



ASIC
Australian Securities &
Investments Commission

Commonwealth of Australia Gazette
No. A01/24 Tuesday 02 January 2024

Published by ASIC

ASIC Gazette

Contents

Notices under Corporations Act 2001

23-0880	23-0916	23-0918	23-0922	23-0925	23-0927
23-0929	23-0934	23-0937	23-0940	23-0943	

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 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
Email 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

23-0880

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Wright Planning Pty. Ltd.
ACN 081 363 831 ("the Licensee")
L 13, 636 St Kilda Road
Melbourne VIC 3004

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 277585 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 18 December 2023

Signed *George Podaras*
.....

George Podaras
A delegate of the Australian Securities and Investments Commission



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc. courier deliveries):
Level 7, 120 Collins Street,
Melbourne VIC 3000

Mail address for Melbourne office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075
Fax: +61 1300 729 000

www.asic.gov.au

23-0916

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Cygnus Advisory Pty. Ltd.
ACN 128 001 927 ("the Licensee")
64 Gourlay Street
Balaclava VIC 3183

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 360628 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 14 December 2023

Signed *GP Mithen*

Gerard Mithen
A delegate of the Australian Securities and Investments
Commission



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 7, 120 Collins Street,
Melbourne VIC 3000

Mail address for Melbourne office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075
Fax: +61 1300 729 000

www.asic.gov.au

23-0918

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Toorong Corporate Finance Pty Limited
ACN 096 713 683 ("the Licensee")
9 Creswick Street
Glen Iris VIC 3146

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 240727 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 14 December 2023

Signed *Gerard Mithen*

Gerard Mithen
A delegate of the Australian Securities and Investments
Commission

23-0922

**Australian Securities and Investments Commission
Corporations Act 2001 - Subsection 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 23-0922.

Commencement

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

Declaration

- 4 Chapter 5C of the Act applies to Bell Asset Management Limited ACN 092 278 647 (BAML) in its capacity as responsible entity of the Bell Global Emerging Companies Fund ARSN 160 079 541 (Fund) as if section 253LA of the Act were modified or varied by:

(a) omitting paragraph 253LA(2)(b) and substituting:

“(b) the resolution must be passed by at least 50% of the total votes that may be cast by eligible persons; and”; and

(b) after subsection 253LA(2), inserting:

“(3) For the purposes of subsection (2):

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 registrable 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):

(i) has a written policy of not voting their interests in relation to a resolution arising from the client's investments in the IDPS or registrable superannuation entity (as applicable) in certain circumstances; or

(ii) does not have a written policy of not voting their interests in relation to a resolution arising from the client's investments in the IDPS or registrable superannuation entity (as applicable) but

has notified the responsible entity that it will exercise its discretion to abstain from voting on the resolution in respect of the relevant interests; 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 Corporations (Investor Directed Portfolio Services) Instrument 2023/669*.

eligible persons means members of the scheme (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 Corporations (Investor Directed Portfolio Services) Instrument 2023/669*.

operator in relation to an IDPS, has the meaning given in *ASIC Corporations (Investor Directed Portfolio Services) Instrument 2023/669*.

registrable 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) a notice of meeting has been issued to call a meeting of the Fund to vote on an extraordinary resolution to approve the retirement of BAML as responsible entity of the Fund and the appointment of The Trust Company (RE Services) Limited ACN 003 278 831 (**Perpetual**) 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) BT in its capacity as custodian and operator of an IDPS, and in its capacity as custodian for BT Funds Management as responsible entity of managed portfolios for both IDPS and super investors;
 - (ii) Bond Street in its capacity as custodian of the underlying units held for Macquarie;
 - (iii) PTAL in its capacity as custodian of the underlying units held for Praemium, Diversa and Avanteos; and

- (iv) Citicorp in its capacity as custodian of the underlying units held for NMMT.

Interpretation

6 In this instrument:

Avanteos means Avanteos Investments Limited ACN 096 259 979 in its capacity as trustee of a super wrap.

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, and in its capacity as custodian for BT Funds Management.

BT Funds Management means BT Funds Management Limited ACN 002 916 458 in its capacity as responsible entity of managed portfolios for both IDPS and super investors.

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

Diversa means Diversa Trustees Limited ACN 006 421 638 in its capacity as trustee of a super wrap.

Macquarie means Macquarie Investment Management Ltd ACN 002 867 003 in its capacity as operator of an IDPS and trustee of a registrable superannuation entity.

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

Praemium means Praemium Australia Limited ACN 117 611 784 in its capacity as operator of an IDPS.

PTAL means The Trust Company (PTAL) Limited ACN 008 412 913 which holds units in the Fund for Praemium, Diversa and Avanteos in its capacity as custodian.

Dated this 21st day of December 2023.



Signed by James Grapsas
as a delegate of the Australian Securities and Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 7, 120 Collins Street,
Melbourne VIC 3000

Mail address for Melbourne office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075

Fax: +61 1300 729 000

www.asic.gov.au

23-0925**Australian Securities and Investments Commission
Corporations Act 2001 Section 915B****Notice of Cancellation of an Australian Financial Services Licence**

TO: Lendex Re Limited
ACN 168 531 851 ("the Licensee")
PO Box 1608
Mildura VIC 3502

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 477371 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 14 December 2023

Signed *JP Mithen*

Gerard Mithen
A delegate of the Australian Securities and Investments
Commission



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 7, 120 Collins Street,
Melbourne VIC 3000

Mail address for Melbourne office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 955 075
Fax: +61 1300 729 000

www.asic.gov.au

23-0927

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

Notice of Cancellation of an Australian Financial Services Licence

TO: WASP Nominees Pty Ltd
ACN 131 800 318 ("the Licensee")
PO Box 390
BEECHBORO WA 6063

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 327055 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 13 December 2023

Signed *N Vonarx*

Nicholas Vonarx
A delegate of the Australian Securities and Investments
Commission



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc. courier deliveries):
Level 7, 120 Collins Street,
Melbourne VIC 3000

Mail address for Melbourne office:
GPO Box 9827,
Brisbane QLD 4001

Tel: +61 1300 935 075
Fax: +61 1300 729 000

www.asic.gov.au

23-0929

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

Notice of Cancellation of an Australian Financial Services Licence

TO: Hayborough Investment Partners Pty Ltd
ACN 646 736 076 ("the Licensee")
Level 6, 211 Victoria Square
ADELAIDE SA 5000

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 543153 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 13 December 2023

Signed *N Vonarx*

Nicholas Vonarx
A delegate of the Australian Securities and Investments
Commission

23-0934

**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 23-0934

Commencement

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

Exemption

4. ASIC exempts Westbeck Capital Management LLP, a limited liability partnership incorporated in England and Wales (registered partnership number OC404144) and registered with the Financial Conduct Authority, reference number 751522, (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) the date specified in subsection 1(3) of Schedule 2 of the *ASIC Corporations (Repeal and Transitional) Instrument 2016/396* as amended from time to time; 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.

23-0934

Schedule A

1. The exemption in paragraph 4 applies where all of the following apply:
 - (a) the body has a current Part 4A Permission;
 - (aa) the body is either a body corporate incorporated in the United Kingdom or a partnership formed in the United Kingdom;
 - (b) 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;
 - (c) the body's primary business is the provision of financial services;
 - (d) neither the body nor its Agent has been notified by ASIC that the body is excluded from relying on this instrument;
 - (e) 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
 - (f) 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;

23-0934

- (e) securities;
 - (f) debentures, stocks or bonds issued by a government;
 - (g) managed investment schemes; and
 - (h) 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; and
 - 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; and
 - 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; and
 - 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 FCA or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the FCA to disclose to ASIC and ASIC to disclose to the FCA any information or document that FCA or ASIC has that relates to the body; and

23-0934

- (d) written consents to the disclosure by the FCA to ASIC and ASIC to the FCA of any information or document that the FCA or ASIC has that relates to the body. The consents must be in such form (if any) as ASIC specifies in writing.

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 United Kingdom regulatory requirements if the financial service were provided in the United Kingdom 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 Part 4A Permission 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 United Kingdom 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 FCA, PRA 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) as applicable:

23-0934

- i. for a dual-regulated body - the body is authorised by the PRA and regulated by the FCA and PRA under United Kingdom laws, which differ from Australian laws;
 - ii. otherwise – the body is authorised and regulated by the FCA under the United Kingdom’s 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.

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;

appropriate regulator means:

(a) for a dual -regulated body – both the PRA and the FCA;

(b) otherwise – the FCA

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;

dual-regulated body means a body whose regulated activities in the United Kingdom include a PRA-regulated activity within section 22A of the FSM Act.

eligible deposit product means any deposit taking facility that is not a deposit product as defined in section 761A of the Act;

financial product has the meaning given by section 9 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;

23-0934

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

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

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

interest in a managed investment scheme has the meaning given by section 9 of the Act;

managed investment scheme has the meaning given by section 9 of the Act;

making a market has the meaning given by section 766D 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 FCA or PRA) which regulates financial services and which is established by or for the purposes of a foreign government or legislative body;

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

PRA means the Prudential Regulation Authority of the United Kingdom.

securities has the meaning given by section 9 of the Act;

UK regulatory requirements means the rules that apply in relation to the financial services including any applicable legislation, instruments made under that legislation and any relevant policies or other documents (however described) issued by the FCA or PRA; and

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

Dated this 14th day of December 2023.



Signed by Timothy O'Neill
as a delegate of the Australian Securities and Investments Commission

23-0937

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 23-0937.

Commencement

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

Declaration

4. Chapter 6 of the Act applies to Atrum Coal Limited ACN 153 876 861 (*Company*) as if Item 10(b) of section 611 of the Act were modified by inserting after the words "offers are made to every person who holds securities" the words "with a registered address in Australia, Hong Kong, New Zealand or Singapore and, in the case of institutional shareholders, with a registered address in Canada (British Columbia, Ontario and Quebec provinces)".

Where this instrument applies

5. The declaration in paragraph 4 applies where:
 - (a) the Company makes an offer of new Shares pursuant to a non-renounceable accelerated rights issue to Eligible Shareholders of 1 new Share for every 1.11 Shares held at an issue price of \$0.004 per Share (*Offer*);
 - (b) the Offer is made to every Eligible Shareholder; and
 - (c) pursuant to a prospectus lodged with ASIC on 18 December 2023.

Interpretation

6. In this instrument:

Eligible Shareholders means shareholders other than the Ineligible Shareholders.

Ineligible Shareholders means the approximately 20 Shareholders with registered addresses as at the record date of the Offer other than in Australia, New Zealand, Canada (British Columbia, Ontario and Quebec provinces), Hong Kong or Singapore holding, in aggregate, approximately 0.01% of all Shares.

Shares means a fully paid ordinary share in the issued capital of the Company.

23-0937

Shareholders mean the persons that are registered as holders of a Share as at the record date of the Offer.

Dated this 15th day of December 2023



Signed by Nicholas Athanasou
as a delegate of the Australian Securities and Investments Commission

23-0940

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

Enabling legislation

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

Title

2. This instrument is ASIC Instrument 23-0940.

Commencement

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

Exemption

4. ASIC exempts MUTB and MTBJ from the requirement to hold an Australian financial services licence for the provision of the following financial services:
 - (a) providing a custodial or depository service in relation to securities of Recruit; and
 - (b) dealing in securities of Recruit in the course of providing a custodial or depository service covered by paragraph (a),in the circumstances specified in paragraph 5.

Where exemption applies

5. The exemption in paragraph 4 applies where:
 - (a) MUTB and MTBJ provide the relevant financial services for the sole purpose of the employee share schemes offered by Recruit, or associated entity of Recruit, to Australian participants in reliance on the ESS Regime;
 - (b) MUTB and MTBJ each hold an authorisation to engage in trust business activities in accordance with Article 1 of the Act on Engagement in Trust Business by Financial Institutions (Act No. 43 of 1943) of Japan, as existing at the date of this instrument; and
 - (c) MUTB and MTBJ each hold a licence to conduct banking business in Japan in accordance with Article 4 of the Banking Act (Act No. 59 of 1981) of Japan, as existing at the date of this instrument.

Interpretation

6. In this instrument:

23-0940

associated entity has the meaning specified in section 50AAA of the Act;

Australian participant means an ESS participant who is resident in Australia;

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

dealing has the meaning given by section 766C of the Act;

ESS Regime means *ASIC Corporations (Employee Share Schemes) Instrument 2022/1021* and Division 1A of Part 7.12 of the *Corporations Act 2001* (Cth) granting relief from the requirement to obtain an Australian financial services licence and restrictions on hawking and advertising and disclosure requirements in respect of an employee share scheme offered in Australia;

employee share scheme has the meaning given in section 1100L of the Act;

ESS participant has the meaning given in section 1100L of the Act;

JCN means Japan Corporate Number and refers to the 13-digit identifier assigned to an entity by the National Tax Agency of Japan upon an entity's registration for incorporation in Japan;

MTBJ means The Master Trust Bank of Japan, Ltd. JCN 2010401041086;

MUTB means Mitsubishi UFJ Trust and Banking Corporation JCN 6010001008770;
and

Recruit means by Recruit Holdings Co., Ltd. JCN 5010001060426.

Dated this 18th day of December 2023



Signed by Adam Prior
as a delegate of the Australian Securities and Investments Commission

23-0943

**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* (the *Act*).

Title

2. This instrument is ASIC Instrument 23-0943.

Commencement

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

Declaration

4. Chapter 6 of the Act applies to SQM Australia Pty Ltd ACN 621 414 659 (**SQM**), as if section 631 were modified or varied as follows:
 - (a) omit subsection (1), substitute:

“(1) Subject to subsection (1AA), a person contravenes this subsection if:

 - (a) either alone or with other persons, the person publicly proposes to make a takeover bid for securities in a company; and
 - (b) the person does not make offers for the securities under a takeover bid within:
 - (i) if the proposal is a displaced proposal—the earlier of:
 - (A) 3 weeks after the company first publicly announces that it is no longer proposed that a displacing proposal in relation to the company will be made or proceed; or
 - (B) 3 weeks after: (1) the termination of, or any unauthorised variation to, any joint acquisition agreement or any displacing proposal implementation agreement in relation to a displacing proposal announced by the company and (2) if the displacing proposal is or includes a takeover bid, the company first announces that the takeover bid has been withdrawn or has lapsed for any

23–0943

reason (including non-satisfaction of a condition to the takeover bid); or

- (ii) otherwise—2 months after the proposal.

The terms and conditions of the bid must be the same as or not substantially less favourable than those in the public proposal.”;

- (b) after subsection (1), insert:

“(1AA) A person does not contravene subsection (1) in relation to a displaced proposal if, prior to the time the person must make offers for securities in a company in accordance with subparagraph (1)(b)(i), the company has not entered into a designated agreement.”

- (c) after subsection (3), insert:

“(4) For the purposes of this section, a public proposal to make a takeover bid for securities in a company is a *displaced proposal* if, and only if, the person who made the proposal or an associate has, either alone or with other persons, within 2 months after the proposal, entered into an agreement with the company to propose a displacing proposal and the person or their associate’s entry into that agreement has been publicly disclosed.

- (5) In this section:

designated agreement means an agreement, in the same or substantially the same form limited to necessary consequential changes that are not adverse to one party or other changes that are otherwise agreed to by all parties as an agreement relating to a publicly proposed takeover bid for securities in a company (excluding any terms relating to a scheme of arrangement) which ASIC has advised in writing is a designated agreement for the purposes of this section.

displaced proposal has the meaning given by subsection (4).

displacing proposal means a proposed compromise or arrangement under Part 5.1 between a company and its members and a concurrent takeover bid under Chapter 6 in respect of which each of the following are satisfied:

- (a) the compromise or arrangement and the concurrent takeover bid is proposed in accordance with the terms of a displacing proposal implementation agreement entered into:
- (i) between the company and other parties who include one or more persons, or associates of persons, who within the 2 months before the agreement was entered into made a public proposal, to which

23-0943

subsection (1) applies, to make a takeover bid for securities in the company; and

- (ii) within two business days of ASIC Instrument 23-0943 being executed;
- (b) under the terms of the compromise or arrangement and the concurrent takeover bid, a person (the *joint acquirer*) will offer to acquire, in exchange for valuable consideration, all of the ordinary shares in the company;
- (c) in connection with the compromise or arrangement and concurrent takeover bid, one or more persons who will together control the joint acquirer (*joint controllers*), will execute a deed poll in favour of each person registered as a holder of ordinary shares in the company, as at a specified date in the future, under which the joint acquirer undertakes to pay, and the joint controllers undertake to procure the payment of, the consideration offered under the compromise or arrangement upon implementation; and
- (d) the joint controllers have entered into a joint acquisition agreement.

displacing proposal implementation agreement means, in relation to a displacing proposal, an agreement to propose a displacing proposal of the kind referred to in paragraph (a) of the definition of *displacing proposal*.

joint acquisition agreement means an agreement to facilitate the proposal of a compromise or arrangement under Part 5.1 between a company and its members and a concurrent takeover bid that satisfies each of the following:

- (a) the agreement is between two or more persons who will each acquire relevant interests in the securities in which each other party to the agreement has a relevant interest; and
- (b) the agreement is conditional upon receipt of shareholder approval for the purposes of section 611 item 7 of the Act.

unauthorised variation means a material variation to a relevant agreement that is made without the prior written consent of ASIC.”.

Where this instrument applies

5. The declaration in paragraph 4 of this instrument applies in relation to the public proposal by SQM to make a takeover bid for all of the ordinary shares in Azure Minerals Limited ACN 106 346 918 (**Azure**) constituted by the announcement by Azure released on the ASX MAP at or around 10:19am (AEDT) on 26 October 2023 where, by no later than 7:30pm (AEDT) on the first business day after the

23-0943

date of this instrument, notice has been given to ASX for release on the ASX MAP, that explains the need for, and effect of, the relief contained in this instrument.

Dated this 19th day of December 2023



Signed by Daniel Slupek
as a delegate of the Australian Securities and Investments Commission

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-second day of December 2023

Name of Company

ARBN

DERRIMUT INDUSTRIAL PTY LIMITED

618 332 764

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-second day of December 2023

Name of Scheme

ARSN

DEXUS WHOLESALE PROPERTY TRUST 4

616 222 765

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-second day of December 2023

Name of Scheme

ARSN

SCHRODER AUSTRALIAN EQUITY LONG SHORT FUND	642 486 931
SCHRODER GLOBAL BOND FUND	600 136 561
TARGET ARCADE SYNDICATE	087 501 737
2007 MACGROVE PROJECT	119 560 235

CORPORATIONS ACT 2001
Subsection 601CC(4)

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

Dated this twenty-second day of December 2023

Name of Company

ARBN

GLEBE ADMINISTRATION BOARD

008 382 090

ST VINCENT DE PAUL SOCIETY (ACT) INCORPORATED

166 993 728

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.

EMPOWER COMMUNITY CARE SUPPORT

SERVICES LTD ACN 662 144 836 will change to a proprietary company limited by shares. The new name will be EMPOWER COMMUNITY CARE SUPPORT SERVICES PTY LTD ACN 662 144 836.

HUNTER DOUGLAS HOLDINGS LIMITED

ACN 000 238 451 will change to a proprietary company limited by shares. The new name will be HUNTER DOUGLAS HOLDINGS PTY LIMITED ACN 000 238 451.

SITE SECURITY AND TRAFFIC CONTROL PTY

ACN 161 324 536 will change to a proprietary company limited by shares. The new name will be SITE SECURITY AND TRAFFIC CONTROL PTY LTD ACN 161 324 536.

GREENFIELDS EXPLORATION LIMITED

ACN 619 328 442 will change to a proprietary company limited by shares. The new name will be GREENFIELDS EXPLORATION PTY LTD ACN 619 328 442.

MINEMET RECYCLING GROUP LIMITED

ACN 629 010 484 will change to a proprietary company limited by shares. The new name will be MINEMET RECYCLING GROUP PTY LTD ACN 629 010 484.