



**ASIC**

Australian Securities &  
Investments Commission

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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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17-0007

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

**Name of instrument**

1. This is ASIC Instrument [17-0007]

**Commencement**

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

**Authority**

3. This instrument is made under subsection 926A(2) of the *Corporations Act 2001*.

**Exemption**

4. Barclays Capital Inc. (*BCI*), a body corporate incorporated in the US or in a State of the US, is exempt from Part 7.6 of the Act (other than Divisions 4 and 8) in relation to the provision of an eligible financial service in this jurisdiction to wholesale clients.
5. This instrument applies where one of the following is satisfied:
  - (a) BCI:
    - (i) is a registered broker dealer that is a member of the Securities Investor Protection Corporation established under the Securities Investor Protection Act of 1970 of the US and that is a member of FINRA and FINRA is the body's examining authority; or
    - (ii) is 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) is a registered investment adviser;
  - (b) BCI has provided ASIC with a description, that ASIC has stated in writing is adequate, of the financial service(s) intended to be provided to clients in reliance on this instrument;

*Note: This subparagraph (b) does not prevent BCI from subsequently providing other kinds of eligible financial services in this jurisdiction to wholesale clients in reliance on this instrument.*
  - (c) BCI has an agent at the time BCI 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;

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- (d) BCI has provided ASIC with a deed of BCI 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 BCI 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) BCI 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) BCI covenants to comply with any order of an Australian court in respect of any matter relating to the provision of the eligible financial services;
  - (iv) service of process on BCI 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;
  - (v) BCI 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 BCI; and
  - (vi) BCI covenants to comply with any written notice given by ASIC directing BCI to give ASIC, within the time specified in the notice:
    - (I) a written statement containing specified information about the financial services business carried on by BCI in this jurisdiction in reliance on this instrument; or
    - (II) specified books relating to the financial services business carried on by BCI in this jurisdiction in reliance on this instrument;
- (e) BCI has provided 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 BCI, such consents in such form (if any) as ASIC specifies in writing; and
- (f) BCI has not notified ASIC that it will not rely on this instrument.
6. This instrument does not take effect unless both of the following are satisfied:

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- (a) BCI has offered, and ASIC has accepted, an enforceable undertaking under section 93AA of the ASIC Act in relation to the conduct of BCI in relation to the requirements of ASIC Class Order [CO 03/1100] as in force during the time of the conduct; and
  - (b) BCI provides written confirmation to ASIC of its intention to rely on this instrument.
7. This instrument ceases to have effect if BCI:
- (a) becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed to comply, other than in an immaterial respect, with any of the conditions specified in paragraphs 9 to 13; and
  - (b) has failed to notify ASIC of the full particulars of those matters within 15 business days after BCI became so aware or should reasonably have become so aware (to the extent that BCI knows those particulars or would have known them if it had undertaken reasonable enquiries).
8. This instrument ceases to have effect at the end of 30 June 2018.

**Conditions**

9. BCI must provide any eligible financial service in this jurisdiction in a manner which would comply, so far as is possible, with the US regulatory requirements if the eligible financial service were provided in the US in like circumstances.
10. BCI must notify ASIC, as soon as practicable and in any event within 15 business days after BCI 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:
- (a) each significant change to, including the termination of, the registration as a registered broker dealer or a registered investment adviser applying to BCI relevant to the financial services BCI provides or intends to provide in this jurisdiction; and
  - (b) each significant particular exemption or other relief which BCI obtains from the US regulatory requirements relevant to the financial services BCI provides or intends to provide in this jurisdiction; and
  - (c) each action or investigation of the following kinds taken by the SEC or other overseas regulatory authority against BCI in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction:
    - (i) significant enforcement action;
    - (ii) significant disciplinary action;

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- (iii) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, BCI is prohibited by law from giving such notification but only to the extent of the prohibition).
11. BCI must give, before an eligible financial service is provided in this jurisdiction to a wholesale client, written disclosure to the wholesale client containing prominent statements to the following effect:
- (a) BCI is exempt from the requirement to hold an Australian financial services licence under the Act in respect of the eligible financial services; and
  - (b) BCI is regulated by the SEC under US laws, which differ from Australian laws.
- Note 1: A written disclosure made to a wholesale client need only be made once.
- Note 2: A written disclosure made to a wholesale client before this instrument takes effect is taken to satisfy this paragraph 11 if the written disclosure would have satisfied this paragraph 11 had it been made on or after the commencement of this instrument.
12. BCI must ensure records of the written disclosure required by paragraph 11 are:
- (a) kept for a period of 7 years after the day the disclosure was given; and
  - (b) accessible by BCI at all times during that period in a way that enables BCI to produce those records to ASIC.
13. BCI must:
- (a) within 20 business days after the end of each calendar year, ensure that a senior executive who is also a director of BCI provides a written statement to ASIC, attesting to matters relating to BCI's compliance with the requirements in paragraphs 9 to 12 of this instrument throughout the calendar year (or, if BCI was relying on this instrument for part of the calendar year, throughout that part of the calendar year); and
  - (b) ensure that, for the purpose of preparing the attestation in paragraph (a), the senior executive makes reasonable inquiries in relation to BCI's compliance with the relevant requirements of this instrument for the relevant calendar year (or part calendar year).

#### Interpretation

14. In this instrument unless the contrary intention appears, an expression used in this instrument has the same meaning in this instrument as in section 761A of the Act:

**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 BCI for the purposes of this instrument, and who is authorised to accept on BCI's behalf, service of process

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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.

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

*business day* means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney and New York.

*eligible financial service* means:

- (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;
- (i) managed investment products; or
- (j) interests in a managed investment scheme that is not required to be registered under Chapter 5C of the Act.

*examining authority*, in relation to BCI, means a self-regulatory organisation to which BCI belongs which has not been relieved of responsibility relating to BCI under section 17(d)(1)(A) of the Exchange Act in any respect.

*Exchange Act* means the Securities and Exchange Act of 1934 of the US.

*FINRA* means the Financial Industry Regulation Authority.

*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 or dealer registered under section 15(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 section 203(c) of the Investment Advisers Act of 1940 of the US.

*SEC* means the U.S. Securities and Exchange Commission.

*US* means the United States of America.

*US regulatory requirements* means the rules that apply in relation to the eligible 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 BCI is covered by subparagraph 5(a)(i) but not subparagraphs 5(a)(ii) or (iii)—any applicable rules, policies or other documents (however described) of FINRA.

Dated this 3rd day of March 2017



Signed by Sara Eftekhar  
as a delegate of the Australian Securities and Investments Commission

17-0008

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

**Name of instrument**

1. This is ASIC Instrument [17-0008].

**Commencement**

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

**Authority**

3. This instrument is made under subsection 926A(2) of the *Corporations Act 2001*.

**Exemption**

4. Barclays Capital Asia Limited (*BCAL*), a body corporate incorporated in Hong Kong, is exempt from Part 7.6 of the Act (other than Divisions 4 and 8) in relation to the provision of an eligible financial service in this jurisdiction to wholesale clients.
5. This instrument applies where all of the following are satisfied:
  - (a) BCAL has provided ASIC with evidence that ASIC has stated in writing is adequate that BCAL has a current licence or certificate of registration;
  - (b) BCAL has provided ASIC with a description, that ASIC has stated in writing is adequate, of the financial service(s) intended to be provided to clients in reliance on this instrument;

*Note: This subparagraph (b) does not prevent BCAL from subsequently providing other kinds of eligible financial services in this jurisdiction to wholesale clients in reliance on this instrument*

- (c) BCAL has an agent at the time BCAL 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) BCAL has provided ASIC with a deed of BCAL 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 BCAL 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) BCAL 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



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659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise;

- (iii) BCAL covenants to comply with any order of an Australian court in respect of any matter relating to the provision of the eligible financial services;
  - (iv) service of process on BCAL 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;
  - (v) BCAL covenants that, on written request of either the SFC or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the SFC to disclose to ASIC and ASIC to disclose to the SFC any information or document that the SFC or ASIC has that relates to BCAL; and
  - (vi) BCAL covenants to comply with any written notice given by ASIC directing BCAL to give ASIC, within the time specified in the notice:
    - (I) a written statement containing specified information about the financial services business carried on by BCAL in this jurisdiction in reliance on this instrument; or
    - (II) specified books relating to the financial services business carried on by BCAL in this jurisdiction in reliance on this instrument;
  - (e) BCAL has provided written consents to the disclosure by the SFC to ASIC and ASIC to the SFC of any information or document that the SFC or ASIC has that relates to BCAL, such consents in such form (if any) as ASIC specifies in writing; and
  - (f) BCAL has not notified ASIC that it will not rely on this instrument.
6. This instrument does not take effect unless both of the following are satisfied:
- (a) BCAL has offered, and ASIC has accepted, an enforceable undertaking under section 93AA of the ASIC Act in relation to the conduct of BCAL in relation to the requirements of ASIC Class Order [CO 03/1103] as in force during the time of the conduct; and
  - (b) BCAL provides written confirmation to ASIC of its intention to rely on this instrument.
7. This instrument ceases to have effect if BCAL:
- (a) becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed to comply, other than in an

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immaterial respect, with any of the conditions specified in paragraphs 9 to 13; and

- (b) has failed to notify ASIC of the full particulars of those matters within 15 business days after BCAL became so aware or should reasonably have become so aware (to the extent that BCAL knows those particulars or would have known them if it had undertaken reasonable enquiries).

8. This instrument ceases to have effect at the end of 30 June 2018.

**Conditions**

9. BCAL must provide any eligible financial service in this jurisdiction in a manner which would comply, so far as is possible, with the HK regulatory requirements if the eligible financial service were provided in Hong Kong in like circumstances.
10. BCAL must notify ASIC, as soon as practicable and in any event within 15 business days after BCAL 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:
- (a) each significant change to, including the termination of, the licence or registration applying to BCAL relevant to the financial services BCAL provides or intends to provide in this jurisdiction; and
  - (b) each significant particular exemption or other relief which BCAL obtains from the HK regulatory requirements relevant to the financial services BCAL provides or intends to provide in this jurisdiction; and
  - (c) each action or investigation of the following kinds taken by the SFC or other overseas regulatory authority against BCAL in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction:
    - (i) significant enforcement action;
    - (ii) significant disciplinary action;
    - (iii) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, BCAL is prohibited by law from giving such notification but only to the extent of the prohibition).
11. BCAL must give, before an eligible financial service is provided in this jurisdiction to a wholesale client, written disclosure to the wholesale client containing prominent statements to the following effect:
- (a) BCAL is exempt from the requirement to hold an Australian financial services licence under the Act in respect of the eligible financial services; and
  - (b) BCAL is regulated by the SFC under HK laws, which differ from Australian laws.

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Note 1: A written disclosure made to a wholesale client need only be made once.

Note 2: A written disclosure made to a wholesale client before this instrument takes effect is taken to satisfy this paragraph 11 if the written disclosure would have satisfied this paragraph 11 had it been made on or after the commencement of this instrument.

12. BCAL must ensure records of the written disclosure required by paragraph 11 are:
- (a) kept for a period of 7 years after the day the disclosure was given; and
  - (b) accessible by BCAL at all times during that period in a way that enables BCAL to produce those records to ASIC.
13. BCAL must:
- (a) within 20 business days after the end of each calendar year, ensure that a senior executive who is also a director of BCAL provides a written statement to ASIC, attesting to matters relating to BCAL's compliance with the requirements in paragraphs 9 to 12 of this instrument throughout the calendar year (or, if BCAL was relying on this instrument for part of the calendar year, throughout that part of the calendar year); and
  - (b) ensure that, for the purpose of preparing the attestation in paragraph (a), the senior executive makes reasonable inquiries in relation to BCAL's compliance with the relevant requirements of this instrument for the relevant calendar year (or part calendar year).

#### Interpretation

14. In this instrument unless the contrary intention appears, an expression used in this instrument has the same meaning in this instrument as in section 761A of the Act:

**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 BCAL for the purposes of this instrument, and who is authorised to accept on BCAL'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.

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

**authorised financial institution** has the meaning given in Schedule 1 to the SFO.

**business day** means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney and Hong Kong.

**certificate of registration** means the certificate of registration granted to authorised financial institutions under section 119 of the SFO.

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*eligible financial service* means:

- (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;
- (i) managed investment products; or
- (j) interests in a managed investment scheme that is not required to be registered under Chapter 5C of the Act.

*HK 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 the SFC.

*licence* means a licence granted under section 116 of the SFO or deemed to be granted under sections 22 or 25(b) of Schedule 10 to the SFO.

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

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

*registration* means registration granted under section 119 of the SFO or deemed to be granted under sections 25(a) or 32 of Schedule 10 to the SFO.

*SFC* means the Securities and Futures Commission of Hong Kong.

*SFO* means the Securities and Futures Ordinance 2002 of Hong Kong.

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Dated this 3rd day of March 2017



Signed by Sara Eftekhar  
as a delegate of the Australian Securities and Investments Commission

17-0009

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

**Name of instrument**

1. This is ASIC Instrument [17-0009].

**Commencement**

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

**Authority**

3. This instrument is made under subsection 926A(2) of the *Corporations Act 2001*.

**Exemption**

4. Barclays Capital Securities Limited ARBN 088 271 792 (*BCSL*), is exempt from Part 7.6 of the Act (other than Divisions 4 and 8) in relation to the provision of an eligible financial service in this jurisdiction to wholesale clients.
5. This instrument applies where all of the following are satisfied:

- (a) BCSL has provided ASIC with evidence that ASIC has stated in writing is adequate that BCSL has a current Part 4A Permission;
- (b) BCSL has provided ASIC with a description, that ASIC has stated in writing is adequate, of the financial service(s) intended to be provided to clients in reliance on this instrument;

*Note: This subparagraph (b) does not prevent BCSL from subsequently providing other kinds of eligible financial services in this jurisdiction to wholesale clients in reliance on this instrument*

- (c) if BCSL is, at any time, not registered under Division 2 of Part 5B.2 of the Act, BCSL has appointed an agent and, from that time, has not failed to have an agent for any consecutive period of 10 business days;
- (d) BCSL has provided ASIC with a deed of BCSL 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 BCSL 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) BCSL 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

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Crown or otherwise;

- (iii) BCSL covenants to comply with any order of an Australian court in respect of any matter relating to the provision of the eligible financial services;
  - (iv) service of process on BCSL 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;
  - (v) BCSL covenants that, on written request of either the appropriate regulator or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the appropriate regulator to disclose to ASIC and ASIC to disclose to the appropriate regulator any information or document that the appropriate regulator or ASIC has that relates to BCSL; and
  - (vi) BCSL covenants to comply with any written notice given by ASIC directing BCSL to give ASIC, within the time specified in the notice:
    - (I) a written statement containing specified information about the financial services business carried on by BCSL in this jurisdiction in reliance on this instrument; or
    - (II) specified books relating to the financial services business carried on by BCSL in this jurisdiction in reliance on this instrument;
  - (e) BCSL has provided written consents to the disclosure by the appropriate regulator to ASIC and ASIC to the appropriate regulator of any information or document that the appropriate regulator or ASIC has that relates to BCSL, such consents in such form (if any) as ASIC specifies in writing; and
  - (f) BCSL has not notified ASIC that it will not rely on this instrument.
6. This instrument does not take effect unless both of the following are satisfied:
- (a) BCSL has offered, and ASIC has accepted, an enforceable undertaking under section 93AA of the ASIC Act in relation to the conduct of BCSL in relation to the requirements of ASIC Class Order [CO 03/1099] as in force during the time of the conduct; and
  - (b) BCSL provides written confirmation to ASIC of its intention to rely on this instrument.
7. This instrument ceases to have effect if BCSL:
- (a) becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed to comply, other than in an

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immaterial respect, with any of the conditions specified in paragraphs 9 to 13; and

- (b) has failed to notify ASIC of the full particulars of those matters within 15 business days after BCSL became so aware or should reasonably have become so aware (to the extent that BCSL knows those particulars or would have known them if it had undertaken reasonable enquiries).

- 8. This instrument ceases to have effect at the end of 30 June 2018.

**Conditions**

- 9. BCSL must provide any eligible financial service in this jurisdiction in a manner which would comply, so far as is possible, with the UK regulatory requirements if the eligible financial service were provided in the United Kingdom in like circumstances.
- 10. BCSL must notify ASIC, as soon as practicable and in any event within 15 business days after BCSL 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:
  - (a) each significant change to, including the termination of, the Part 4A Permission applying to BCSL relevant to the financial services BCSL provides or intends to provide in this jurisdiction; and
  - (b) each significant particular exemption or other relief which BCSL obtains from the UK regulatory requirements relevant to the financial services BCSL provides or intends to provide in this jurisdiction; and
  - (c) each action or investigation of the following kinds taken by the FCA, PRA or other overseas regulatory authority against BCSL in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction:
    - (i) significant enforcement action;
    - (ii) significant disciplinary action;
    - (iii) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, BCSL is prohibited by law from giving such notification but only to the extent of the prohibition).
- 11. BCSL must give, before an eligible financial service is provided in this jurisdiction to a wholesale client, written disclosure to the wholesale client containing prominent statements to the following effect:
  - (a) BCSL is exempt from the requirement to hold an Australian financial services licence under the Act in respect of the eligible financial services; and
  - (b) BCSL is authorised by the PRA and regulated by the FCA and PRA under



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UK laws, which differ from Australian laws.

Note 1: A written disclosure made to a wholesale client need only be made once.

Note 2: A written disclosure made to a wholesale client before this instrument takes effect is taken to satisfy this paragraph 11 if the written disclosure would have satisfied this paragraph 11 had it been made on or after the commencement of this instrument.

12. BCSL must ensure records of the written disclosure required by paragraph 11 are:
  - (a) kept for a period of 7 years after the day the disclosure was given; and
  - (b) accessible by BCSL at all times during that period in a way that enables BCSL to produce those records to ASIC.
13. BCSL must:
  - (a) within 20 business days after the end of each calendar year, ensure that a senior executive who is also a director of BCSL provides a written statement to ASIC, attesting to matters relating to BCSL's compliance with the requirements in paragraphs 9 to 12 of this instrument throughout the calendar year (or, if BCSL was relying on this instrument for part of the calendar year, throughout that part of the calendar year); and
  - (b) ensure that, for the purpose of preparing the attestation in paragraph (a), the senior executive makes reasonable inquiries in relation to BCSL's compliance with the relevant requirements of this instrument for the relevant calendar year (or part calendar year).

#### Interpretation

14. In this instrument unless the contrary intention appears, an expression used in this instrument has the same meaning in this instrument as in section 761A of the Act:

**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 BCSL for the purposes of this instrument, and who is authorised to accept on BCSL'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.

**appropriate regulator** means both the PRA and the FCA.

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

**business day** means a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney and London.

**eligible financial service** means:

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- (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;
- (i) managed investment products; or
- (j) interests in a managed investment scheme that is not required to be registered under Chapter 5C of the Act.

**FCA** means the Financial Conduct Authority of the United Kingdom and, for the avoidance of doubt, includes the Financial Services Authority of the United Kingdom as it was previously known before 1 April 2013.

**FSM Act** means the Financial Services and Markets Act 2000 of the United Kingdom.

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

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

**Part 4A Permission** means a permission given under Part 4A of FSM Act or having effect as if so given under that Part.

**PRA** means the Prudential Regulation Authority of the United Kingdom.

**UK 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 the FCA or PRA.

17-0009

Dated this 3rd day of March 2017



Signed by Sara Eftekhar  
as a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

17-0155

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

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

TO: SEPTIMUS CAPITAL PARTNERS PTY  
ACN 011 030 532 ("the Licensee")  
Level 5, 300 Queen Street  
BRISBANE QLD 4000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 263754 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 17 March 2017

Signed

A handwritten signature in cursive script, appearing to read 'John Connor', written over a dotted line.

John Connor

A delegate of the Australian Securities and Investments Commission



17-0221

**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:** Imperia Investment Group Pty Ltd ("the AFS Licensee")  
ACN 138 669 342  
Como Centre  
L19  
644 Chapel Street  
SOUTH YARRA VIC 3141

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels AFS Licence Number 342246 held by the AFS Licensee with effect from the date on which this notice is given to the AFS Licensee.

Dated this 2<sup>4</sup> March 2017.

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



17-0225

**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:** Austpac Funds Management Ltd ("the AFS Licensee")  
ACN 140 950 769  
1<sup>st</sup> Floor  
158 City Road  
SOUTH MELBOURNE VIC 3205

Pursuant to section 915B of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels AFS Licence Number 366490 held by the AFS Licensee with effect from the date on which this notice is given to the AFS Licensee.

Dated this 2<sup>4</sup> March 2017.

Signed .....

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

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



17-0257

ASIC

Australian Securities &amp; Investments Commission

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

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

STANDARD & POOR'S INFORMATION SERVICES  
(AUSTRALIA) PTY LIMITED  
A.C.N 096 167 556  
LEVEL 45 120 COLLINS STREET MELBOURNE VIC 3000

Pursuant to section 915B of the Corporations Act 2001 the Australian Securities and Investments Commission hereby cancels Australian financial services licence number 258896 held by Standard & Poor's Information Services (Australia) Pty Limited ("Licensee") with effect from the date on which this notice is given to the Licensee.

Dated this <sup>24<sup>th</sup></sup> ~~18<sup>th</sup>~~ Day of March, 2017

Signed .....

James Nott, Delegate  
Australian Securities and Investments Commission



17-0258

ASIC

Australian Securities &amp; Investments Commission

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

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

OLD GOLD CREDIT UNION COOPERATIVE LIMITED  
A.C.N. 087 651 634  
323-351 CANTERBURY RD RINGWOOD VIC 3134

Pursuant to section 915B of the Corporations Act 2001 the Australian Securities and Investments Commission hereby cancels Australian financial services licence number 247080 held by Old Gold Credit Union Cooperative Limited ("Licensee") with effect from the date on which this notice is given to the Licensee.

Dated this 24<sup>th</sup> Day of March, 2017

Signed .....

A handwritten signature in cursive script, appearing to read 'James Nott', written over a dotted line.

James Nott, Delegate  
Australian Securities and Investments Commission





ASIC

Australian Securities &amp; Investments Commission

17-0277

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

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

TO: View Advisory Pty Ltd  
ACN 165 415 065 ("the Licensee")  
19 St Leonards Court  
SOUTH YARRA VIC 3141

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 467660 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated *24 March 2017*

Signed ..... *James Nott*

James Nott

A delegate of the Australian Securities and Investments Commission

17-0283

**Australian Securities and Investments Commission —  
Corporations Act 2001 — Section 601WBG  
Certificate of Transfer**

**Enabling legislation**

1. This certificate of transfer is issued by the Australian Securities and Investments Commission (*ASIC*) under section 601WBG of the *Corporations Act 2001* (the *Act*).

**Certificate**

2. The total transfer of estate assets and liabilities of Sandhurst Trustees Limited (ACN 004 030 737) (the *transferring company*) from the transferring company to Equity Trustees Wealth Services Limited (ACN 006 132 332) (the *receiving company*), particulars of which are set out in the voluntary transfer determination made by ASIC on 23<sup>rd</sup> March 2017, is to take effect.
3. This certificate comes into force on 31 March 2017.

**Interpretation**

4. In this certificate:

*estate assets and liabilities* has the meaning given by subsection 601WAA(1) of the Act.

*voluntary transfer determination* has the meaning given by subsection 601WBA(1) of the Act.

Dated this 23<sup>rd</sup> day of March 2017.



Signed by Catriona Hamilton  
as a delegate of ASIC



ASIC

Australian Securities &amp; Investments Commission

17- 0284

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

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

**TO:** Hung Ding Financial Management Pty Ltd ACN 136 696 743  
Level 22, 85 Castlereagh Street  
Sydney NSW 2000

Pursuant to section 915B of the Corporations Act 2001, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 336880 held by the Hung Ding Financial Management Pty Ltd, with effect from the date on which this notice is given to the Licensee.

Dated this 24 March 2017

Signed

A handwritten signature in cursive script that reads "James Nott". The signature is written in black ink on a white background.

James Nott

A delegate of the Australian Securities and Investments Commission

17-0293

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsection 741(1)(a) and 741(1)(b) – Exemption and  
Declaration**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsection 741(1)(a) and 741(1)(b) of the *Corporations Act 2001 (Act)*.

**Title**

2. This instrument is ASIC Instrument 17-0293.

**Commencement**

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

**Exemption**

4. The Co-operative does not have to comply with Parts 6D.2 and 6D.3 of the Act.

**Declaration**

5. Chapter 6D of the Act applies to each holder of shares in the Company as if section 707 were modified or varied by omitting subsections 707(3) and (4).

**Where this instrument applies**

6. The exemption in paragraph 4 applies to:
  - (a) invitations by the Co-operative to its members to vote by special postal ballot on the Conversion pursuant to Division 2 of Part 4.3 of the Co-operatives Act; and
  - (b) invitations by the Co-operative to its former members to participate in the Conversion pursuant to Division 5 of Part 2.6 of the Co-operatives Act.
7. The declaration in paragraph 5 applies in relation to an offer of shares in the Company for sale, where the shares were issued within the previous 12 months to members or former members of the Co-operative pursuant to the Conversion.

**Interpretation**

8. In this instrument:

*Co-operative* means Batlow Fruit Co-operative Limited ARBN 057 916 257, a co-operative registered under the Co-operatives Act.

17-0293

*Co-operatives Act* means the Co-operatives National Law (NSW), contained in the Appendix to the *Co-operatives (Adoption of National Law) Act 2012* (NSW).

*Company* means the company to be registered under Part 5B.1 of the Act upon implementation of the Conversion.

*Conversion* means the registration of the Co-operative as a company under the Act.

Dated this 27th day of March 2017



Signed by Kimberley Chan  
as a delegate of the Australian Securities and Investments Commission

17-0294

**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 17-0294.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to Downer EDI Limited ACN 003 872 848 (*Downer*) as if subsection 9A(4) (as notionally modified by ASIC Corporations (Non-Traditional Rights Issues) Instrument 2016/84) of the Act were modified or varied as follows:
  - (a) in paragraph 9A(4)(e), omit “and”;
  - (b) in paragraph 9A(4)(f), omit “.”, substitute “; and”; and
  - (c) after paragraph 9A(4)(f), insert:
    - “(g) persons who either:
      - (i) do not receive offers before other persons to whom offers were made; or
      - (ii) are not given a period of time to accept the offer which is less than any period of time given to other persons,because they were not offered securities as an exempt investor, are offered the opportunity to pay the consideration for the securities in either Australian dollars or New Zealand dollars.”

**Where this instrument applies**

5. This declaration applies to an offer by Downer of fully paid ordinary shares in Downer made on 21 March 2017.

17-0294

Dated this 27<sup>th</sup> day of March 2017



Signed by Paul Collins

as a delegate of the Australian Securities and Investments Commission

17-0300

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 17-0300.

**Commencement**

3. This instrument commences on 28 March 2017.

**Declaration**

4. Chapter 6 of the Act applies to PepinNini Minerals Limited ACN 101 714 989 (*Company*) as if item 10(b) of section 611 of the Act were modified by inserting after the words "offers are made to every person who holds securities" the words "with a registered address in Australia or New Zealand".

**Where this instrument applies**

5. The declaration in paragraph 4 applies where:
  - (a) the Company makes an offer of new fully paid ordinary shares pursuant to a non-renounceable rights issue to Eligible Shareholders of one new share for every four shares held, at an issue price of \$0.024 (*Offer*);
  - (b) to every person who holds ordinary shares in the Company, other than the Foreign Holders holding less than 0.14% of the issued capital of the Company;
  - (c) pursuant to a prospectus lodged with ASIC on or about 30 March 2017.

**Interpretation**

6. In this instrument:

*Eligible Shareholders* means shareholders other than the Foreign Holders.

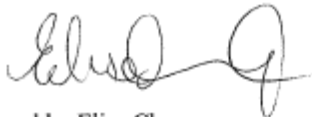
*Foreign Holders* means the 15 persons that are registered holders of ordinary shares in the Company, as at the record date of the Offer with registered addresses other than in Australia or New Zealand.



17-0300

*Shareholders* mean the persons that are registered as holders of ordinary shares in the Company as at the record date of the Offer.

Dated this 28<sup>th</sup> day of March 2017



Signed by Elise Chung  
as a delegate of the Australian Securities and Investments Commission

17-0301

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

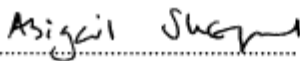
Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has taken the action set out in the Notice below, which action took effect on 27 March 2017.

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

To: Group Underwriters and Managers Pty Ltd ACN 101 595 573

**TAKE NOTICE** that under section 915C(1) of the Corporations Act 2001, the Australian Securities and Investments Commission hereby suspends Australian financial services licence number 246715 held by Group Underwriters and Managers Pty Ltd ACN 101 595 573 until 18 May 2017.

Dated this 27<sup>th</sup> day of March 2017

Signed: 

Abigail Sheppard  
Delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

17-0303

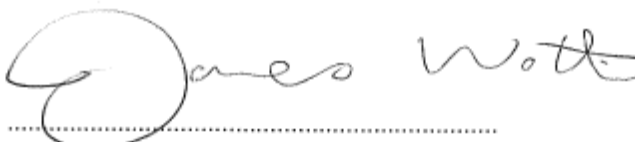
**Australian Securities and Investments Commission  
Corporations Act 2001 Section 915B**

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

TO: Ostrava Securities Pty Ltd (Liquidator Appointed)  
ACN 159 883 315 ("the Licensee")  
Level 11, 350 Collins Street  
Melbourne Vic 3000

Pursuant to paragraph 915B(3)(b) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 436231 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 29 March 2017

Signed 

James Nott

A delegate of the Australian Securities and Investments Commission

[17-0310]

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraphs 283GA(1)(a), 741(1)(a) and 926A(2)(a)**

**Enabling power**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 283GA(1)(a), 741(1)(a) and 926A(2)(a) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument [17-0310].

**Commencement**

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

**Revocation**

4. ASIC revokes ASIC Instrument [16-1185].

**Cessation**

5. This instrument ceases to apply on 30 June 2018.

**Exemptions***ASIC Class Order [CO 02/184]*

6. The Lutheran Laypeople's League of Australia Incorporated (*LLL*) does not have to comply with the provisions of the Act relating to debentures that a charitable body did not have to comply with under ASIC Class Order [CO 02/184] (the *old class order*) as in force immediately before its repeal.
7. The exemptions in paragraph 6 apply to LLL on the same terms as the exemptions that applied to a charitable body under the old class order, subject to the following:
  - (a) the condition referred to in paragraph 4 of the old class order does not apply to LLL in relation to debentures if LLL has had an identification statement accepted for the purposes of *ASIC Corporations (Charitable Investment Fundraising) Instrument 2016/813* (*new legislative instrument*) in relation to the debentures; and

Note: If LLL has had accepted for the purposes of the new legislative instrument an identification statement under the new legislative instrument, it will be required to comply with subsections 7(1) to (4) of the new legislative instrument in relation to the identification statement: see paragraph 9.

- (b) the exemptions specified in the First Exemption (within the meaning of the old class order) apply as if the First Exemption were amended by:

[17-0310]

- (i) omitting “for so long as the following conditions are met” and substituting “subject to the following conditions”; and
- (ii) omitting “where the conditions referred to above are met” and substituting “subject to the conditions referred to above”; and

Note: The effect of this is that an exemption will not cease to apply merely because a related condition (including a condition referred to in subparagraph (c)) is not or has not previously been satisfied.

- (c) in addition to the conditions specified in the old class order, the exemptions set out in the First Exemption (within the meaning of the old class order) are also subject to the condition in paragraph 9; and
- (d) each exemption (including any related conditions) in the old class order from the requirement to hold an Australian financial services licence that is expressed to be made under paragraph 911A(2)(l) of the Act has effect under section 926A of the Act instead; and

Note: *ASIC Corporations (Effect of Licensing Exemptions) Instrument 2015/1115* provides relief from subsection 911B(1) of the Act to a person who provides financial services on behalf of a person who does not need an Australian financial services licence because of an exemption under section 926A of the Act.

- (e) the condition in paragraph 5 of the old class order does not apply.

*Where exemptions apply*

8. Between 1 March 2017 and 30 June 2018, the exemptions specified in paragraph 6 apply to LLL in relation to debentures if LLL has had accepted an identification statement for the purposes of the new legislative instrument that relates to the debentures with:
  - (a) ASIC, and ASIC has not notified LLL in writing that ASIC has revoked the acceptance; or
  - (b) a sponsor, and the sponsor has not notified LLL in writing that the sponsor has revoked the acceptance.

*Condition*

9. LLL must comply with subsections 7(1) to (4) of the new legislative instrument in relation to any identification statement accepted by ASIC or a sponsor for the purposes of the new legislative instrument.

Dated this 30th day of March 2017



Signed by Jennifer Lyons  
as a delegate of the Australian Securities and Investments Commission

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 thirty-first day of March 2017

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

**ARSN**

BROOKLYN PARK ORGANIC OLIVE GROVES BONNI-FOI PROPERTY TRUST

120 021 945

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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 thirty-first day of March 2017

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Company**

FAWDON INVESTMENTS LTD.

**ARBN**

154 423 220

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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.

**DIVERSA LIMITED** ACN 079 201 835 will change to a proprietary company limited by shares. The new name will be DIVERSA PTY LTD ACN 079 201 835.

**HUDSON CORPORATE LIMITED**

ACN 075 068 923 will change to a proprietary company limited by shares. The new name will be HUDSON CORPORATE PTY LTD ACN 075 068 923.

**NORTHERN COBALT PTY LTD**

ACN 617 789 732 will change to a public company limited by shares. The new name will be NORTHERN COBALT LIMITED ACN 617 789 732.

**ORION ASSET MANAGEMENT LIMITED**

ACN 092 873 160 will change to a proprietary company limited by shares. The new name will be ORION ASSET MANAGEMENT PTY LTD ACN 092 873 160.

**SARON EDUCATION LTD** ACN 121 148 669

will change to a proprietary company limited by shares. The new name will be SEQTA SOFTWARE PTY LTD ACN 121 148 669.

**GE MORTGAGE SOLUTIONS LIMITED**

ACN 070 797 894 will change to a proprietary company limited by shares. The new name will be GE MORTGAGE SOLUTIONS PTY LTD ACN 070 797 894.

**HUDSON MINERALS LIMITED** ACN 077 911 114

will change to a proprietary company limited by shares. The new name will be HUDSON MINERALS PTY LIMITED ACN 077 911 114.

**OLIVER HUME PROPERTY FUNDS (GEELONG**

**RD) WERRIBEE PTY LTD** ACN 603 060 868 will change to a public company limited by shares. The new name will be OLIVER HUME PROPERTY FUNDS (GEELONG RD) WERRIBEE LIMITED ACN 603 060 868

**PERPETUAL EIGHT LIMITED** ACN 610 502 657

will change to a proprietary company limited by shares. The new name will be PERPETUAL EIGHT PROPRIETARY LIMITED ACN 610 502 657.