



**ASIC**  
Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette  
No. A12/22, Tuesday 22 March 2022

Published by ASIC

# ASIC Gazette

## Contents

Notices under Corporations Act 2001

<b>21-0965</b>	<b>22-0054</b>	<b>22-0055</b>	<b>22-0124</b>	<b>22-0154</b>	<b>22-0160</b>	<b>22-0163</b>
<b>22-0168</b>	<b>22-0169</b>	<b>22-0170</b>	<b>22-0176</b>	<b>22-0177</b>		

Company/scheme deregistrations

Change of company type

### RIGHTS OF REVIEW

Persons affected by certain decisions made by ASIC under the *Corporations Act 2001* and the other legislation administered by ASIC may have rights of review. ASIC has published Regulatory Guide 57 *Notification of rights of review (RG57)* and Information Sheet *ASIC decisions – your rights (INFO 9)* to assist you to determine whether you have a right of review. You can obtain a copy of these documents from the ASIC Digest, the ASIC website at [www.asic.gov.au](http://www.asic.gov.au) or from the Administrative Law Co-ordinator in the ASIC office with which you have been dealing.

ISSN 1445-6060 (Online version)  
ISSN 1445-6079 (CD-ROM version)

Available from [www.asic.gov.au](http://www.asic.gov.au)  
Email [gazette.publisher@asic.gov.au](mailto:gazette.publisher@asic.gov.au)

© Commonwealth of Australia, 2022

This work is copyright. Apart from any use permitted under the *Copyright Act 1968*, all rights are reserved. Requests for authorisation to reproduce, publish or communicate this work should be made to: Gazette Publisher, Australian Securities and Investment Commission, GPO Box 9827, Melbourne Vic 3001

**NOTICE UNDER SECTION 920E OF THE CORPORATIONS ACT 2001**

Notice is given under section 920E of the Corporations Act 2001 that the Australian Securities and Investments Commission has made a banning order in the terms set out below, which order took effect on 11 March 2022.

21-0965

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****IN THE MATTER OF MARK CHRISTOPHER BABBAGE****BANNING ORDER UNDER SECTIONS 920A AND 920B  
OF THE CORPORATIONS ACT 2001**

To: Mark Babbage

**TAKE NOTICE** that under subsections 920A(1) and 920B(2) of the Corporations Act 2001 the Australian Securities and Investments Commission prohibits **Mark Babbage** from providing any financial services, performing one or more functions as an officer of an entity that carries on a financial services business, and controlling an entity that carries on a financial services business under sections 920A and 920B of the Corporations Act 2001 for 10 years for a period of five years.

Dated this 22<sup>nd</sup> day of December 2021



Signed:  
22 December 2021  
Delegate of the Australian Securities and Investments  
Commission

Your attention is drawn to subsection 920C(2) of the Corporations Act 2001 which provides that a person must not engage in conduct which breaches a banning order that has been made against the person. Contravention of subsection 920C(2) is an offence.

22-0054



**Australian Market Licence (State Street Global Markets International Limited) 2022**

*Corporations Act 2001*

I, Greg Yanco, Executive Director Australian Securities and Investments Commission grant this Licence under subsection 795B(1) of the *Corporations Act 2001* (the Act) and impose conditions on this Licence under subsection 796A(1) of the Act.

Dated ...24 February, 2022

Signed .....

as a delegate of the Minister under section 1101J of the Act

**1. Name**

This is the *Australian Market Licence (State Street Global Markets International Limited) 2022*.

*Note:* This instrument should be read in conjunction with the *Corporations (State Street Global Markets International Limited) Exemption Notice 2022*.

## 2. Commencement

This Licence commences when it is granted.

## 3. Definitions

In this Licence unless the contrary intention appears, terms defined in the Act have the same meaning in this Licence and:

*Act* means the *Corporations Act 2001*.

*ASIC* means the Australian Securities and Investments Commission.

*Australian client* means, in relation to a participant in the Market, a person in this jurisdiction on whose behalf the participant deals on the Market.

*Australian participant* means:

- (a) an Australian entity that is a participant in the Market;
- (b) a foreign branch or office of an Australian entity where:
  - (i) the foreign branch or office is a participant in the Market; or
  - (ii) the Australian entity is a participant in the Market;
- (c) an Australian branch or office of a foreign entity where:
  - (i) the Australian branch or office is a participant in the Market; or
  - (ii) the foreign entity is a participant in the Market.

*Foreign participant* means a participant in the Market who is not an Australian participant.

*Fund Documents* mean information, issued or made available by a Sell-side Participant relating to the terms of any subscription or redemption of a financial product traded on the Market.

*Licensee* means State Street Global Markets International Limited ARBN 120 116 065.

*Market* means the financial market, known as Fund Connect, the Licensee is authorised to operate under this Licence.

*Sell-side Participant* means a participant who makes financial products available for subscription or redemption on the Market.

*reporting period* means each period of 3 months, or part thereof, during which the Market is operated in Australia, ending on 31 March, 30 June, 30 September, or 31 December

## 4. Grant of Licence

- (1) The Licensee is granted a licence to operate a financial market in this jurisdiction, known as Fund Connect, through which participants may make or accept offers to acquire or dispose of any of the following financial products:

- (a) interests in a managed investment scheme; and
  - (b) securities in an unlisted foreign company,
- through an electronic communication platform which facilitates transactions between investors and fund managers for bilateral execution.

#### **5. Participants**

- (1) It is a condition of this Licence that the Licensee must ensure that each:
  - (a) Australian participant:
    - (i) is a professional investor; and
    - (ii) only deals on the Market on their own behalf or on behalf of a professional investor;
  - (b) Foreign participant only deals on the Market:
    - (i) on their own behalf;
    - (ii) on behalf of a person who is not a retail client; or
    - (iii) on behalf of an Australian client who is a professional investor.

#### **6. Operation of the Market**

- (1) The Licensee, in all material respects, must operate Fund Connect as described in paragraphs 4(1) and 5, or as subsequently approved by ASIC.
- (2) Without limiting (1) in this paragraph, the Licensee must ensure that before any professional investors in this jurisdiction are permitted to invest in financial products using the Market:
  - (a) Sell-side Participants have represented to the Licensee that an offer of its financial products to professional investors in this jurisdiction on the Market would not contravene the laws of this jurisdiction; and
  - (b) Sell-side Participants have made the relevant Fund Documents available to professional investors on the Market.
- (3) If the Licensee has reason to believe that a Sell-side Participant is not complying with paragraph 2(a) or 2(b), the Licensee must immediately cease to allow that Sell-side Participant to offer financial products to professional investors in this jurisdiction on the Market.

#### **7. Information about the operation of the Market**

It is a condition of this Licence that the Licensee must at all times make available to participants information, including updated information, about the operation of the Market.

#### **8. Clearing and settlement arrangements**

- (1) It is a condition of this Licence that the Licensee must:

- (a) clearly inform participants of the Market of their respective responsibilities in relation to the clearing and/or settlement of trades entered into on the Market; and
- (b) have in place adequate arrangements to facilitate the efficient clearing and/or settlement of trades entered into on the Market, which must be arrangements of one or more of the following types:
  - (i) arrangements for the clearing and settlement of the trades with a clearing and settlement facility; or
  - (ii) arrangements to:
    - (A) notify each party to a trade entered into on the Market of the identity of the other party to the trade; or
    - (B) otherwise be satisfied that each party to a trade entered into on the Market knows the identity of the other party to the trade, so that the parties to the trade can settle the trade in accordance with arrangements agreed between them.

#### 9. Quarterly notifications

- (1) It is a condition of this Licence that the Licensee must notify ASIC of the details of the following matters, within 30 days after the end of each reporting period:
  - (a) details of any kind of disciplinary action taken by the Licensee against a participant including the participant's name and the reason for and nature of the action taken;
  - (b) if the Licensee became aware of:
    - A. a matter that the Licensee considers has adversely affected, is adversely affecting, or may adversely affect the ability of a participant, who is a financial services licensee, to meet the participant's obligations as a financial services licensee; or
    - B. a matter, concerning a participant who is a financial services licensee, that is of a kind prescribed under Regulation 7.2.01 of the *Corporations Regulations 2001*; or
    - C. a matter that causes the Licensee to reasonably suspect that a participant may have contravened the Act;
  - (c) if the Licensee became aware that a person had come to have, or had ceased to have, more than 15% of the voting power in or in a holding company of the Licensee;
  - (d) if a person became or ceased to be a director, secretary or senior manager of the Licensee or of a holding company of the Licensee (including when a person changes from one of those positions to another);
  - (e) details of any new class of financial services provided by the Licensee that is incidental to the operation of the Market;

- (f) in a machine-readable format, the total number of transactions effected globally through the Market during the reporting period;
- (g) in a machine-readable format, the total number of transactions and their total value in AUD-equivalent terms during the reporting period by each Australian participant, identifying each Australian participant by their registered name and, if applicable, their branch name;
- (h) in a machine-readable format, the total number of transactions and their total value in AUD-equivalent terms during the reporting period by each Foreign participant (but only in relation to transactions that the Licensee believes to be transactions on behalf of one or more Australian clients, identifying each Foreign participant by their registered name and, if applicable, their branch name);
- (i) in a machine-readable format, the total number of transactions and their total value in AUD-equivalent terms during the reporting period that are included in the information in (g) and (h) above which are transactions between any two participants referred to in (g) and (h); and
- (j) details of any material changes made to the operating rules during the reporting period. Where the operating rules comprise pro forma documentation that is subject to change through individual negotiation with participants, such individually negotiated changes, changes to meet the requirements of applicable local laws or changes to adapt the operating rules to the status of the particular participant (for example, relevant representations and warranties) are not required to be notified to ASIC under this condition.

#### 10. Record keeping

- (1) It is a condition of this Licence that the Licensee must have adequate arrangements in place for the recording of order information and trades entered into through the Market.
- (2) It is a condition of this Licence that the Licensee must keep for a period of at least 7 years the records of order information and trades entered into through the Market.

#### 11. Other notifications

- (1) The Licensee must, as soon as practicable, notify ASIC in writing of the details of:
  - (a) after the Licensee becomes aware, any failure to comply with any of the conditions in this instrument;
  - (b) any change to the Licensee's regulatory status or permissions in the United Kingdom; and

- (c) any enforcement or disciplinary action taken against the Licensee by the Financial Conduct Authority or any other overseas regulatory authority.

## 12. Market ceases to operate

- (1) It is a condition of this Licence that, where the Licensee intends to cease operating the Market in this jurisdiction, the Licensee must:
  - (a) establish, document and implement adequate arrangements for ensuring, as applicable, the orderly cessation of the Market; and
  - (b) notify ASIC:
    - (i) that the Licensee intends to cease operating the Market in this jurisdiction, as soon as reasonably practicable;
    - (ii) of the arrangements referred to in paragraph (a), at least 4 weeks before ceasing to operate the Market in this jurisdiction; and
    - (iii) of any changes to the arrangements referred to in paragraph (a) following the notification in subparagraph (ii), as soon as reasonably practicable after making those changes.



22-0055



**Corporations (State Street Global Markets International Limited)  
Exemption Notice 2022**

*Corporations Act 2001*

---

I, Greg Yanco, Executive Director, Australian Securities and Investments Commission make this notice under subsection 791C(1) of the *Corporations Act 2001* (the Act).

Dated .....24 February, 2022.....

A handwritten signature in black ink, appearing to read 'Greg Yanco', is written over the signature line.

Signed ..... ..

as a delegate of the Minister under section 1101J of the Act

---

**1. Name**

This is the *Corporations (State Street Global Markets International Limited) Exemption Notice 2022*.

*Note:* This instrument should be read in conjunction with the *Australian Market Licence (State Street Global Markets International Limited) 2022*.

**2. Authority**

This instrument is made under subsection 791C(1) of the *Corporations Act 2001*.

**3. Commencement**

- (1) This instrument commences on the later of:
- (a) the time that is immediately after the commencement of the *Australian Market Licence (State Street Global Markets International Limited) 2022*, and
  - (b) the date of execution.

**4. Definitions**

In this instrument unless the contrary intention appears, terms defined in the Act have the same meaning in this instrument and:

*Act* means the *Corporations Act 2001*.

*ASIC* means the Australian Securities and Investments Commission.

*Corporations Regulations* means the *Corporations Regulations 2001*.

*Licensee* means State Street Global Markets International Limited ARBN 120 116 065.

*Market* means the financial market, known as Fund Connect, operated by the Licensee under the *Australian Market Licence (State Street Global Markets International Limited) 2022*.

**5. Exemption - Notifications to ASIC**

- (1) The Licensee does not have to comply with any of the following provisions of the Act in relation to the Market:
- (a) paragraph 792B(2)(a) – relating to notifying ASIC of a new class of financial service incidental to the operation of the Market;
  - (b) paragraph 792B(2)(b) – relating to notifying ASIC of disciplinary action taken against a participant;
  - (c) paragraph 792B(3)(a) – relating to notifying ASIC of a matter that has (or may) adversely affect the ability of a participant, who is a financial services licensee, to meet the participant's obligations as a financial services licensee;
  - (d) paragraph 792B(3)(b) – relating to notifying ASIC of a matter concerning a participant who is a financial services licensee, of a kind prescribed by the regulations made for the purposes of paragraph 792B(3)(b);  
Note: See Corporations Regulation 7.2.01 for the matters prescribed for the purposes of paragraph 792B(3)(b).
  - (e) paragraph 792B(5)(a) – relating to notifying ASIC of a person becoming or ceasing to be a director, secretary or senior manager of the Licensee or of a holding company of the Licensee; and
  - (f) paragraph 792B(5)(b) – relating to notifying of voting power of more than 15% in the Licensee or in a holding company of the Licensee.

**6. Exemption - Changing the operating rules**

The Licensee does not have to comply with section 793D of the Act in relation to changes to the operating rules of the Market.

**7. Exemption - Content of operating rules**

- (1) The Licensee does not have to comply with any of the following in relation to the Market:
- (a) Corporations Regulation 7.2.07(b)(ii) – relating to operating rules for the monitoring of participants' compliance with the operating rules;
  - (b) Corporations Regulation 7.2.07(b)(v) – relating to operating rules for the expulsion or suspension of a participant for breaches of Chapter 7 of the Act or regulations made under that Chapter;
  - (c) Corporations Regulation 7.2.07(b)(vii) – relating to operating rules for the expulsion or suspension of, or enforcement action against, a participant for failing to meet obligations under commitments entered into on the market;
  - (d) Corporations Regulation 7.2.07(d) – relating to operating rules dealing with disorderly trading conditions, including disruptions to trading;
  - (e) Corporations Regulation 7.2.07(f) – relating to operating rules dealing with the terms of the contract formed between participants;

- (f) Corporations Regulation 7.2.07(g) – relating to operating rules for the listing of entities, including admitting and removing an entity to the official list and the activities or conduct of an entity on the official list, including a description of the arrangements for the disciplining of an entity for a breach of the operating rules;
  - (g) Corporations Regulation 7.2.07(h) – relating to operating rules to deal with mechanisms for settling market-related disputes between participants; and
  - (h) Corporations Regulation 7.2.07(i) – relating to operating rules to deal with assessment and investigation of market-related disputes between participants.
- (2) The Licensee is exempt from the requirement to have market operating rules that comply with paragraph 798DA(2) of the Act.

**8. Exemption - Content of written procedures**

The Licensee does not have to comply with Corporations Regulation 7.2.08 relating to written procedures for the Market for the matters specified under the regulation.

22-0124

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsections 111AT(1) and 601QA(1) — Exemption**

**Enabling legislation**

1. The Australian Securities and Investments Commission makes this instrument under subsections 111AT(1) and 601QA(1) of the Corporations Act 2001 (Act).

**Title**

2. This instrument is ASIC Instrument 22-0124.

**Commencement**

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

**Exemption**

4. LM Investment Management Limited (in liquidation) (receiver appointed) ACN 077 208 461 in its capacity as the responsible entity (Responsible Entity) of LM First Mortgage Income Fund ARSN 089 343 288 (Scheme) does not have to comply with:
  - (a) the disclosing entity provisions in Part 2M.3 of the Act in relation to a financial year or half-year of the Scheme; and
  - (b) section 601HG of the Act in relation to a financial year of the Scheme.

**Conditions**

5. The Responsible Entity must comply with any obligation to which the exemption applies by no later than the last day of the deferral period.

**Where exemption applies**

6. The exemption applies where the Responsible Person does, or causes to be done (or, where the Responsible Person fails to do so, the Responsible Entity although not being required to do, within 28 days of becoming aware that the Responsible Person has failed to do so, does, or causes to be done), the following:
  - (a) publishes in a prominent place on the website maintained by the Responsible Person for the Scheme (or, in the case of the Responsible Entity, the Responsible Entity publishes on a website maintained by it for the purpose of providing information to members of the Scheme), a copy of this instrument accompanied by a notice explaining the relief granted by this instrument;
  - (b) prepares and makes available to members of the Scheme within 3 months after the end of each relevant period, a report for the relevant period which includes the following information unless disclosure of that information would be prejudicial to the winding up:

- (i) information about the progress and status of the winding up of the Scheme, including details (as applicable) of:
    - A. the actions taken during the period;
    - B. the actions required to complete the winding up;
    - C. the actions proposed to be taken in the next 12 months;
    - D. the expected time to complete the winding up; and
  - (ii) the financial position of the Scheme as at the last day of the relevant period (based on available information);
  - (iii) financial information about receipts for the scheme during the period; and
  - (iv) the following information at the end of the period:
    - A. the value of scheme property; and
    - B. any potential return to members of the Scheme; and
  - (c) maintains adequate arrangements to answer, within a reasonable period of time and without charge to the member, any reasonable questions asked by members of the Scheme about the winding up of the Scheme.
7. The exemption ceases to apply on 15 March 2024.

**Interpretation**

8. In this instrument:

*deferral period* means the period starting on the date this instrument is signed and ending on 15 March 2024.

*disclosing entity provisions* has the meaning given by section 111AR of the Act.

*relevant period*, in relation to a report, means each period of 6 months starting on 1 January 2022.

*Responsible Person* means the person appointed under subsection 601NF(1) of the Act to take responsibility for ensuring that the Scheme is wound up in accordance with its constitution.

Dated this 11<sup>th</sup> day of March 2022.



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

22-0154

**Australian Securities and Investments Commission  
Corporations Act 2001 — s926A(2)(a) — Exemption**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 22-0154.

**Commencement**

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

**Variation**

4. ASIC Instrument 22-0136 is varied by:
  - (a) inserting after paragraph 4, the following:

**“Exemption**

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

- (b) omitting “5.” under the heading Interpretation.

Dated this 11<sup>th</sup> day of March 2022.



Signed by Sarah Stenner  
as a delegate of the Australian Securities and Investments Commission

22-0160


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

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

TO: QSmart Securities Pty Ltd  
ACN 122 396 258 ("the Licensee")  
Suite 2 Level 10  
815 Pacific Highway  
CHATSWOOD NSW 2067

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 307396 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 11 March 2022

Signed  .....

Gerard Mithen  
A delegate of the Australian Securities and Investments Commission



22-0163

**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 22-0163.

**Commencement**

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

**Exemption**

4. ASIC exempts Zentific Investment Management Limited, a company incorporated under the laws of Hong Kong and registered with the Hong Kong Securities and Futures Commission under central entity number BEM702 (the *body*), 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) sub-paragraph 1(3) of Schedule 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 03/1103] *Hong Kong SFC 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.

**Schedule A**

1. The exemption in paragraph 4 applies where all of the following apply:
  - (a) The body has:
    - (i) a current licence granted under section 116 of the SFO or deemed to be granted under sections 22 or 25(b) of the Schedule 10 to the SFO; or

**22-0163**

- (ii) a current certificate of 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;
  - (b) the body is a body corporate incorporated in Hong Kong or a partnership formed in Hong Kong;
  - (c) the body:
    - (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 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; and
  - (g) the body has not notified ASIC that it will not rely on this instrument.
2. Where the body provides any of the following financial services (the financial services) in this jurisdiction to wholesale clients:
- (a) providing financial product advice; or
  - (b) dealing in financial product;
- in respect of any of the following financial products:
- (c) derivatives;
  - (d) foreign exchange contracts;
  - (e) securities;

## 22-0163

- (f) debentures, stocks or bonds issued by a government; or
  - (g) interests in a managed investment scheme that is not required to be registered under Chapter 5C of the Act.
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 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 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 the body; and
  - (d) 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 the body. The consents must be in such form (if any) as ASIC specifies in writing.

22-0163

## Schedule B

The Body must:

1. provide each of the financial services in this jurisdiction in a manner which would comply, so far as is possible, with the Hong Kong regulatory requirements if the financial service were provided in Hong Kong 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 registration as a registered investment adviser 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 Hong Kong 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 SFC 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 SFC under Hong Kong 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.

22-0163

**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*;

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

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

*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;

*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;

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

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

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

**22-0163**

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

Dated this 11th day of March 2022.

A handwritten signature in black ink, appearing to read 'M. Ferguson', with a stylized flourish at the end.

Signed by Mark Ferguson  
as a delegate of the Australian Securities and Investments Commission

22-0168

**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 11 March 2022.

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

To: LM Investment Management Limited (in liquidation) ACN 077 208 461  
C/- FTI Consulting  
Level 20  
345 Queen Street  
BRISBANE QLD 4000

Under s915B(3)(b) of the Corporations Act 2001 (**Act**) the Australian Securities and Investments Commission (**ASIC**) suspends Australian financial services licence number 220281 held by LM Investment Management Limited ACN 077 208 461 (**Licensee**) until 15 March 2024.

Under s915H of the Act ASIC specifies that the licence continues in effect as though the suspension had not happened for the purposes of the provisions of the Act specified in Schedule A regarding the matters specified in Schedule B.

**Schedule A**

- (a) The provisions of Chapter 5C;
- (b) 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 transfer to a new responsible entity, investigating or preserving the assets and affairs of, or winding up of,:

1. LM First Mortgage Income Fund ARSN 089 343 288;
2. LM Currency Protected Australian Income Fund ARSN 110 247 875;
3. LM Institutional Currency Protected Australian Income Fund ARSN 122 052 868;
4. LM Australian Income Fund ARSN 133 497 917;
5. LM Australian Structured Products Fund ARSN 149 875 669.

Dated this 11<sup>th</sup> March 2022



Signed .....  
Andrew Stecher, a delegate of the Australian Securities and Investments Commission

22-0169

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 22-0169.

**Commencement**

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

**Exemption**

4. Mercury NZ Limited does not have to comply with Part 6D.2 or 6D.3 of the Act (other than sections 736 and 738) for an offer for issue of shares under a purchase plan.

**Where this exemption applies**

5. This exemption applies where Mercury NZ Limited meets the requirements and conditions of LI 2019/547 except:
  - (a) all references to \$30,000 in the definition of *purchase plan*, subparagraph 5(b)(i) and section 8 (wherever occurring) of LI 2019/547; and
  - (b) paragraph 7(f) of LI 2019/547; andwould meet the requirements and conditions of LI 2019/547 if:
  - (c) in LI 2019/547, all references to \$30,000 (wherever occurring) were omitted and substituted with “NZ\$50,000”; and
  - (d) in section 7 of LI 2019/547 paragraph (f) was omitted and substituted with:
    - “(f) the issuer has either:
      - (i) not more than 30 days before the offer, given a notice to ASX that complies with subsection 708A(6), 708A(12J) as notionally inserted by ASIC Instrument 22-0169 or 1012DA(6) of the Act in relation to an issue of shares or interests in the class made otherwise than under a purchase plan; or
      - (ii) within the 24 hours before the offer is made, given a notice to the relevant market operators for the issuer that:



## 22-0169

- (A) states that the issuer reasonably believes the notice complies with clause 20 of Schedule 8 of the *Financial Markets Conduct Regulations 2014* of New Zealand; and
- (B) the notice states, in addition to any requirements of the *Financial Markets Conduct Regulations 2014* of New Zealand at the time the notice is given, that:
  - (I) the issuer will make offers to issue shares under a purchase plan without disclosure to investors under Part 6D.2; and
  - (II) the notice is being given in accordance with this instrument; and
  - (III) as at the date of the notice, the issuer has complied with its obligations under rule 1.15.2 of the listing rules of ASX Limited.”.

**Declaration**

6. Chapter 6D of the Act applies in relation to Mercury NZ Limited as if the following provisions were modified or varied:

- (a) in section 708A:

- (i) in paragraph (1)(a) omit “(12G) or (12H).”, and substitute “(12G), (12H) or (12J).”;

Note: ASIC Corporations (Non-Traditional Rights Issues) Instrument 2016/84 notionally inserted section 708A(12A) of the Act, ASIC Corporations (Sale Offers: Securities Issued on Conversion of Convertible Notes) Instrument 2016/82 notionally inserted section 708A(12C) of the Act and ASIC Corporations (Regulatory Capital Securities) Instrument 2016/71 notionally inserted section 708A(12G) and (12H) of the Act.

- (ii) in paragraph (1A)(a) omit “(5).” and substitute “(5) or (12J).”; and

- (iii) after subsection (12I) insert:

*“Sale offers of quoted securities: NZ foreign exempt listed body—case 8*

- (12J) The sale offer of securities in a New Zealand foreign exempt listed body does not need disclosure to investors under this Part if:

- (a) the relevant securities are in a class of securities that were quoted securities at all times in the following period:
  - (i) if this section applies because of subsection (1) – 3 months before the day on which the relevant securities were issued; or
  - (ii) if this section applies because of subsection (1A) – 3 months before the day on which the relevant securities were sold by the controller; and

## 22-0169

- (b) trading in that class of securities on a prescribed financial market on which they were quoted was not suspended for more than a total of 5 days during:
- (i) if this section applies because of subsection (1)—the shorter of the period during which the class of securities were quoted, and the period of 12 months before the day on which the relevant securities were issued; or
  - (ii) if this section applies because of subsection (1A)—the shorter of the period during which the class of securities were quoted, and the period of 12 months before the day on which the relevant securities were sold by the controller; and
- (c) either:
- (i) if this section applies because of subsection (1)—the body gives the relevant market operators for the body a notice that the body reasonably believes complies with clause 20 of Schedule 8 of the *Financial Markets Conduct Regulations 2014* of New Zealand before the sale offer is made; or
  - (ii) if this section applies because of subsection (1A)—both the body, and the controller, gives the relevant market operators for the body a notice that the body and the controller reasonably believe complies with clause 20 of Schedule 8 of the *Financial Markets Conduct Regulations 2014* of New Zealand before the sale offer is made; and
- (d) the notice given under paragraph (c) states, in addition to any requirements of the *Financial Markets Conduct Regulations 2014* of New Zealand at the time the notice is given, that:
- (i) if this section applies because of subsection (1) – the body issues the relevant securities without disclosure to investors under this Part; or
  - (ii) if this section applies because of subsection (1A) – the controller sold the securities without disclosure to investors under this Part;
  - (iii) the notice is being given under paragraph 708A(12J) as notionally inserted by ASIC Instrument 22-0169; and
  - (iv) as at the date of the notice, the body has complied with its obligations under rule 1.15.2 of the listing rules of ASX Limited.

In this subsection:

*New Zealand foreign exempt listed body* means a body that is:

## 22-0169

- (a) listed on the financial market operated by NZX Limited; and
- (b) listed on the financial market operated by ASX Limited as a foreign exempt listing.

*relevant market operators* means both ASX Limited and NZX Limited."

- (b) in section 708AA after paragraph (2)(f) insert:

"(2A) In this section, relevant market operator means both ASX Limited and NZX Limited".

- (c) omit subsections 708AA(7) to (11), and substitute:

"(7) For a New Zealand foreign exempt listed body, a notice complies with this subsection if:

- (a) the body reasonably believes the notice complies with clause 20 of Schedule 8 of the *Financial Markets Conduct Regulations 2014* of New Zealand; and
- (b) the notice states, in addition to any requirements of the *Financial Markets Conduct Regulations 2014* of New Zealand at the time the notice is given, that:
  - (i) the body will offer the relevant securities for issue without disclosure under this Part;
  - (ii) the notice is being given under paragraph (2)(f); and
  - (iii) as at the date of the notice, the body has complied with its obligations under rule 1.15.2 of the listing rules of ASX Limited.

In this subsection:

*New Zealand foreign exempt listed body* means a body that is:

- (a) listed on the financial market operated by NZX Limited; and
- (b) listed on the financial market operated by ASX Limited as a foreign exempt listing."

- (d) in subsection 708AA(12) as notionally inserted by *ASIC Corporations (Non-Traditional Rights Issues) Instrument 2016/84* omit subsection (a) and substitute:

"(a) any information that would be excluded information under clause 20(5) of Schedule 8 of the *Financial Markets Conduct Regulations 2014* of New Zealand (as that clause exists on the date the notice is given) and that would need to be included in the notice if the notice had been given at that time and that has not been included in the notice or otherwise provided to the relevant market operator; or".

22-0169

**Interpretation**

7. In this instrument:

*Mercury NZ Limited* means Mercury NZ Limited (NZBN 9429037705305/ ARBN 162 804 668), a body incorporated under the *Companies Act 1993* of New Zealand.

*LI 2019/547* means *ASIC Corporations (Share and Interest Purchase Plans) Instrument 2019/547*;

*purchase plan* has the meaning given by LI 2019/547; and

*relevant market operators* means both ASX Limited and NZX Limited.

Dated this 16<sup>th</sup> day of March 2022



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

22-0170

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 22-0170.

**Commencement**

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

**Declaration**

4. Chapter 6 of the Act applies to CIMIC Group Limited ACN 004 482 982 (*Target*) as if Part 6.5 were modified or varied as follows:

- (a) at the end of section 648C, add:

“; or

(c) in accordance with section 648CA.”;

- (b) after section 648C, insert:

**“648CA Deemed manner of sending documents**

- (1) A target’s statement is deemed to have been sent to a holder of securities in relation to offers under an off-market bid for the purposes of this Chapter where either:

- (a) all of the following are satisfied:

- (i) the holder has nominated an electronic address for the purposes of receiving electronic copies of shareholder communications from the person sending the target’s statement;

- (ii) an electronic message is sent to the nominated electronic address of the holder, which contains links to an electronic copy of the target’s statement that is in a form that allows text within the copy to be searched by a computer;

- (iii) the person sending the electronic message does not receive a notification to the effect that the electronic message is unable to be delivered to the nominated electronic address; and
  - (iv) facilities are in place that enable the holder, either through an online portal or website that is accessible by the holder or a telephone number specified in the electronic message or target's statement, to request that the target's statement is to be sent to the holder by a manner specified in paragraph 648C(a) or (b); or
- (b) all of the following are satisfied:
- (i) the holder has not nominated an electronic address for the purposes of receiving electronic copies of shareholder communications from the person sending the target's statement;
  - (ii) a letter or postcard (the *Postcard*) is sent to the registered address of the holder, which contains a Uniform Resource Locator to an electronic copy of the target's statement that is in a form that allows text within the copy to be searched by a computer; and
  - (iii) facilities are in place that enable the holder, either through an online portal or website that is accessible by the holder or a telephone number specified in the Postcard or target's statement, to request that the target's statement is to be sent to the holder by a manner specified in subsections 648C(a) or (b)."

#### Where this instrument applies

5. This instrument applies in relation to the off-market takeover bid (*Bid*) by HOCHTIEF Australia Holdings Limited ACN 103 181 675 (*Bidder*) for all of the ordinary shares in the Target, in respect of which a bidder's statement was lodged by the Bidder with ASIC on 23 February 2022 and a replacement bidder's statement was lodged by the Bidder with ASIC on 3 March 2022 where by 7:30pm AEDT on the date of this declaration, the Target has provided to ASX Limited ACN 008 624 691 (*ASX*) for release on the financial market operated by ASX, an announcement:
- (a) explaining the effect of the declaration;
  - (b) that includes a statement to the effect that Target shareholders may request to be sent hard copies of the target's statement:
    - (i) if the holder is outside of Australia—by pre-paid airmail post or by courier; or
    - (ii) if the holder is in Australia—by pre-paid ordinary post or by courier,and a statement that explains how shareholders can make this request; and

3

**22-0170**

- (c) includes a statement to the effect that the fact that ASIC has granted this relief in connection with the Bid should not be taken as a reflection of ASIC's views on any other aspect of the Bid.

Dated this 16<sup>th</sup> day of March 2022



Signed by Genevieve Lai  
as a delegate of the Australian Securities and Investments Commission

22-0176

Notice is given under section 920E of the *Corporations Act 2001* that the Australian Securities and Investments Commission has made a banning order in the terms set out below, which order took effect on 15th March 2022.

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****IN THE MATTER OF DOUGLAS CECIL ALLEN****Banning order under sections 920A and 920B****of the *Corporations Act 2001***

To: Douglas Cecil Allen

Take notice that under sections 920A and 920B of the *Corporations Act 2001* the Australian Securities and Investments Commission prohibits Douglas Cecil Allen for a period of three (3) years from:

- (a) providing any financial services and
- (b) controlling, whether alone or in concert with one or more other entities, an entity that carries on a financial services business and
- (c) performing the following specified functions (in any capacity) involved in the carrying on of a financial services business:
  - managing, supervising or auditing the provision of financial services
  - providing training about financial services or products.

Dated this 11<sup>th</sup> day of March 2022.

Signed:



Myra Poon

Delegate of the Australian Securities and Investments Commission



**22-0176**

Your attention is drawn to subsection 920C(2) of the *Corporations Act 2001* which provides that a person must not engage in conduct which breaches a banning order that has been made against the person. Contravention of subsection 920C(2) is an offence.

22-0177

**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 15th March 2022.

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****NOTICE OF SUSPENSION OF AUSTRALIAN FINANCIAL SERVICES LICENCE**

To: Global Pacific Solutions Group Pty Ltd ACN 631 161 405

Under section 915C of the *Corporations Act 2001* (the Act) the Australian Securities and Investments Commission suspends for three (3) years, Australian financial services licence number 514164 held by Global Pacific Solutions Group Pty Ltd ACN 631 161 405.

Under section 915H of the Act ASIC specifies that the Licence continues in effect throughout the suspension period, as though the suspension has not happened for the purposes of:

- s 912A(1)(g) to the extent that it requires the licensee to have a dispute resolution system complying with s 912A(2)(b) (which requires the licensee to be a member of the AFCA scheme) and
- s 912B and regulations 7.6.02AAA and 7.6.02AA (which require the licensee to have arrangements for compensating retail clients including the holding of professional indemnity insurance cover).

Dated this 11<sup>th</sup> day of March 2022.

Signed:



Myra Poon  
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 eighteenth day of March 2022

**Name of Scheme**

**ARSN**

ANTARES AUSTRALIAN EQUITIES FUND

090 827 802

ANTARES LISTED PROPERTY FUND

090 826 592

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 eighteenth day of March 2022

**Name of Company**

**ARBN**

AGLSM SDN. BHD.

623 656 002

CATERPILLAR GLOBAL SERVICES LLC

622 075 585

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this eighteenth day of March 2022

<b>Name of Company</b>	<b>ARBN</b>
DEAN PHILLIPS, INC.	055 081 939
DESERT COMPUTER DESIGN INC.	067 642 184
GO INVESTMENT PARTNERS LLP	150 984 026
KORALA ASSOCIATES LIMITED	133 998 517
KORGUA FARMING & TRADING COMPANY LIMITED	628 664 111
LINE BY LINE, LLC	614 833 402
MORALLTACH GLOBAL P.L.C.	613 805 173
ROBBERS DOG FILMS AUSTRALIA PTY LIMITED	161 715 199
TAHLENT, INC.	641 884 308
XEROX BUSINESS SOLUTIONS (FRANCE) SAS	144 555 402
ZHONG HUA FANG DA (INTERNATIONAL) HOLDINGS ENTERPRISE LIMITED	620 029 085

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.

**EGP SERVICES PTY LTD** ACN 623 781 840 will change to a public company limited by shares. The new name will be EGP SERVICES LIMITED ACN 623 781 840.

**ICAR ASIA LIMITED** ACN 157 710 846 will change to a proprietary company limited by shares. The new name will be ICAR ASIA PTY LTD ACN 157 710 846.

**PETRO AUSTRALIS ENERGY PTY LTD** ACN 623 085 263 will change to a public company limited by shares. The new name will be PETRO AUSTRALIS ENERGY LIMITED ACN 623 085 263.

**WESTERN PLANT HIRE HOLDINGS LIMITED** ACN 642 890 015 will change to a proprietary company limited by shares. The new name will be WESTERN PLANT HIRE HOLDINGS PTY LTD ACN 642 890 015.

**HOUSED GROUP PTY LTD** ACN 649 325 388 will change to a public company limited by shares. The new name will be HOUSED GROUP LIMITED ACN 649 325 388.

**MONEY PLACE ACL LTD** ACN 601 061 438 will change to a proprietary company limited by shares. The new name will be MONEY PLACE ACL PTY LTD ACN 601 061 438.

**SEKURO PTY LTD** ACN 648 798 618 will change to a public company limited by shares. The new name will be SEKURO LIMITED ACN 648 798 618.