SYDNEY  
NSW 2000

1. Pursuant to paragraph 915B(3)(d) if body corporate of the **Corporations Act 2001** (the Act), the Australian Securities and Investments Commission hereby suspends Australian Financial Services Licence number 470605 held by the Licensee until 1 November 2021, with effect from the date on which this notice is given to the Licensee.
2. Pursuant to section 915H of the Act, the Australian Financial Services Licence continues in effect while suspended, as though the suspension had not happened for the purposes of:
  - a. paragraph 912A(1)(g) and 912A(2)(c) of the Act, which requires the Licensee to maintain membership of the Australian Financial Complaints Authority scheme; and
  - b. section 912B of the Act, which requires the Licensee to have compensation arrangements in place for retail clients. The arrangements must satisfy the requirements set out in regulation 7.6.02AAA of the Corporations Regulations 2001.

Dated 29/4/21

Signed *N Vonarx* .....

Nicholas Vonarx  
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 thirtieth day of April 2021

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

**ARBN**

EBURY PARTNERS MARKETS LTD

627 033 685

ODYSSEY LABS LTD

618 026 127

PWNT B.V.

603 187 337

REGUS PLC

141 571 342

TRG MANAGEMENT SINGAPORE PTE. LTD.

165 276 326

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this thirtieth day of April 2021

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

HILLROSS ADVISERS ASSOCIATION INC.

**ARBN**

102 309 339



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 thirtieth day of April 2021

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

VIASAT, INC.

**ARBN**

160 325 780

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.

**BUILDXACT LTD.** ACN 630 502 751 will change to a proprietary company limited by shares. The new name will be BUILDXACT AUSTRALIA PTY LIMITED ACN 630 502 751.

**KOONENBERRY GOLD PTY LTD**  
ACN 619 137 576 will change to a public company limited by shares. The new name will be KOONENBERRY GOLD LIMITED ACN 619 137 576.

**REAL ENERGY CORPORATION LIMITED**  
ACN 139 792 420 will change to a proprietary company limited by shares. The new name will be REAL ENERGY CORPORATION PTY LIMITED ACN 139 792 420.

**COSMOS EXPLORATION PTY LTD**  
ACN 648 890 126 will change to a public company limited by shares. The new name will be COSMOS EXPLORATION LIMITED ACN 648 890 126.

**ONLINE NEWS CORPORATION PTY LTD**  
ACN 641 531 295 will change to a public company limited by shares. The new name will be ONLINE NEWS CORPORATION LTD ACN 641 531 295.