



**ASIC**  
Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette

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# 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.

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22-0980

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

*Superannuation Industry (Supervision) Act 1993*  
Subsection 130F(2)

## DISQUALIFICATION ORDER

To: Phillip Lloyd Scott

Approved SMSF auditor registration number SAN 100033618

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Phillip Lloyd Scott from being an approved SMSF auditor with effect from 28 November 2022.

Dated this 22 November 2022

Signed:

A handwritten signature in blue ink, appearing to read 'C. Angove', is written over a faint horizontal line.

Craig Angove  
Delegate of the Australian Securities and Investments Commission

22-0987

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION***Superannuation Industry (Supervision) Act 1993*

Subsection 130F(2)

**DISQUALIFICATION ORDER**

To: Michael Fenton Macleod

Approved SMSF auditor registration number SAN 100260688

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Michael Fenton Macleod from being an approved SMSF auditor with effect from date 2 December 2022.

Dated this 25 November 2022

Signed:

Scott Rea

Delegate of the Australian Securities and Investments Commission

22-1049

**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 22-1049.

**Commencement**

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

**Declaration**

4. Chapter 6 of the Act applies to Warrego Energy Limited ACN 125 394 667 (*Target*) as if items 11 and 12 of the table in subsection 633(1) of the Act were modified or varied by omitting the words "*15 days*" and substituting the words "*22 days*".

**Where this instrument applies**

5. This instrument applies to the off-market takeover bid by Hancock Energy (PB) Pty Ltd ACN 663 446 642 for all of the fully paid ordinary shares in the Target (*Bid*) where:
  - (a) a bidder's statement was lodged with ASIC on 30 November 2022, a supplementary bidder's statement was lodged with ASIC on 2 December 2022, and a second supplementary bidder's statement and a replacement bidder's statement were lodged with ASIC on 9 December 2022; and
  - (b) the Target makes an announcement to ASX Limited ACN 008 624 691 (*ASX*) by 7.30pm (AEDT) on the date of this declaration:
    - (i) explaining the effect of this declaration;
    - (ii) recommending that shareholders in the Target take no action in relation to the Bid until they have considered the target's statement; and
    - (iii) stating that the target's statement will be provided to ASIC and ASX, and sent to Target shareholders on or before 5 January 2023.

Dated 20 December 2022



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



**ASIC**  
Australian Securities &  
Investments Commission

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and Investments Commission

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**23-0003**

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

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

TO: The SMSF Expert Pty Ltd  
ABN 17 155 686 356 ("the Licensee")  
L7 115 Pitt Street  
Sydney NSW 2000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 445113 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 12 January 2023

Signed George Podaras

George Podaras  
a delegate of the Australian Securities and Investments  
Commission

23-0009

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

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

TO: Complete Business & Accounting Services Pty Ltd & Trustee For The  
KA Doudle Trust & Trustee For The CBA Services Class Trust  
A.B.N. 52 647 735 130 ("the Licensee")  
8 NAPOLEON ST PORT LINCOLN SA 5606

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 489108 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 13 January 2023

Signed   
.....

George Podaras  
a delegate of the Australian Securities and Investments Commission

23-0010

**Australian Securities and Investments Commission  
Corporations Act 2001 — s926A(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 23-0010.

**Commencement**

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

**Cessation**

4. The exemption in paragraph 5 ceases to have effect on the earlier of:
  - (a) sub-paragraph 1(1) of Sch 2 of the *ASIC Corporations (Repeal and Transitional) Instrument 2016/396* ceasing to have effect in relation to the relief that was provided under ASIC Class Order [CO 03/1100] *US SEC regulated financial service providers*; or
  - (b) MTP Infrastructure Partners, LLC, a limited liability company incorporated under the laws of the state of Delaware and deemed to be registered with the SEC (CRD no.314546) (the *body*), not complying 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 service business operated by the body in this jurisdiction.

**Exemption**

5. ASIC exempts the body from the requirement to hold an Australian financial services (*AFS*) licence in the case referred to in Schedule A.

23-0010

**Schedule A**

## 1. Where all of the following apply:

## (a) the body is:

- (i) a registered broker dealer that is a member of the Securities Investor Protection Corporation established under the *Securities Investor Protection Act 1970* (US) and that is a member of FINRA and FINRA is the body's examining authority; or
- (ii) a registered broker dealer that is an OTC derivatives dealer within the meaning of Rule 3b-12 promulgated under the Exchange Act who is affiliated within the meaning of that Rule with a registered broker dealer who is a member of FINRA; or

- (iii) a registered investment adviser;

## (b) the body is either:

- (i) a body corporate incorporated in the US or a State of the US; or
- (ii) a partnership formed in the US or a State of the US;

## (c) the body:

- (i) is registered under Div 2 of Pt 5B.2 of the Act; or
- (ii) has an agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an agent for any consecutive period of 10 business days;

## (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) if the body becomes aware 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;

- (i) 15 business days have not passed since the body became so aware or should reasonably have become so aware without the body providing full particulars of the failure to ASIC (to the extent that the body knows those particulars or would have known them if it had undertaken reasonable enquiries); and



## 23-0010

- (ii) 30 business days have not passed from ASIC receiving those particulars from the body without ASIC notifying the body that it 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 (and the body is authorised under US regulatory requirements to provide the financial service in the US):
  - (a) providing financial product advice;
  - (b) dealing in a financial product;in respect of any of the following financial products (that the body is authorised under US regulatory requirements to provide the financial services on in the US):
  - (c) derivatives;
  - (d) foreign exchange contracts;
  - (e) securities;
  - (f) debentures, stocks or bonds issued by a government;
  - (g) managed investment products;
  - (h) interests in a managed investment scheme that is not required to be registered under Ch 5C of the Act.
- 3. Where the body has provided ASIC with all of the following:
  - (a) evidence and submissions that paragraph 1(a) of Schedule A is satisfied;
  - (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 s659B(1) of the Act that applies notwithstanding that the body may have ceased to rely, or never have relied, on this instrument, which provides that:
    - (i) the deed is irrevocable except with the prior written consent of ASIC; and
    - (ii) the body submits to the non-exclusive jurisdiction of the Australian courts in legal proceedings conducted by ASIC (including under

**23-0010**

s50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in s659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise; and

- (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; and
  - (iv) if the body is not registered under Div 2 of Pt 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 s659B(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 the SEC or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the SEC to disclose to ASIC and ASIC to disclose to the SEC any information or document that the SEC or ASIC has that relates to the body;
- (d) written consents to the disclosure by the SEC to ASIC and ASIC to the SEC of any information or document that the SEC or ASIC has that relates to the body (being consents in such form (if any) as ASIC specifies in writing).

23-0010

**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 US regulatory requirements if the financial service were provided in the US in like circumstances.
2. The body must:
  - (a) notify ASIC, as soon as practicable and in any event within 15 business days after the body became aware or should reasonably have become aware, 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 registration as a registered broker dealer or a registered investment adviser applying to the body relevant to the financial services the body provides or intends to provide in this jurisdiction; and
    - (ii) each significant particular exemption or other relief which the body obtains from the US regulatory requirements relevant to the financial services the body provides or intends to provide in this jurisdiction; and
    - (iii) each action or investigation of the following kinds taken by the SEC or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction:
      - (A) significant enforcement action;
      - (B) significant disciplinary action;
      - (C) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, the body is prohibited by law from giving such notification but only to the extent of the prohibition); 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 the SEC under US laws, which differ from Australian laws.

23-0010

**Interpretation**

In this instrument:

*Act* means the *Corporations Act 2001*;

*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 s659B(1) of the Act;

*ASIC Act* means the *Australian Securities and Investments Commission Act 2001*;

*dealing* has the meaning given by s766C of the Act;

*derivative* has the meaning given by s761D of the Act;

*examining authority*, in relation to the body, means a self-regulatory organisation to which the body belongs which has not been relieved of the responsibility relating to the body under s17(d)(1)(A) of the Exchange Act in any respect;

*Exchange Act* means the *Securities and Exchange Act 1934* (US);

*financial product* has the meaning given by s764A of the Act

*financial product advice* has the meaning given by s766B of the Act;

*financial services law* has the meaning given by s761A of the Act;

*FINRA* means the Financial Industry Regulation Authority of the US;

*foreign exchange contract* has the meaning given by s761A of the Act;

*managed investment product* has the meaning given by s761A of the Act;

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

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

*registered broker dealer* means a broker dealer registered under s15(b) of the Exchange Act;

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*registered investment adviser* means a body corporate or a partnership formed in the US or a State of the US registered under s203(c) of the *Investment Advisers Act 1940* (US);

*SEC* means the Securities and Exchange Commission of the US;

*securities* has the meaning given by s761A of the Act;

*US* means the United States of America;

*US regulatory requirements* means the rules that apply in relation to the financial services including:

- (a) any applicable legislation, instruments made under that legislation and any relevant policies or other documents (however described) issued by the SEC; and
- (b) if the body is covered by subparagraph (a)(i) of Schedule A but not subparagraphs (a)(ii) or (iii) of that Schedule—any applicable rules, policies or other documents (however described) of FINRA; and

*wholesale client* has the meaning given in s761G of the Act.

Dated this 10<sup>th</sup> day of January 2023



Signed by Marie-Christine De Greeff  
as a delegate of the Australian Securities and Investments Commission

23-0015

**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 (Act)*.

**Title**

2. This instrument is ASIC Instrument 23-0015.

**Commencement**

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

**Declaration**

4. Chapter 6 of the Act applies to DWY (No.1) Pty Ltd ACN 664 056 320 (*DWY*) 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 subsection 633A(3) (as notionally inserted by ASIC Class Order [CO 13/528]):

- (i) after “subsection 633(1):” insert:

“***lodgement terms*** means 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 terms of the offer made under the bid to amend the Payment Terms, Offer Date, date the offer period ends, and date for giving the notice required by section 630(3) of the Act” (the **Amended terms**); and

- (ii) omit paragraph (d) of the definition of ***replacement bidder’s statement***, and 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 the lodgement terms solely in accordance with a permitted variation.”

23-0015

**Where this instrument applies**

5. This instrument applies in relation to the Bid where:

- (i) DWY lodged a bidder's statement with ASIC on 12 December 2022 (*original bidder's statement*);
- (ii) under the terms of the original bidder's statement, DWY offered to acquire all of the fully-paid ordinary shares in ICSGlobal Limited ACN 073 695 584 (*ICS*);
- (iii) DWY lodged a supplementary bidder's statement with ASIC on 21 December 2022 (*first supplementary bidder's statement*);
- (iv) under the first supplementary bidder's statement, DWY purported to amend the Payment Terms, Offer Date, date the offer period ends, and date for giving the notice required by section 630(3) of the Act, and
- (v) DWY lodged a replacement bidder's statement with ASIC on 21 December 2022 for the purposes of paragraph (b) of Item 6 of subsection 633(1) of the Act as notionally modified by ASIC Class Order [CO 13/528] and this instrument in relation to the Amended terms.

**Interpretation**

6. In this instrument:

***Bid*** means the off-market takeover bid made by DWY to acquire all of the fully-paid ordinary shares in ICS.

***Offer Date*** means the date on which the offer was first made to shareholders of ICS namely 4 January 2023.

***Payment Terms*** means the form and timing of payment of acceptances of the offer as explained in section 13.4 of the replacement bidder's statement.

Dated 10 January 2023



Signed by Daniel Slupek  
as a delegate of the Australian Securities and Investments Commission

CORPORATIONS ACT 2001  
Section 601CC(3)

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

Dated this thirteenth day of January 2023

**Name of Company**

**ARBN**

AUSTRALIA LIGHT FOUNDATION INC.

155 632 929

BALLINA AERO CLUB INC

613 315 647



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 thirteenth day of January 2023

Name of Company	ARBN
B8 SYSTEMS LIMITED	628 349 502
ELAVON FINANCIAL SERVICES DESIGNATED ACTIVITY COMPANY	141 660 308
G & V HALE TRUSTEES LIMITED	128 617 327
GARDNER DENVER, INC.	112 234 652
INTOLL INTERNATIONAL LIMITED	112 684 885
INTOLL TORONTO ROADS LIMITED	147 217 696
JGC HOLDINGS CORPORATION	009 474 042
KYOSAN ELECTRIC MANUFACTURING CO., LTD.	644 545 442
MOBILE ZAP LIMITED	168 715 348
NEXJ SYSTEMS INC.	602 480 151
NZAA ASSETS LIMITED	148 004 899

PERLE BLEUE ENTERPRISES	647 824 637
SOCIETY OF MOTION PICTURE AND TELEVISION ENGINEERS, INC.	064 699 805
STANTEC NEW ZEALAND INTERNATIONAL	145 052 991
TCW INVESTMENT MANAGEMENT COMPANY LLC	137 553 630
TOMTOM SALES B.V.	117 652 712

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this thirteenth day of January 2023

**Name of Company**

**ARBN**

THE SYSTEM ADMINISTRATORS GUILD OF AUSTRALIA    082 497 792  
INC.

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this thirteenth day of January 2023

**Name of Company**

**ARBN**

NHOA ENERGY S.R.L.	649 058 364
OSPREY MEDICAL INC.	152 854 923
SACHSENFONDS AUSTRALIAN PROPERTY INVESTMENT IV GMBH	128 899 212
STATE GRID CORPORATION OF CHINA	163 298 600
VITRIA TECHNOLOGY, INC.	095 288 225

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.

**PTB GROUP LIMITED** ACN 098 390 991 will change to a proprietary company limited by shares. The new name will be PTB GROUP PTY LTD ACN 098 390 991.