



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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 20-0570.

**Commencement**

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

**Exemption**

4. ASIC exempts Credit Agricole Corporate and Investment Bank (the **body**), a limited liability joint-stock company incorporated in France and registered with the National Institute of Statistics and Economic Studies under Companies Register SIREN number 304 187 701, from the requirement to hold an Australian financial services (**AFS**) licence in the case referred to in Schedule A.

**Cessation**

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

**Schedule A**

1. The exemption in paragraph 4 applies where all of the following apply:

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- (a) the body is authorised and regulated as a bank by the Autorité des Contrôle Prudentiel et de Résolution (ACPR), the Autorité des Marchés Financiers (AMF) and the European Central Bank (ECB);
  - (b) the body is either a body corporate incorporated or a partnership formed in France;
  - (c) the body:
    - (i) is registered under Div 2 of Pt 5B.2 of the Act; or
    - (ii) has an agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an agent for any consecutive period of 10 business days;
  - (d) the body's primary business is the provision of financial services;
  - (e) neither the body nor its agent has been notified by ASIC that the body is excluded from relying on this instrument;
  - (f) if the body becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed, other than in an immaterial respect, to comply with a requirement set out in Schedule B:
    - (i) 15 business days have not passed since the body became so aware or should reasonably have become so aware without the body providing full particulars of the failure to ASIC (to the extent that the body knows those particulars or would have known them if it had undertaken reasonable enquiries); and
    - (ii) 30 business days have not passed from ASIC receiving those particulars from the body without ASIC notifying the body that it may continue to rely on this instrument;
  - (g) the body has not notified ASIC that it will not rely on this instrument
2. Where the body provides any of the following financial services (the *financial services*) in this jurisdiction to wholesale clients:
- (a) providing financial product advice;
  - (b) dealing in, and making a market for, a financial product;
    - in respect of any of the following financial products:
      - (i) securities;
      - (ii) foreign exchange contracts;
      - (iii) derivatives; and
      - (iv) debentures, stocks or bonds issued or proposed to be issued by a government.
3. Where the body has provided ASIC with all of the following:
- (a) evidence that paragraph 1(a) of Schedule A is satisfied that ASIC has stated in writing is adequate;
  - (b) a notice that it will provide the financial services in this jurisdiction in reliance on this instrument;
  - (c) a deed of the body for the benefit of and enforceable by ASIC and the other persons referred to in s659B(1) of the Act that applies notwithstanding that the

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body may have ceased to rely, or never have relied, on this instrument, which deed provides that:

- (A) the deed is irrevocable except with the prior written consent of ASIC; and
  - (B) the body submits to the non-exclusive jurisdiction of the Australian courts in legal proceedings conducted by ASIC (including under s50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in s659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise; and
  - (C) the body covenants to comply with any order of an Australian court in respect of any matter relating to the provision of the financial services; and
  - (D) if the body is not registered under Div 2 of Pt 5B.2 of the Act, service of process on the body in relation to legal proceedings conducted by ASIC (including under section 50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in s659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise can be effected by service on the agent; and
  - (E) the body covenants that, on written request of either AMF, ACPR, ECB or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist AMF, ACPR or ECB to disclose to ASIC and ASIC to disclose to AMF, ACPR or ECB any information or document that AMF, ACPR, ECB or ASIC has that relates to the body;
- (d) written consents to the disclosure by AMF, ACPR or ECB to ASIC and ASIC to AMF, ACPR or ECB of any information or document that AMF, ACPR, ECB or ASIC has that relates to the body. The consents must be in such form (if any) as ASIC specifies in writing.
4. The AMF has an ongoing information exchange arrangement with the ACPR that covers matters relating to the body.

#### **Schedule B**

1. The body must:
- (a) provide each of the financial services in this jurisdiction in a manner which would comply, so far as is possible, with the French regulatory requirements if the financial service were provided in France in like circumstances;
  - (b) notify ASIC, as soon as practicable and in any event within 15 business days after the body became aware or should reasonably have become aware, and in such form if any as ASIC may from time to time specify in writing, of the details of:
    - (i) each significant change to, including the termination of, the authorisation as a bank by the ACPR, AMF and ECB; and

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- (ii) each significant particular exemption or other relief which the body obtains from the French regulatory requirements relevant to the financial services the body provides or intends to provide in this jurisdiction; and
- (iii) each action or investigation of the following kinds taken by the AMF, ACPR, ECB or other overseas regulatory authority against the body in a foreign jurisdiction in relation to the financial services provided in the foreign jurisdiction:
  - (A) significant enforcement action;
  - (B) significant disciplinary action;
  - (C) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, the body is prohibited by law from giving such notification but only to the extent of the prohibition); and
- (c) provide written disclosure to all persons to whom the financial services are provided in this jurisdiction (before the financial services are provided) containing prominent statements to the following effect:
  - (i) the body is exempt from the requirement to hold an AFS licence under the Act in respect of the financial services; and
  - (ii) the body is regulated by the AMF, ACPR or ECB under the laws of France or Europe, which differ from Australian laws.

**Interpretation**

In this instrument:

**Act** means the *Corporations Act 2001*;

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

**agent** means a natural person resident in this jurisdiction or a company, whose name and address were last notified to ASIC by the body for the purposes of this instrument, and who is authorised to accept on the body's behalf, service of process from ASIC and, in relation to proceedings relating to a financial services law, from any person referred to in s659B(1) of the Act;

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

**AMF** means Autorité des Marchés Financiers, the agency responsible for the regulation of financial services provided by investment firms in France;

**ACPR** means Autorité de Contrôle Prudentiel et de Résolution, the French prudential supervision authority;

**derivative** has the meaning given by section 761A of the Act;

**ECB** means the European Central Bank;

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

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

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

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

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- (a) Directive 2013/36/EU of the of the European Parliament and of the Council of 15 May 2014 and Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 as amended;
- (b) any other applicable legislation;
- (c) any instruments made under that legislation; and
- (d) any relevant policies or other documents (however described) issued by the AMF, ACPR or ECB.

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

*Overseas regulatory authority* means a foreign regulatory authority (other than the AMF, ACPR or ECB) which regulates financial services and which is established by or for the purposes of a foreign government or legislative body;

*securities* has the meaning given by s92 of the Act;

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

Dated this 16<sup>th</sup> day of July 2020



Signed by Margaret Stone  
as a delegate of the Australian Securities and Investments Commission

20-0587

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 20-0587.

**Commencement**

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

**Exemption**

4. ASIC exempts Clearstream Banking S.A., a company incorporated under the laws of Luxembourg and registered under number B9248 in the Luxembourg Register of Trade and Companies (the *Body*), from the requirement to hold an Australian financial services (AFS) licence, upon the conditions referred to in Schedule A, in the case referred to in Schedule B.

**Cessation**

5. The exemption in paragraph 4 ceases to have effect on the earlier of:
  - (a) sub-paragraph 1(3) of Sch 2 of the *ASIC Corporations (Repeal and Transitional) Instrument 2016/396* ceasing to have effect in relation to the relief that was provided under ASIC Class Order [CO 03/1099] *UK regulated financial service providers*; or
  - (b) the Body failing to comply with any written notice given by ASIC directing the body to give to ASIC, within the time specified in the notice, a written statement containing specified information about the financial service business operated by the body in this jurisdiction; or

**Schedule A**

1. The exemption in paragraph 4 applies where all of the following apply:
  - (a) the Body is authorised in Luxembourg as a credit institution under art 2 of the *Law of 5 April 1993 on the financial sector* of Luxembourg;
  - (b) the Body is either a body corporate incorporated or a partnership formed in Luxembourg;
  - (c) the Body:



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- (i) is registered under Division 2 of Part 5B.2 of the Act; or
- (ii) has an Agent at the time the Body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;
- (d) the Body's primary business is the provision of financial services;
- (e) neither the Body nor its Agent has been notified by ASIC that the Body is excluded from relying on this instrument;
- (f) if the Body becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed, other than in an immaterial respect, to comply with a requirement set out in Schedule C;
  - (i) 15 business days have not passed since the Body became so aware or should reasonably have become so aware without the Body providing full particulars of the failure to ASIC (to the extent that the Body knows those particulars or would have known them if it had undertaken reasonable enquiries); and
  - (ii) 30 business days have not passed from ASIC receiving those particulars from the Body without ASIC notifying the Body that it may continue to rely on this instrument; and
- (g) the Body has not notified ASIC that it will not rely on this instrument.

#### Schedule B

Where:

1. the Body provides any of the following financial services (the *financial services*) in this jurisdiction to wholesale clients:
  - (a) dealing in financial product; or
  - (b) providing a custodial or depository service;in respect of any of the following financial products:
  - (c) derivatives;
  - (d) foreign exchange contracts;
  - (e) securities;
  - (f) debentures, stocks or bonds issued by a government;
  - (g) managed investment products; or
  - (h) interest in a managed investment scheme that is not required to be registered under Chapter 5C of the Act;
  - (i) deposit-taking facilities that are not deposit products; or
  - (j) facilities through which a person makes non-cash payments.
2. the Body has provided ASIC with:



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

#### Schedule C

The Body must:

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1. provide each of the financial services in this jurisdiction in a manner which would comply, so far as is possible, with the Luxembourg regulatory requirements if the financial service were provided in Luxembourg in like circumstances; and
2. notify ASIC, as soon as practicable and in any event within 15 business days after the Body became aware or should reasonably have become aware, and in such form if any as ASIC may from time to time specify in writing, of the details of:
  - (a) each significant change to, including the termination of, the authorisation as a credit institution under the *Law of 5 April 1993 on the financial sector* of Luxembourg applying to the Body relevant to the financial services the Body provides or intends to provide in this jurisdiction; and
  - (b) each significant particular exemption or other relief which the Body obtains from the Luxembourg regulatory requirements relevant to the financial services the Body provides or intends to provide in this jurisdiction; and
  - (c) each action or investigation of the following kinds taken by the CSSF or other overseas regulatory authority against the Body 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, the Body is prohibited by law from giving such notification but only to the extent of the prohibition); and
3. provide written disclosure to all persons to whom the financial services are provided in this jurisdiction (before the financial services are provided) containing prominent statements to the following effect:
  - (a) the Body is exempt from the requirement to hold an Australian financial services licence under the Act in respect of the financial services; and
  - (b) the Body is regulated by the CSSF under Luxembourg laws, which differ from Australian laws; and
4. if ASIC gives the Body a written notice directing the Body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the Body in this jurisdiction—comply with the notice.

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**Interpretation**

In this instrument:

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

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

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

**credit institution** means a credit institution under Article 2 of the *Law of 5 April 1993 on the financial sector* of Luxembourg;

**CSSF** means the Commission de Surveillance du Secteur Financier of Luxembourg;

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

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

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

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

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

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

- (a) Article 2 of the *Law of 5 April 1993 on the financial sector* of Luxembourg, as amended;
- (b) any other applicable legislation;
- (c) any instruments made under that legislation; and
- (d) any relevant policies or other documents (however described) issued by the CSSF;

**non-cash payments** has the meaning affected by section 763D of the Act;

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

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

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

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

Dated this 23<sup>rd</sup> day of July 2020.

A handwritten signature in blue ink, appearing to read 'Marie-Christine De Greeff', with a stylized flourish at the end.

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

20-0688

**Australian Securities and Investments Commission****Corporations Act 2001 – 1020F(1)(a) Revocation and 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 20-688.

**Commencement**

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

**Revocation**

4. ASIC revokes ASIC Instrument 18-679.

**Exemption**

5. J.P. Morgan Securities Australia Limited (**JPMSAL**) does not have to comply with subsection 1020B(2) of the Act in relation to a sale of a security (the **shorted product**) by JPMSAL where all of the following apply:
  - a. A specified market maker makes a market for a financial product;
  - b. The specified market maker issues, acquires or disposes of a financial product (the **hedged product**) in the course of making that market (the **primary transaction**);
  - c. either:
    - (i) The specified market maker enters into a corresponding transaction (the **back-to-back transaction**) with JPMSAL under the terms of:
      - A. the agreement between JPMSAL and Morgan Guaranty Trust Company of New York, on behalf of JPMC, dated 18 July 2001, as amended from time to time; or
      - B. the agreements between JPMSAL, and JPMC and JPMSPLC, dated 29 August 2016 and 30 August 2016, as amended from time to time; or
      - C. the agreements between JPMAG and JPMSPLC dated 29 August 2016, 30 August 2016 (as amended by agreement on 4 July 2017) and 1 October 2018, as amended from time to time; or

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- D. the agreements between JPMSAL and JPMAG dated 1 October 2018, as amended from time to time; or
  - E. any other agreement between JPMSAL and JPMC, or between JPMSAL and JPMSPLC, or between JPMSAL and JPMAG, in a form provided to ASIC under condition 11 to which ASIC has not objected within 28 days; or
- (ii) where the specified market maker is JPMC or JPMAG, the following occur:
- A. the specified market maker enters into a corresponding transaction (the **back-to-back transaction**) with JPMSPLC under the terms of an agreement referred to in subparagraph 5(c); and
  - B. JPMSPLC transfers the profit and loss of that back-to-back transaction to JPMSAL via a direct income attribution.
- d. the back-to-back-transaction is a bona fide transaction to manage, avoid or limit the financial consequences to the specified market maker of the primary transaction;
  - e. the sale of the shorted product is a bona fide transaction to manage, avoid or limit the financial consequences to JPMSAL of the back-to-back transaction or direct income attribution;
  - f. at the time of the sale of the shorted product, the shorted product is a constituent of the index known as the S&P/ASX 300;
- Note: This index is compiled and calculated by Standard and Poor's, a division of The McGraw-Hill Companies, Inc. Its constituents are subject to change from time to time. Details of the current constituents may be found via <http://www.standardandpoors.com.au/>.
- g. at the time of the sale of the shorted product, JPMSAL believes on reasonable grounds that a securities lending arrangement can be put in place, before the time for delivery of the shorted product, so that a financial product equivalent to the shorted product can be unconditionally vested in the purchaser of the shorted product by the time for delivery; and
  - h. JPMSAL, JPMSPLC, JPMAG and JPMC each hold an Australian financial services license that covers making a market in the hedged product or are exempt from the requirement to hold such a license for providing that financial service.

#### Conditions of the relief

##### *Securities lending arrangement*

6. When relying on the exemption in paragraph 5, JPMSAL must:

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- a. by the end of the day (**sale day**) on which JPMSAL makes the sale of the shorted product:
  - i. have acquired a financial product equivalent to the shorted product; or
  - ii. have entered into a contract to acquire a financial product equivalent to the shorted product where JPMSAL has a right to have that financial product vested in JPMSAL that is conditional only upon all or any of the following:
    - A. payment of the consideration in respect of the acquisition;
    - B. the receipt by JPMSAL of a proper instrument of transfer in respect of the product;
    - C. the receipt by JPMSAL of the documents that are, or are documents of title to, the product; or
  - iii. have entered into a securities lending arrangement in relation to a financial product equivalent to the shorted product,  
  
so that the shorted product or an equivalent product can be unconditionally vested in the purchaser of the shorted product by the time for delivery; and
- b. if paragraph (a) has not been satisfied, notify ASIC in writing by 9:00 am on the business day after the sale that paragraph (a) has not been satisfied.

*Positional reporting*

- 7. Subject to paragraph 10, when relying on the exemption in paragraph 5, JPMSAL must give to ASIC in the form required by ASIC particulars of JPMSAL's short position in relation to the shorted product as at 7:00 pm three reporting days before the day the particulars must be given under paragraph 8.
- 8. JPMSAL must give the particulars about the short position:
  - a. on or before 9:00 am on the third reporting day after entering into the agreement to sell that causes the short position to occur; and
  - b. on or before 9:00 am on each subsequent reporting day as long as JPMSAL has a short position.
- 9. Subparagraph 8(b) applies whether or not the particulars about the short position have changed from that given on the previous day.
- 10. If JPMSAL:
  - a. is required by subsection 1020AB(3) of the Act to give particulars of JPMSAL's short position on a day in relation to a security or product that is in the same class as the shorted product; or



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- b. has a short position in relation to the shorted product on a day that does not exceed the value limit and the volume limit on the day;

then JPMSAL does not have to comply with paragraph 7 in relation to the short position.

*Other conditions*

11. JPMSAL must notify ASIC, within 14 days, of any of the following occurrences:

- a. any material change to the terms of an agreements referred to in subparagraph 5(c);
- b. the entry into any other agreement to replace an agreement referred to in subparagraph 5(c); or
- c. the replacement of JPMC, JMAG or JPMSPLC with a successor entity.

12. JPMSAL must provide written notice to ASIC within 28 days from the date upon which JPMSAL becomes aware that JPMC, JMAG or JPMSPLC has ceased to conduct the business described in paragraph 6, being the conduct for which this waiver was requested.

**Interpretation**

13. In this instrument:

**direct income attribution** means a system whereby the profit and loss of relevant transactions is calculated on a periodic basis and that profit and loss is then subsequently rebooked from one corporate entity to another.

**JPMAG** means J. P. Morgan A.G. or any successor entity notified to ASIC under paragraph 11 to which ASIC has not objected within 28 days of receiving such notice.

**JPMC** means JP Morgan Chase Bank, National Association or any successor entity notified to ASIC under paragraph 11 to which ASIC has not objected within 28 days of receiving such notice.

**JPMSPLC** means J P Morgan Securities PLC or any successor entity notified to ASIC under paragraph 11 to which ASIC has not objected within 28 days of receiving such notice.

**makes a market** has the meaning given by section 766D of the Act.

**reporting day** has the meaning given by subregulation 7.9.99(1) of the Corporations Regulations 2001.

**securities lending arrangement** means an arrangement under which:

- a. one entity (the **lender**) agrees that it will:

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- i. deliver particular securities, or other financial products to another entity (the **borrower**) or to an entity nominated by the borrower; and
  - ii. vest title in those products in the entity to which they are delivered; and
- b. the borrower agrees that it will, after the lender does the things mentioned in paragraph (a):
  - i. deliver the products (or equivalent products) to the lender or to an entity nominated by the lender; and
  - ii. vest title in those products (or those equivalent products) in the entity to which they are delivered.

**short position** has the meaning given by subregulation 7.9.99(2) of the *Corporations Regulations 2001*.

**specified market maker** means JPMC, JPMAG or JPMSPLC.

14. In paragraph 10:

- a. the **value limit** in relation to a person for a security or managed investment product that is able to be traded on a financial market is not exceeded on a day if:

$$A \times B$$

does not exceed \$100,000 where:

A = the person's short position in relation to the security or product as at 7pm on the day.

B = either:

- i. the last sale price for the security or product on the financial market on the day (or, if there is no such price on that day, the last sale price on the financial market); or
  - ii. the price determined and published by the operator of the market after the close of trading for the day as the value of the security or product on the day.
- b. the **volume limit** in relation to a person for a security or managed investment product that is able to be traded on a financial market is not exceeded on a day if:

$$\frac{A}{B} \times 100$$


does not exceed 0.01 where:

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A = the person's short position in relation to the security or product as at 7pm on the day.

B = the total quantity of securities or products in the same class of securities or products on the day.

Dated this thirteenth day of July 2020



Signed by Ann-Maree Cahill,  
as a delegate of the Australian Securities and Investments Commission

20-0715

**Australian Securities and Investments Commission  
Corporations Act 2001 — Paragraph 601QA(1)(a) – Exemption**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 20-0715.

**Commencement**

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

**Exemption**

4. Centuria Heathley Asset Management Limited ACN 003 976 672 (the **Responsible Entity**) as responsible entity of Centuria Heathley Healthcare Property Fund ARSN 638 821 360 (the **Scheme**) is exempted from the requirement to convene a meeting to pass a resolution under section 601FL(1) of the Act to retire as responsible entity of the Scheme.

**Where this instrument applies**

5. The relief applies where:
  - (a) At the time of the proposed change of the responsible entity, the only holder of interests in the Scheme is Centuria Investment Holdings Pty Ltd ACN 116 455 862 who has given written consent to:
    - (i) not call a member's meeting; and
    - (ii) the retirement of the Responsible Entity and the appointment of Centuria Property Funds No.2 Limited ACN 133 363 185 as the responsible entity of the Scheme.

Dated this 15<sup>th</sup> day of July 2020



Signed by Giles Emery  
as a delegate of the Australian Securities and Investments Commission

20-0717

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

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

TO: ARTHUR TEE  
ABN 12 918 026 410 ("the Licensee")  
17 REDLEAF WAY WHEELERS HILL  
VIC 3150

Pursuant to paragraph 915B(1)(e) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 233816 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 17 July 2020

Signed   
.....

George Podaras  
a delegate of the Australian Securities and Investments Commission

20-0725

## 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 20 July 2020.

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

## NOTICE OF CANCELLATION OF AUSTRALIAN FINANCIAL SERVICES LICENCE

To: **Global Merces Funds Management Ltd**

Under paragraph 915B(3) of the *Corporations Act 2001* (the Act) the Australian Securities and Investments Commission (ASIC) hereby cancels Australian financial services licence numbered 460883 held by Global Merces Funds Management Ltd ACN 168 869 163.

Under s915H of the Act the licence continues in effect as though the cancellation had not happened until 31 July 2022 for the purposes of the provisions of the Act specified in Schedule A regarding the matters specified in Schedule B.

**Schedule A**

1. the provisions of Chapter 5C; and
2. the provisions of Chapter 7, other than the provisions in Parts 7.2, 7.3, 7.4 and 7.5.

**Schedule B**

The provision by the Licensee of financial services which are reasonably necessary for, or incidental to, the transferring of one or more of the following schemes to a new responsible entity, the investigating or the preserving of the assets and affairs of one or more of the following schemes, or the winding up of one or more of the following schemes:

- (a) Global Merces Access Fund ARSN 604 201 952;
- (b) Global Merces Equities Fund ARSN: 604 220 662; and
- (c) Covesta ARSN: 625 053 803.

Dated this 17<sup>th</sup> day of July 2020.

Signed:  .....

GAI DI BARTOLOMEO  
Delegate of the  
Australian Securities and Investments Commission.

20-0729

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

**Notice of suspension of an Australian financial services licence**

TO: Valuestream Investment Management Ltd  
ACN 094 107 034 (the Licensee)  
Unit 302  
80 Mount Street  
NORTH SYDNEY NSW 2060

1. Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001** (the Act), the Australian Securities and Investments Commission (ASIC) hereby suspends Australian financial services (AFS) licence number 246621 held by the Licensee until 21 September 2020, with effect from the date on which this notice is given to the Licensee.
2. Pursuant to section 915H of the Act, the AFS licence continues in effect as though the suspension had not happened for the purposes of Chapter 5C and Chapter 7 of the Act in relation to the provision by the Licensee of financial services that are reasonably necessary for, or incidental to:
  - a. the transition to a new responsible entity for a registered managed investment scheme for which the Licensee is the responsible entity at the date of this notice (Registered Scheme);
  - b. the transition to a new trustee for an unregistered managed investment scheme for which the Licensee is the trustee at the date of this notice (Unregistered Scheme);
  - c. the winding up of a Registered Scheme or Unregistered Scheme; and
  - d. the day-to-day operation of a Registered Scheme or Unregistered Scheme, excluding the issue or redemption of interests in the scheme.

Dated 21/7/20

Signed



Nicholas Vonarx  
a delegate of the Australian Securities and Investments Commission



CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this twenty-fourth day of July 2020

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company	ARBN
FIRST STATE INVESTMENTS INTERNATIONAL LIMITED	146 900 745
HOCHTIEF ENGINEERING INTERNATIONAL GMBH	622 727 646
KRATOS TECHNOLOGY & TRAINING SOLUTIONS, INC.	623 972 618
NOBLELIFT ASIA PACIFIC TRADING PTE. LTD.	621 829 712
SKYLAND PETROLEUM GROUP LIMITED	613 928 671

CORPORATIONS ACT 2001

Section 601CL(4)

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

Dated this twenty-fourth day of July 2020

Rosanne Bell  
DELEGATE OF  
THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Name of Company	ARBN
FLEXIDRILL CONSTRUCTION LIMITED	609 022 700
GOGO CHARTERS LLC	629 749 159
SMART MEMBRANE SOLUTIONS AUSTRALIA LIMITED	626 140 547

CORPORATIONS ACT 2001

Subsection 601PB(2)

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

Dated this twenty-fourth day of July 2020

Rosanne Bell

DELEGATE OF

THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

**Name of Scheme**

**ARSN**

DIRECTMONEY PERSONAL LOAN FUND

602 325 628

KINSMEN MEZZANINE FUND NO.4

108 192 490

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.

**AEGROS PTY LTD** ACN 618 589 101 will change to a public company limited by shares. The new name will be **AEGROS LTD** ACN 618 589 101.

**OPUS GROUP LIMITED** ACN 006 162 876 will change to a proprietary company limited by shares. The new name will be **OPUS GROUP PTY. LTD.** ACN 006 162 876.

**TESORO AUSTRALIA LIMITED** ACN 618 093 306 will change to a proprietary company limited by shares. The new name will be **TESORO AUSTRALIA PTY LTD** ACN 618 093 306.

**KO-VEDA HOLIDAY PARK ESTATE LIMITED** ACN 109 375 831 will change to a proprietary company limited by shares. The new name will be **KO-VEDA HOLIDAY PARK ESTATE PTY LTD** ACN 109 375 831.

**SHADFORTH FINANCIAL GROUP HOLDINGS LIMITED** ACN 128 202 308 will change to a proprietary company limited by shares. The new name will be **SHADFORTH FINANCIAL GROUP HOLDINGS PTY LTD** ACN 128 202 308.

**ZAMIRA AUSTRALIA PTY LTD** ACN 632 644 172 will change to a public company limited by shares. The new name will be **ZAMIRA AUSTRALIA LIMITED** ACN 632 644 172.