



**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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18-0135

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

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

**DISQUALIFICATION ORDER**

To: Paul Tattersall

Approved SMSF auditor registration number 100258160

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Paul Tattersall from being an approved SMSF auditor with effect from 5 March 2018.

Dated this 26<sup>th</sup> February 2018

Signed:  .....

Scott Rea

Delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

18-0197

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

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

TO: Ability Capital Services Pty Ltd  
ACN 164 409 205 ("the Licensee") - Deregistered  
C/- Armstrong Wily  
Level 5  
75 Castlereagh Street  
SYDNEY NSW 2000

Pursuant to paragraph 915B(3)(a) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 442269 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 4 April 2018

Signed .....

John Connor  
A delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

18-0199

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

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

TO: ASX Energy Limited  
ACN 100 426 542 ("the Licensee")  
Level 6  
16-20 Bridge 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 305331 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 17 April 2018

Signed

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

John Connor  
a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

18-0200

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

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

TO: Julia Gass Business Services Pty Ltd  
ACN 611 374 835 ("the Licensee")  
PO Box 1063  
HOPE ISLAND QLD 4212

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 488029 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated *5 April 2018*

Signed *John J Connor* .....

John Connor  
a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

18-0201

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

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

TO: Edward Pawlak  
ABN 54 964 323 946 ("the Licensee")  
PO Box 369  
KELMSCOTT WA 6991

Pursuant to paragraph 915B(1)(e) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 484586 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated *4 April 2018*

Signed *John J. Connor* .....

John Connor  
a delegate of the Australian Securities and Investments Commission



ASIC

Australian Securities &amp; Investments Commission

18-0202

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

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

TO: Christopher John Betar  
ABN 83 052 952 009 ("the Licensee")  
GPO Box 4007  
SYDNEY NSW 2001

Pursuant to paragraph 915B(1)(e) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 444196 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 4 April 2018

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

18-0237

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 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* (the *Act*).

**Title**

2. This instrument is ASIC Instrument 18-0237.

**Commencement**

3. This instrument commences on 11 April 2018.

**Exemption**

4. Westfield America Management Limited ACN 072 780 619 (*WAML*) in its capacity as the responsible entity of Westfield America Trust ARSN 092 058 449 (*WAT*) and WFD Trust ARSN 168 765 875 (*WFDT*) does not have to comply with Division 2 of Part 7.7 of the Act.

**Where this instrument applies**

5. The exemption in paragraph 4 applies where WAML provides or gives financial product advice to WAT Unitholders or WFDT Unitholders where:
  - (a) that advice is General Advice;
  - (b) that advice is provided in connection with the WAT Trust Scheme or the WFDT Trust Scheme; and
  - (c) that advice is contained in the Securityholder Booklet.

**Interpretation**

6. In this instrument:

*General Advice* has the meaning given by subsection 766B(4) of the Act.

*Securityholder Booklet* means the explanatory statement and notices of meeting dated on or about 12 April 2018 that is:

- (a) prepared in accordance with item 7 of section 611 of the Act;



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- (b) sent to WAT Unitholders and WFDT Unitholders in relation to the WAT Trust Scheme and the WFDT Trust Scheme; and
- (c) substantially in the same form as that provided to ASIC on 10 April 2018.

**TH Newco** means Unibail-Rodamco TH B.V., a private company with limited liability incorporated in The Netherlands.

**WAT Trust Scheme** means the arrangement described in the Securityholder Booklet under which US Newco proposes to acquire all of the WAT Units where the acquisition is approved by resolutions passed at a meeting of WAT Unitholders:

- (a) to approve amendments to the constitution of WAT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WAT Unit** means a unit on issue in WAT.

**WAT Unitholder** means the holder of a WAT Unit.

**WFDT Trust Scheme** means the arrangement described in the Securityholder Booklet under which TH Newco proposes to acquire all of the WFDT Units where the acquisition is approved by resolutions passed at a meeting of WFDT Unitholders:

- (a) to approve amendments to the constitution of WFDT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WFDT Unit** means a unit on issue in WFDT.

**WFDT Unitholder** means the holder of a WFDT Unit.

**US Newco** means URW America Inc., a company incorporated in the United States of America under the laws of the State of Delaware.

Dated this 11<sup>th</sup> day of April 2018



Signed by Hassan Salem  
as a delegate of the Australian Securities and Investments Commission

18-0238

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 18-0238.

**Commencement**

3. This instrument commences on 11 April 2018.

**Exemption**

4. Westfield Corporation Limited ACN 166 995 197 (*WCL*) and Unibail-Rodamco SE, a European Company (*Societas Europaea*) incorporated in accordance with the laws of France (*Unibail*), are exempt from the requirement to hold an Australian financial services licence.

**Where this instrument applies**

5. The exemption in paragraph 4 applies where WCL or Unibail provide or give financial product advice to WAT Unitholders or WFDT Unitholders where:
  - (a) that advice is General Advice;
  - (b) that advice is provided in connection with the WAT Trust Scheme or the WFDT Trust Scheme; and
  - (c) that advice is contained in the Securityholder Booklet.

**Interpretation**

6. In this instrument:

*General Advice* has the meaning given by subsection 766B(4) of the Act.

*Securityholder Booklet* means the explanatory statement and notices of meeting dated on or about 12 April 2018 that is:

- (a) prepared in accordance with item 7 of section 611 of the Act;

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- (b) sent to WAT Unitholders and WFDT Unitholders in relation to the WAT Trust Scheme and the WFDT Trust Scheme; and
- (c) substantially in the same form as that provided to ASIC on 10 April 2018.

*TH Newco* means Unibail-Rodamco TH B.V., a private company with limited liability incorporated in The Netherlands.

*WAT* means Westfield America Trust ARSN 092 058 449.

*WAT Trust Scheme* means the arrangement described in the Securityholder Booklet under which US Newco proposes to acquire all of the WAT Units where the acquisition is approved by resolutions passed at a meeting of WAT Unitholders:

- (a) to approve amendments to the constitution of WAT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

*WAT Unit* means a unit on issue in WAT.

*WAT Unitholder* means the holder of a WAT Unit.

*WFDT* means WFD Trust ARSN 168 765 875.

*WFDT Trust Scheme* means the arrangement described in the Securityholder Booklet under which TH Newco proposes to acquire all of the WFDT Units where the acquisition is approved by resolutions passed at a meeting of WFDT Unitholders:

- (a) to approve amendments to the constitution of WFDT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

*WFDT Unit* means a unit on issue in WFDT.

*WFDT Unitholder* means the holder of a WFDT Unit.

*US Newco* means URW America Inc., a company incorporated in the United States of America under the laws of the State of Delaware.

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Dated this 11<sup>th</sup> day of April 2018

A handwritten signature in black ink, appearing to read "Hassan Salem", with a long horizontal flourish extending to the right.

Signed by Hassan Salem  
as a delegate of the Australian Securities and Investments Commission

18-0239

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 18-0239.

**Commencement**

3. This instrument commences on 11 April 2018.

**Exemption**

4.
  - (a) Unibail-Rodamco SE, a European Company (*Societas Europaea*) incorporated in accordance with the laws of France;
  - (b) WFD Unibail-Rodamco N.V., a public company with limited liability incorporated in The Netherlands;
  - (c) Unibail-Rodamco TH B.V., a private company with limited liability incorporated in The Netherlands (*TH Newco*); and
  - (d) URW America Inc., a company incorporated in the United States of America under the laws of the State of Delaware (*US Newco*),

are exempt from complying with Division 5A of Part 7.9 of the Act.

**Where this instrument applies**

5. The exemption in paragraph 4 applies in relation to any unsolicited offer or invitation made to WAT Unitholders or WFDT Unitholders to acquire all of the WAT Units under the WAT Trust Scheme and all of the WFDT Units under the WFDT Trust Scheme as described in the Securityholder Booklet.

**Interpretation**

6. In this instrument:

*Securityholder Booklet* means the explanatory statement and notices of meeting dated on or about 12 April 2018 that is:

- (a) prepared in accordance with item 7 of section 611 of the Act;

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- (b) sent to WAT Unitholders and WFDT Unitholders in relation to the WAT Trust Scheme and the WFDT Trust Scheme; and
- (c) substantially in the same form as that provided to ASIC on 10 April 2018.

**WAT** means Westfield America Trust ARSN 092 058 449.

**WAT Trust Scheme** means the arrangement described in the Securityholder Booklet under which US Newco proposes to acquire all of the WAT Units where the acquisition is approved by resolutions passed at a meeting of WAT Unitholders:

- (a) to approve amendments to the constitution of WAT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WAT Unit** means a unit on issue in WAT.

**WAT Unitholder** means the holder of a WAT Unit.

**WFDT** means WFD Trust ARSN 168 765 875.

**WFDT Trust Scheme** means the arrangement described in the Securityholder Booklet under which TH Newco proposes to acquire all of the WFDT Units where the acquisition is approved by resolutions passed at a meeting of WFDT Unitholders:

- (a) to approve amendments to the constitution of WFDT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WFDT Unit** means a unit on issue in WFDT.

**WFDT Unitholder** means the holder of a WFDT Unit.

Dated this 11<sup>th</sup> day of April 2018



Signed by Hassan Salem  
as a delegate of the Australian Securities and Investments Commission

18-0240

**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 18-0240.

**Commencement**

3. This instrument commences on 11 April 2018.

**Declaration**

4. Chapter 6 of the Act applies to:
  - (a) Unibail-Rodamco SE, a European Company (*Societas Europaea*) incorporated in accordance with the laws of France;
  - (b) WFD Unibail-Rodamco N.V., a public company with limited liability incorporated in The Netherlands;
  - (c) Unibail-Rodamco TH B.V., a private company with limited liability incorporated in The Netherlands (*TH Newco*); and
  - (d) URW America Inc., a company incorporated in the United States of America under the laws of the State of Delaware (*US Newco*),

as if item 7 of section 611 of the Act were modified or varied by omitting paragraph (a) and substituting the following:

- “(a) no votes are cast in favour of the resolution by the person proposing to make the acquisition and its associates (unless the associate is a custodian, nominee, trustee, responsible entity or other fiduciary which has received a specific instruction from a third party beneficiary, who is not an associate of the person, directing the associate how to vote); and”.

**Where this instrument applies**

5. This instrument applies to the acquisition by US Newco of all of the WAT Units and the acquisition by TH Newco of all of the WFDT Units where:
  - (a) WAT Unitholders and WFDT Unitholders are given a copy of the Securityholder Booklet; and

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- (b) the acquisitions are approved by resolutions passed at a meeting of WAT Unitholders and WFDT Unitholders to be held on or about 24 May 2018,

for the purposes of item 7 of section 611 of the Act.

#### Interpretation

6. In this instrument:

**Securityholder Booklet** means the explanatory statement and notices of meeting dated on or about 12 April 2018 that is:

- (a) prepared in accordance with item 7 of section 611 of the Act;
- (b) sent to WAT Unitholders and WFDT Unitholders in relation to the WAT Trust Scheme and the WFDT Trust Scheme; and
- (c) substantially in the same form as that provided to ASIC on 10 April 2018.

**WAT** means Westfield America Trust ARSN 092 058 449.

**WAT Trust Scheme** means the arrangement described in the Securityholder Booklet under which US Newco proposes to acquire all of the WAT Units where the acquisition is approved by resolutions passed at a meeting of WAT Unitholders:

- (a) to approve amendments to the constitution of WAT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WAT Unit** means a unit on issue in WAT.

**WAT Unitholder** means the holder of a WAT Unit.

**WFDT** means WFD Trust ARSN 168 765 875.

**WFDT Trust Scheme** means the arrangement described in the Securityholder Booklet under which TH Newco proposes to acquire all of the WFDT Units where the acquisition is approved by resolutions passed at a meeting of WFDT Unitholders:

- (a) to approve amendments to the constitution of WFDT under subsection 601GC(1) of the Act; and
- (b) under item 7 of section 611 of the Act.

**WFDT Unit** means a unit on issue in WFDT.

**WFDT Unitholder** means the holder of a WFDT Unit.



18-0240

Dated this 11<sup>th</sup> day of April 2018

A handwritten signature in black ink, appearing to read "Hassan Salem", followed by a long horizontal line extending to the right.

Signed by Hassan Salem  
as a delegate of the Australian Securities and Investments Commission

18-0242

**Australian Securities and Investments Commission****Corporations Act 2001 —  
Paragraphs 992B(1)(a) and (c) — Exemption and Declaration****Enabling power**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 992B(1)(a) and (c) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC instrument [18-0242].

**Commencement**

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

**Exemption**

4. Westpac Banking Corporation ACN 007 457 141 (*Westpac*) does not have to comply with Division 4A (other than section 985J) of Part 7.8 of the Act.

**Declaration**

5. Subject to paragraph 4, Part 7.8 of the Act applies in relation to Westpac as if section 985J of the Act were varied or modified as follows:
  - (a) in paragraph 985J(2)(c), omit “7 business days”, substitute “15 business days”; and
  - (b) in paragraph 985J(2)(d) omit “21 business days”, substitute “25 business days”.

**Where exemption applies**

6. The exemption in paragraph 4 applies in relation to a retail client where:
  - (a) Westpac has entered an agreement with Suncorp-Metway Limited ACN 010 831 722 (*Suncorp*) to purchase a margin lending portfolio (the *Suncorp margin loan portfolio*) consisting of existing margin loan facilities (*existing facilities*) under which Suncorp is the provider; and
  - (b) the retail client has an existing facility; and
  - (c) the Westpac margin lending facility (*new facility*) will be on the same terms or substantially on the same terms as the existing facility and will:
    - (i) replace the existing facility; and

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- (ii) have the same limit as the existing facility; and
- (d) Westpac has entered an irrevocable deed poll for the benefit of, and enforceable by, both ASIC and retail clients with whom Westpac enters a margin lending facility as part of the purchase of the Suncorp margin loan portfolio under which Westpac undertakes to compensate each retail client who:
  - (i) suffers loss or damage as a result of a contravention by Suncorp of any of the provisions in Division 4A of Part 7.8 of the Act; and
  - (ii) has not recovered from Suncorp any loss or damage that the relevant retail client has suffered as a result of that contravention that arises on or after the entry into the margin lending facility with Westpac and in relation to the margin lending facility with Westpac; and
- (e) as at a date not more than 30 days before the sale of the Suncorp margin loan portfolio occurs, the retail client has not been in default under the existing facility for 90 days or more.

**Where declarations apply**

- 7. The declaration in paragraph 5 applies in relation to a retail client where:
  - (a) the circumstances specified in paragraph 6 are met; and
  - (b) the retail client:
    - (i) was party to an existing facility; and
    - (ii) requests from Westpac a written copy of the assessment prepared by Suncorp under paragraph 985E(1)(c) of the Act.

**Conditions**

- 8. The exemption in paragraph 4 is subject to the condition that if Westpac relies on the exemption in relation to a retail client, Westpac must provide the following information to the retail client prior to the purchase of the Suncorp margin loan portfolio:
  - (a) a clear explanation of when the sale of the Suncorp margin loan portfolio will occur and when the retail client will be subject to the terms of the new facility; and
  - (b) the following information in relation to the deed poll referred to in subparagraph 6(d):
    - (i) that Westpac has entered into a deed poll that gives retail clients rights to recover any loss or damage that has not been recovered from

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Suncorp that arises as a result of a breach of any of the provisions in Division 4A of Part 7.8 of the Act by Suncorp, where the loss or damage arises on or after the entry into, and in relation to, the replacement facility with Westpac; and

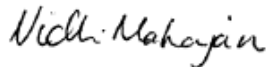
- (ii) a statement that upon request by the retail client Westpac will provide a copy of the deed poll to the retail client free of charge; and
- (c) details of who the retail client should contact if the retail client suffers loss or damage after a contract has been entered into with Westpac as part of the purchase of the Suncorp margin loan portfolio; and
- (d) a statement that:
  - (i) the terms of the new facility will be largely the same as the existing facility, however the terms will be updated to reflect that Westpac is the new issuer and to align with Westpac's approach to unfair contract terms legislation (*Westpac terms and conditions*); and
  - (ii) a copy of the Westpac terms and conditions is included with the information regarding the sale of the Suncorp margin loan portfolio.

#### Interpretation

9. In this instrument:

*provider* has the meaning given by section 985EA of the Act.

Dated this 11<sup>th</sup> day of April 2018



Signed by Vidhi Mahajan  
as a delegate of the Australian Securities and Investments Commission

18-0243

**Australian Securities and Investments Commission  
Corporations Act 2001 – Subsections 741(1), 926A(2),  
992B(1) and 1020F(1)– Exemptions**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under subsections 741(1), 926A(2), 992B(1) and 1020F(1) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument 18-0243.

**Commencement**

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

**Nature of this instrument**

4. This instrument is an individual relief instrument, as as referred to in paragraphs 28A to 28D of ASIC Class Order [CO 14/1000].

**Revocation**

5. This instrument revokes ASIC Instrument 13-0177.

**Disclosure relief***Offers made under an employee incentive scheme*

6. Broadcom or a related body corporate that makes an offer under an employee incentive scheme covered by this instrument does not have to comply with Part 6D.2, 6D.3 or Part 7.9 of the Act in relation to the offer.

*Subsequent sale offers*

7. A person that makes a sale offer of an underlying eligible product within 12 months after the issue of the product does not have to comply with Part 6D.2, 6D.3 or Part 7.9 of the Act in relation to the sale offer where:
  - (a) the product was issued or otherwise granted:
    - (i) to an eligible participant under an employee incentive scheme; or
    - (ii) to a trustee in connection with an employee incentive scheme; and
  - (b) the person has no reason to believe the employee incentive scheme is not covered by this instrument.
8. A person that makes a sale offer of a financial product within 12 months after the issue of the product does not have to comply with Part 6D.2, 6D.3 or Part 7.9 of the Act in relation to the sale offer where:

## 18-0243

- (a) the product was issued by reason of the exercise or vesting of an eligible product issued or otherwise granted to:
  - (i) an eligible participant under an employee incentive scheme; or
  - (ii) to a trustee in connection with an employee incentive scheme; and
- (b) the person has no reason to believe the employee incentive scheme is not covered by this instrument.

**Licensing, hawking and other incidental relief***General advice*

9. Broadcom or a related body corporate that makes an offer under an employee incentive scheme covered by this instrument and, in relation to the offer, provides a financial service consisting of general advice in connection with the offer, does not have to comply with subsection 911A(1) of the Act in relation to the advice.

*Dealing*

10. Broadcom or a related body corporate that provides any of the following financial services in relation to an offer in connection with an employee incentive scheme covered by this instrument does not have to comply with subsection 911A(1) of the Act in relation to the financial service:
- (a) issuing the eligible product;
  - (b) dealing in the eligible product where any acquisition by purchase or disposal of the eligible product by Broadcom or a related body corporate occurs either:
    - (i) through a financial services licensee; or
    - (ii) outside this jurisdiction and through a person which is licensed or otherwise authorised to deal in financial products of that kind in the relevant place;
  - (c) dealing in an interest in a managed investment scheme covered by paragraph 14 of this instrument or paragraph 28B of ASIC Class Order [CO 14/1000].

*Custodial or depository services*

11. Broadcom or a related body corporate that provides any of the following financial services in connection with an employee incentive scheme covered by this instrument does not have to comply with subsection 911A(1) of the Act in relation to the financial service:
- (a) a custodial or depository service in relation to the eligible product where the body performs their duties in good faith and has sufficient resources to perform those duties;
  - (b) dealing in the eligible product in the course of providing a custodial or depository service covered by paragraph (a).

18-0243

*Hawking*

12. Broadcom or a related body corporate that makes an offer of an eligible product to an eligible participant in the course of, or because of, an unsolicited meeting or telephone call held or made in connection with an employee incentive scheme covered by this instrument does not have to comply with sections 736, 992A or 992AA of the Act.

*Advertising*

13. Broadcom, or a related body corporate that advertises, or publishes a statement that is reasonably likely to induce eligible participants to acquire, an eligible product under an employee incentive scheme covered by this instrument does not have to comply with section 1018A of the Act in relation to the advertisement or publication.

**Conditions***Notice of reliance*

14. Broadcom or a related body corporate making an offer in connection with a particular employee incentive scheme must give ASIC a notice of reliance.

Note: A notice of reliance can cover a particular employee incentive scheme that is intended to operate for many years. A new notice of reliance will be required to be given to ASIC if Broadcom or a related body corporate establishes a new employee incentive scheme.

15. Broadcom or a related body corporate may give ASIC the notice of reliance at any time before the body first relies on this instrument in relation to the particular employee incentive scheme but, in any event, must give ASIC the notice of reliance no later than 1 month after the day the body first relies on this instrument in relation to the particular employee incentive scheme.

*Disclosure*

16. Broadcom or a related body corporate that makes an offer under an employee incentive scheme must ensure that the offer is made in, or is accompanied by, an offer document.

*Offers of overlying eligible products*

17. If Broadcom, a related body corporate or a trustee makes an offer of an overlying eligible product under an employee incentive scheme, Broadcom or the related body corporate must ensure that, if the overlying eligible product is not able to be traded on an eligible financial market, the offer is for no more than nominal monetary consideration.

Note: This paragraph 17 does not prohibit an offer for more than nominal monetary consideration of an underlying eligible product held or to be held by a trustee under a trust in relation to which the eligible participant acquires or will acquire a unit in the underlying eligible product because it is or will be held by the trustee under the trust.

*5% issue limit*

18. Broadcom or a related body corporate that makes an offer covered by this instrument must, at the time of making the offer, have reasonable grounds to believe that the number of underlying eligible products in a class of underlying eligible products that form part of the issued capital of Broadcom that have been or may be issued in any of the circumstances covered by the following paragraphs will not exceed 5% of the total number of underlying



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eligible products in that class on issue:

- (a) underlying eligible products that may be issued under the offer;
- (b) underlying eligible products issued or that may be issued as a result of offers made at any time during the previous 3 year period under:
  - (i) an employee incentive scheme or like scheme of Broadcom or a related body corporate, where offers were covered by this instrument or an individual instrument made by ASIC in terms similar to this instrument; or
  - (ii) an employee incentive scheme or employee share scheme of Broadcom or a related body corporate, where the offers were covered by ASIC Class Order [CO 03/184] or an individual instrument made by ASIC in terms similar to that class order.

*Trusts*

19. Broadcom or a related body corporate that makes an offer of an underlying eligible product under an employee incentive scheme in relation to which a trustee holds or will hold the underlying eligible products must ensure:
- (a) the activities of the trustee of the trust in that capacity are limited to employee incentive schemes of Broadcom or the related body corporate (whether or not the other employee incentive schemes are covered by this instrument);
  - (b) the trustee maintains written records on the administration of the trust including, in the case of underlying eligible products being held for a specified eligible participant on an allocated basis, written records that identify the underlying eligible products held on an allocated basis for the specified eligible participant;  

Note: The written records in relation to underlying eligible products held on an allocated basis may take the form of a sub-register administered by or on behalf of the trustee.
  - (c) the trustee does not levy any fees or charges for administering the trust that are payable directly by any eligible participant or out of the assets of the trust, other than reasonable disbursements including brokerage and tax levied or incurred in connection with the trust;
  - (d) if the trustee is Broadcom or an associate of Broadcom—the trustee does not, at its own discretion, exercise any voting rights attaching to any of the underlying eligible products that it holds on trust; and
  - (e) the trustee, either alone or together with one or more other trustees, does not hold more than 5% of the voting shares or voting interests in Broadcom calculated by reference to all employee incentive schemes or like schemes of Broadcom or a related body corporate in relation to which offers were covered by this instrument or an individual instrument made, on or after the commencement of this instrument, by ASIC in terms similar to this instrument.

*Loans*

20. Broadcom or a related body corporate making an offer of an eligible product under an employee incentive scheme that involves a loan from Broadcom or a related body corporate



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to an eligible participant to acquire the product:

- (a) must ensure that the loan is not provided to acquire options or incentive rights; and
- (b) must ensure that under the terms of the loan:
  - (i) no fees or interest is payable; and
  - (ii) either:
    - (A) the lender has no recourse against the participant in relation to the repayment of the loan; or
    - (B) the recourse of the lender against the participant in relation to the repayment of the loan is limited to forfeiture of the eligible products issued or transferred to, or held on behalf of, the participant in connection with the scheme.

#### ASIC power to request documents

21. Broadcom or a related body corporate must, if requested by ASIC and in accordance with the request, make available to ASIC the offer document and all other accompanying information or documents given to eligible participants in connection with the offer made in reliance on this instrument.

#### Interpretation

22. In this instrument:

- (a) *able to be traded* has the meaning given by section 761A of the Act;

*associate* has the meaning given by Division 2 of Part 1.2 of the Act (except sections 12 and 16);

*Broadcom* means Broadcom Inc., a company incorporated under the laws of Delaware in the United States of America.

*casual employee*, in relation to Broadcom or a related body corporate, means an individual who is, or might reasonably be expected to be, engaged to work the number of hours that are the pro-rata equivalent of 40% or more of a comparable full-time position with the body;

*contractor*, in relation to Broadcom or a related body corporate, means:

- (a) an individual with whom the body has entered into a contract for the provision of services under which the individual performs work for the body; or
- (b) a company with whom the body has entered into a contract for the provision of services under which an individual, who is a director of the company or their spouse, performs work for the body;

where the individual who performs the work under or in relation to the contract is, or might reasonably be expected to be, engaged to work the number of hours that are the pro-rata equivalent of 40% or more of a comparable full-time position with the body;

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**contribution**, in relation to a contribution plan, does not include:

- (a) nominal monetary consideration; or
- (b) a monetary contribution as consideration for an issue, transfer or grant of an eligible product to the eligible participant without undue delay (including a monetary contribution made to exercise an eligible product or cause an eligible product to vest);

**contribution plan** means a plan under which an eligible participant may make monetary contributions to acquire eligible products, whether made before or after the acquisition, from one or more of the following:

- (a) gross (before-tax) wages or salary;
- (b) net (after-tax) wages or salary;
- (c) other monies;

**eligible financial market** means NASDAQ Global Select Market, NASDAQ Global Market, New York Stock Exchange or NYSE American (formerly known as the American Stock Exchange);

**eligible participant**, in relation to Broadcom or a related body corporate, means a person specified in column 2 of Table A;

**eligible product**, in relation Broadcom, means a financial product specified in column 1 of Table A;

**employee incentive scheme** means an arrangement under which eligible products of Broadcom are offered to eligible participants;

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

**general advice** has the meaning given by section 766B of the Act;

**incentive right** means a conditional right:

- (a) to acquire underlying eligible products;
- (b) to be paid a cash amount that is ultimately determined by reference to (wholly or in part):
  - (i) the price or value at a given time of the underlying eligible product to which the right relates;
  - (ii) a change in the price or value over a given period of the underlying eligible product to which the right relates;
  - (iii) the amount or value of dividends or distributions paid or payable in relation to the underlying eligible product to which the right relates; or
  - (iv) a change in the amount or value over a given period of time of dividends or distributions paid or payable in relation to the underlying eligible

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product to which the right relates; or

- (c) to acquire or to be paid a combination of underlying eligible products and a cash amount as determined in accordance with paragraph (b);

**nominal monetary consideration** means monetary consideration of a token or trivial amount;

**notice of reliance**, in relation to a particular employee incentive scheme, means a written notice in a form approved in writing by ASIC for the purposes of ASIC Class Order CO 14/1000;

**offer**, in relation to an eligible product, has a meaning affected by sections 700, 702 and 1010C of the Act and includes:

- (a) an offer to issue the eligible product;
- (b) an issue or grant of the eligible product;
- (c) an offer to transfer the eligible product;
- (d) a transfer of the eligible product;
- (e) an offer to arrange for the issue or transfer of the eligible product;

but does not include an issue, grant or transfer of an underlying eligible product made by reason of the exercise or vesting of an overlying eligible product in circumstances where an offer to issue or transfer the overlying eligible product had been previously made.

**offer document**, in relation to an offer of eligible products under an employee incentive scheme, means a document which includes, or is accompanied by, the following information, statements and explanations worded and presented in a clear, concise and effective manner:

- (a) prominent statements to the effect that:
  - (i) any advice given by the body in relation to eligible products offered under the employee incentive scheme does not take into account an eligible participant's objectives, financial situation and needs; and
  - (ii) eligible participants should consider obtaining their own financial product advice from a person who is licensed by ASIC to give such advice;
- (b) either:
  - (i) a copy of the terms of the employee incentive scheme; or
  - (ii) a summary of the terms of the scheme together with a statement that, on request and at no charge and within a reasonable time, the body will provide an eligible participant with a copy of the terms of the scheme;
- (c) general information about the risks of acquiring and holding an eligible product being offered under the employee incentive scheme;
- (d) if:
  - (i) a trustee will hold underlying eligible products for specified eligible participants on an allocated basis in connection with the employee incentive scheme; and

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- (ii) those eligible participants will have the right to:
    - (A) exercise, or direct the trustee to exercise on their behalf, any rights (including voting rights) attaching to the underlying eligible products; or
    - (B) receive income deriving from the underlying eligible products, including dividends or distributions;
- either:
- (iii) a copy of the trust deed; or
  - (iv) a summary of the terms of the trust deed together with a statement that, on request and at no charge and within a reasonable time, the body will provide an eligible participant with a copy of the trust deed;
- (e) if the employee incentive scheme involves a contribution plan—either:
    - (i) a copy of the contribution plan; or
    - (ii) a summary of the terms of the contribution plan together with a statement that, on request and at no charge and within a reasonable time, the body will provide an eligible participant with a copy of the terms of the contribution plan;
  - (f) if the employee incentive scheme involves a loan from the body or a related body corporate to an eligible participant to acquire the product—a copy of the terms of the loan;
  - (g) the acquisition price of the eligible products in Australian dollars or, where the acquisition price is to be worked out in the future under a formula, an explanation of how an eligible participant could calculate the acquisition price of the eligible products in Australian dollars were that formula applied at the date of the offer;
  - (h) an explanation of how an eligible participant could, from time to time, ascertain the market price of the underlying eligible products in Australian dollars;

**overlying eligible product** means an eligible product specified in any of paragraphs (g) to (i) in column 1 of Table A;

**prospective participant**, in relation to an offer of an eligible product under an employee incentive scheme, means a person to whom the offer is made but who can only accept the offer if an arrangement has been entered into that will result in the person becoming covered by one of paragraphs (a) to (d) of column 2 of Table A;

**related body corporate** has the meaning given in section 50 of the Act;

**stapled security** means two or more eligible products which, under the terms on which each is traded, must be transferred together;

**trustee** means a body that holds or will hold underlying eligible products on trust for the following persons in connection with an employee incentive scheme:

- (a) eligible participants generally on an unallocated basis; or
- (b) one or more specified eligible participants on an allocated basis;

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*underlying eligible product* means an eligible product specified in any of paragraphs (a) to (f) in column 1 of Table A;

- (b) if Broadcom is a registered scheme:
  - (i) the conferral of relief on Broadcom is taken to be the conferral of relief on the responsible entity of the scheme;
  - (ii) a requirement imposed on Broadcom is taken to be a requirement imposed on the responsible entity of the scheme;
  - (iii) a reference to occupying a position or role with Broadcom is taken to be a reference to occupying a position or role with the responsible entity of the scheme;
- (c) an offer of eligible products to an eligible participant under an employee incentive scheme on terms that the eligible participant may renounce the offer in favour of a person covered by one of the following sub-subparagraphs is to be treated as an offer of eligible products to the eligible participant:
  - (i) an immediate family member of the eligible participant;
  - (ii) a company whose members comprise no persons other than the eligible participant or immediate family members of the participant;
  - (iii) a corporate trustee of a self-managed superannuation fund (within the meaning of the *Superannuation Industry (Supervision) Act 1993*) where the eligible participant is a director of the trustee;
- (ca) an employee incentive scheme, employee share scheme, or like scheme, is **covered by** an instrument to the extent that offers are made, or other conduct is carried out, in reliance on the instrument;
- (d) for the avoidance of doubt, a document or other writing to be given in connection with this instrument may be given by electronic means (including, in the case of a document or other writing to be given by Broadcom or a related body corporate in reliance on this instrument, by way of making it available on a website and notifying the intended recipient that it is available on the website).

Dated this 11<sup>th</sup> day of April 2018



Signed by Jessica Reid  
as a delegate of the Australian Securities and Investments Commission

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**Table A**

Column 1 <b>Eligible product</b>	Column 2 <b>Eligible participant</b>
(a) a fully paid share of Broadcom that is in a class of shares able to be traded on an eligible financial market;	(a) a full-time or part-time employee (including an executive director);
(b) a beneficial interest in a fully paid share of Broadcom where the interest is in a class of interests that is able to be traded on an eligible financial market;	(b) a non-executive director;
(c) a fully paid share of Broadcom in relation to which both of the following apply:	(c) a contractor;
(i) a beneficial interest in a share of that class are in a class of interests that is able to be traded on an eligible financial market;	(d) a casual employee;
(ii) the share is convertible into the beneficial interest without charge or for a nominal fee;	(e) a prospective participant.
(d) a beneficial interest in a fully paid share of Broadcom in relation to which both of the following apply:	
(i) the fully paid share is in a class of shares that is able to be traded on an eligible financial market;	
(ii) the beneficial interest is convertible into the share without charge or for a nominal fee;	
(e) a fully paid stapled security of Broadcom that is in a class of stapled securities that is able to be traded on ASX;	
(f) where Broadcom is a registered scheme—an interest in Broadcom that is in a class of interests that is able to be traded on ASX;	
(g) a unit in a financial product mentioned in paragraphs (a) to (f);	
(h) an option to acquire, by way of issue or transfer, a financial product mentioned in paragraphs (a) to (f);	
(i) an incentive right granted in relation to a financial product mentioned in paragraphs (a) to (f),	
where in each case in relation to a product mentioned in paragraphs (a) to (f) that is in a class of products that is able to be traded on an eligible financial market:	
(j) the class of products were not suspended for more than a total of 5 days during the shorter of the period during which the class of products were able to be traded, and the period of 12 months before the day the offer document is first given to an eligible participant.	

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 April 2018

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

<b>Name of Company</b>	<b>ARBN</b>
ETOUCH SYSTEMS (INDIA) PRIVATE LIMITED	164 790 050
FAGIOLI - S.P.A.	140 936 107
RETAIL MEDIA DIRECT PTY LIMITED	601 713 455
WMS GAMING INTERNATIONAL, S.L.	163 074 146

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this thirteenth day of April 2018

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

<b>Name of Company</b>	<b>ARBN</b>	
BERTAM (U.K.) LIMITED		051 426 389
BLACKROCK INSTITUTIONAL TRUST COMPANY, NATIONAL ASSOCIATION		131 413 842
BLOOMBERG L.P.		058 079 146
HUISMAN FAR EAST SERVICES PTE. LTD.		165 276 139



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 thirteenth day of April 2018

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

AUSTRALIAN FORESTS PROJECT 2001

CONCISE MID CAP FUND

**ARSN**

094 614 678

130 041 119

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.

**AUSTRALIA CHINA INVESTMENT FUND LTD**  
ACN 607 032 655 will change to a proprietary company limited by shares. The new name will be AUSTRALIA CHINA INVESTMENT FUND PTY LTD ACN 607 032 655.

**INFORMATION PROFESSIONALS GROUP PTY LTD**  
ACN 164 412 195 will change to a public company limited by shares. The new name will be INFORMATION PROFESSIONALS GROUP LTD ACN 164 412 195.

**MULTICOM RESOURCES PTY LTD**  
ACN 605 352 690 will change to a public company limited by shares. The new name will be MULTICOM RESOURCES LIMITED  
ACN 605 352 690.

**QBIOTICS LIMITED** ACN 110 210 001 will change to a proprietary company limited by shares. The new name will be QBIOTICS PTY LTD ACN 110 210 001.

**BIOGLOBAL LIMITED** ACN 091 488 505 will change to a proprietary company limited by shares. The new name will be BIOGLOBAL PTY LIMITED ACN 091 488 505.

**LATTICE ENERGY FINANCE LIMITED**  
ACN 619 701 343 will change to a proprietary company limited by shares. The new name will be LATTICE ENERGY FINANCE PTY LTD  
ACN 619 701 343.

**NUCLEUS NETWORK LIMITED**  
ACN 102 450 706 will change to a proprietary company limited by shares. The new name will be NUCLEUS NETWORK PTY LIMITED  
ACN 102 450 706.

**THREE RIVERS PROSPECTING PTY LTD**  
ACN 617 660 321 will change to a public company limited by shares. The new name will be THREE RIVERS PROSPECTING LIMITED  
ACN 617 660 321.