



**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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23-0255

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

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

TO: Balance & Co Pty Ltd  
ACN 132 022 998 ("the Licensee")  
Suite 3B Level 3, 5 Belmore Street  
Burwood NSW 2134

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 484803 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 18 July 2023

Signed



Jedo Charles  
A delegate of the Australian Securities and Investments Commission

23-0492

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

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

## DISQUALIFICATION ORDER

To: Mr Gregory Leggett

Approved SMSF auditor registration number SAN 100245038

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Mr Gregory Leggett from being an approved SMSF auditor with effect from 26 June 2023.

Dated this 19 June 2023



Signed:

Scott Rea

Delegate of the Australian Securities and Investments Commission

23-0609

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

Notice is given under s915F 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 14 July 2023.

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

NOTICE OF CANCELLATION OF  
AUSTRALIAN FINANCIAL SERVICES LICENCE

To: FTX Australia Pty Ltd  
ACN 129 217 812

Under s915B(3) of the Corporations Act 2001 (**Act**), the Australian Securities and Investments Commission hereby cancels Australian financial services licence number 323193 (**Licence**) held by FTX Australia Pty Ltd ACN 129 217 812 (**Licensee**).

Under section 915H of the Act, ASIC specifies that the Licence continues in effect, as though the cancellation had not happened, until 13 July 2024:

- a. for the purposes of Chapter 7 of the Act, but only in relation to the provision of financial services to a person who was a client of the Licensee as at 14 November 2022 and that relate to the termination of an existing arrangement with such a client;
- b. s912A(1)(g) of the Act to the extent that it requires the Licensee to have a dispute resolution system complying with s912A(2)(c), which requires the Licensee to be a member of the AFCA scheme;
- c. s912B and regulations 7.6.02AAA and 7.6.02AA of the Corporations Regulations 2001, which requires the Licensee to have arrangements for compensating retail clients including maintaining professional indemnity cover; and
- d. s912C of the Act which requires the Licensee to respond to a direction from ASIC to provide a written statement.

Dated this 13<sup>th</sup> day of July 2023



Signed: .....

Andrew Stecher  
Delegate of the Australian Securities and  
Investments Commission

23-0614

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsection 601QA(1) — 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 23-0614.

**Commencement**

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

**Exemption—Unequal treatment in withdrawal from a managed fund**

4. Perpetual Trust Services Limited ACN 000 142 049 (**Responsible Entity**) in its capacity as responsible entity for the JPMorgan Income ETF (ARSN 666 288 277) (**Fund**), does not have to comply with paragraph 601FC(1)(d) of the Act to the extent that it would prevent the Responsible Entity from permitting only authorised participants to withdraw units in the JPMorgan Income Active ETF (Managed Fund) (Hedged), being the AUD hedged class of units in the Fund that is a Cboe managed fund (**Class of Units**).

**Where the exemption applies**

5. The exemption applies where all of the following conditions are satisfied:
  - (a) there is a Product Disclosure Statement in relation to interests in the Class of Units that are investment products admitted to quotation by Cboe that contains statements to the effect that:
    - (i) the Class of Units will invest in the JPMorgan Income ETF (NYSE: JPIE) (the **Underlying Fund**) and hedge to Australian dollars. The Class of Units is also permitted to hold cash primarily for operational purposes. The Underlying Fund will invest predominantly in debt securities and income producing securities;
    - (ii) the Responsible Entity will not treat members of the same Class of Units equally to the extent that it restricts withdrawal from the Class of Units to authorised participants;
    - (iii) except in exceptional circumstances only authorised participants may withdraw their interests from the Class of Units, but other members may sell their interests on the Cboe market; and
    - (iv) when interests in the Class of Units are suspended from trading on the Cboe market for more than 5 consecutive Trading Days, members have a right to withdraw from the Class of Units and receive payment for

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their interests in money within a reasonable time of request unless any of the following apply:

- (A) the Class of Units is being wound-up;
  - (B) the Fund is not liquid as defined in subsection 601 KA(4) of the Act;
  - (C) the Responsible Entity suspends withdrawals in accordance with the constitution;
- (b) the constitution of the Fund does not permit a withdrawal fee per interest in the Class of Units to be payable by a member who is not an authorised participant that is greater than the withdrawal fee per interest that would generally be payable by an authorised participant receiving redemption proceeds in cash while interests in the Class of Units are quoted when withdrawing the minimum parcel; and
- (c) ASIC has not notified the Responsible Entity in writing that it is excluded from reliance on the exemption;

Note: Subparagraph 5(b) applies regardless of whether the withdrawal fees for the Class of Units are calculated on a per interest basis or otherwise.

### Interpretation

In this instrument:

**admitted to quotation** means admitted to quotation pursuant to rule 14.9 of the Cboe Operating Rules.

**authorised participant** means, in relation to the Class, a person who:

- (a) has an agreement with the Responsible Entity of the Fund in relation to making applications to acquire and withdraw interests in the Class; and
- (b) is either a Trading Participant or has engaged a Trading Participant to act on its behalf to acquire and dispose of interests in the Class.

**Cboe** means Cboe Australia Pty Ltd (ACN 129 584 667).

**Cboe Market** means the financial market operated by Cboe.

**Cboe Operating Rules** means the operating rules of the Cboe Market.

**investment product** has the same meaning as in the Cboe Operating Rules.

**quoted managed fund** has the same meaning as in the Cboe Operating Rules.

**minimum parcel** means the smallest number or value of interests in the Cboe quoted managed fund that are generally permitted to be withdrawn from the Cboe quoted

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managed fund by an authorised participant while interests in the Cboe quoted managed fund are quoted.

**Trading Participant** has the same meaning as that given to 'participant' in the Cboe Operating Rules.

**withdrawal fee per interest** means, in relation the Fund, the fee that is payable in relation to a withdrawal from the Fund divided by the number of interests in the Fund to which the withdrawal relates.

Dated this 19 day of July 2023



Signed by Andrew Davison  
as a delegate of the Australian Securities and Investments Commission

23-0615

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 601QA(1)(b) – Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 23-0615.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Equity Trustees Limited ACN 004 031 298 (*EQT*) in its capacity as responsible entity of the Impax Sustainable Leaders Fund ARSN 615 479 662 (*Fund*) as if the definition of *extraordinary resolution* in section 9 of the Act were modified or varied by omitting paragraph (b) of the definition and substituting:

“(b) that has been passed by at least 50% of the total votes that may be cast by eligible persons.

For the purposes of this definition:

*abstaining member* means a member of the scheme that:

- (a) is an operator or custodian of an IDPS, and/or is acting in its capacity as trustee of a registerable superannuation entity (and includes a trustee or custodian entity of any of the foregoing);
- (b) where the person mentioned in paragraph (a) above (including in the case of a sub-custodian that has authorised the operator or custodian of an IDPS) has a written policy of not voting their interests in relation to a resolution arising from the client's investments in the IDPS or registerable superannuation entity (as applicable) in certain circumstances; and
- (c) has abstained from voting on the resolution in respect of the relevant interests.

*custodian* in relation to an IDPS, has the meaning given in ASIC Class Order [CO 13/763].



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*eligible persons* means members of the Fund (excluding abstaining members) entitled to vote on the resolution at the meeting (including members who are not present in person or by proxy).

*IDPS* has the meaning given in ASIC Class Order [CO 13/763].

*operator* in relation to an IDPS, has the meaning given in ASIC Class Order [CO 13/763].

*registerable superannuation entity* has the meaning given in subsection 10(1) of the *Superannuation Industry (Supervision) Act 1993*.

**Where this instrument applies**

5. This instrument applies where:
- (a) EQT has issued a notice of meeting to call a meeting of members of the Fund to vote on an extraordinary resolution to approve the retirement of EQT as responsible entity of the Fund and the appointment of Fidante Partners Limited ACN 002 835 592 (*Fidante*) as responsible entity of the Fund;
  - (b) the notice of meeting includes an explanation of the effect of this instrument in relation to the extraordinary resolution to be considered at the meeting, which may be by way of a supplement provided to members of the Fund or by way of an online website notice; and
  - (c) the abstaining members are:
    - (i) Bond Street in its capacity as custodian of the underlying units held for Macquarie;
    - (ii) BT in its capacity as custodian and operator of an IDPS;
    - (iii) Citicorp in its capacity as custodian of the underlying units held for NMMT;
    - (iv) Netwealth in its capacity as custodian and operator of an IDPS;
    - (v) PTAL in its capacity as custodian of the underlying units held for HUB24, Colonial, Avanteos and PowerWrap; and
    - (vi) Asgard in its capacity as custodian and operator of an IDPS.

**Interpretation**

6. In this instrument:

*Asgard* means Asgard Capital Management Ltd ACN 009 279 592 which holds units in the Fund in its capacity as custodian and operator of an IDPS.

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*Avanteos* means Avanteos Investments Limited ACN 096 259 979 in its capacity as trustee of a registerable superannuation entity.

*Bond Street* means Bond Street Custodians Limited ACN 008 607 065 which holds units in the Fund for Macquarie in its capacity as custodian.

*BT* means BT Portfolio Services Ltd ACN 095 055 208 which holds units in the Fund in its capacity as custodian and operator of an IDPS.

*Citicorp* means Citicorp Nominees Pty Ltd ACN 000 809 030 which holds units in the Fund for NMMT in its capacity as custodian.

*Colonial* means Colonial First State Investments Limited ACN 002 348 352 in its capacity as operator of an IDPS.

*HUB24* means HUB24 Custodial Services Ltd ACN 073 633 664 in its capacity as operator of an IDPS.

*Macquarie* means Macquarie Investment Management Limited ACN 002 867 003 in its capacity as:

- (a) operator of an IDPS; and
- (b) trustee of a registerable superannuation entity.

*Netwealth* means Netwealth Investments Limited ACN 090 569 109 in its capacity as custodian and operator of an IDPS.

*NMMT* means NMMT Limited ACN 058 835 573 in its capacity as operator of an IDPS.

*PowerWrap Limited* means PowerWrap Limited ACN 129 756 850 in its capacity as operator of an IDPS.

*PTAL* means The Trust Company (PTAL) Limited ABN 28 008 412 913 which holds units in the Fund for HUB24, Colonial, Avanteos and PowerWrap in its capacity as custodian.

Dated this 21<sup>st</sup> day of July 2023



Signed by Sarah Stenner  
as 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-first day of July 2023

**Name of Company**

**ARBN**

IKWEZI MINING LIMITED

151 258 221

SERVIONT GLOBAL SOLUTIONS PTE LTD

166 407 745

SPLUNK SERVICES HONG KONG LIMITED

154 395 203

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this twenty-first day of July 2023

**Name of Company**

**ARBN**

EXODUS ASIA PACIFIC INC.

168 553 437

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-first day of July 2023

**Name of Company**

**ARBN**

BIGFOOT EQUIPMENT LIMITED	613 602 798
MAGI AVIATION CAPITAL LIMITED	614 284 098
MAN AHL DIVERSIFIED (AUD) LIMITED	122 436 408
MAN OM-IP 15SEVEN LIMITED	109 466 864
MASONSLED LIMITED	611 605 522

CORPORATIONS ACT 2001  
Subsection 601PA(3)

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

Dated this twenty-first day of July 2023

**Name of Scheme**

**ARSN**

THE RACING LEAGUE 2020 - TEAM BLACKHEARTS

643 762 609

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.

**ASGARD WEALTH SOLUTIONS LTD**

ACN 009 143 597 will change to a proprietary company limited by shares. The new name will be ASGARD WEALTH SOLUTIONS PTY LIMITED ACN 009 143 597.

**INOTAP PTY LTD** ACN 666 437 850 will change to a public company limited by shares. The new name will be INOTAP LIMITED ACN 666 437 850.

**TOPAZ TRADING PTY** ACN 112 608 465 will change to a proprietary company limited by shares. The new name will be TOPAZ TRADING PTY LTD ACN 112 608 465.

**DIAL A DOCTOR INTERNATIONAL LIMITED**

ACN 633 276 641 will change to a proprietary company limited by shares. The new name will be DIAL A DOCTOR INTERNATIONAL PTY LTD ACN 633 276 641.

**MILLROSE RESOURCES LIMITED**

ACN 662 495 221 will change to a proprietary company limited by shares. The new name will be MILLROSE RESOURCES PTY LTD ACN 662 495 221.