



**ASIC**  
Australian Securities &  
Investments Commission

Commonwealth of Australia Gazette  
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# ASIC Gazette

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### RIGHTS OF REVIEW

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

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23-0837

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 5 December 2023

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION****IN THE MATTER OF John Richmond HAZELL****SECTIONS 920A AND 920B OF THE CORPORATIONS ACT 2001**

To: John Richmond HAZELL

**ORDER UNDER SECTIONS 920A AND 920B OF THE  
CORPORATIONS ACT 2001**

**TAKE NOTICE** that, under s920A (1) and s920B of the Corporations Act 2001, the Australian Securities and Investments Commission prohibits John Richmond HAZELL for 2 years from:

- i. Providing any financial services;
- ii. Performing any function involved in the carrying on of a financial services business; and
- iii. Controlling, whether alone or in concert with one or more entities, an entity that carries on a financial services business.

Dated this 13 November 2023

Signed:   
Melanie Baxter  
Delegate of the Australian Securities  
and Investments Commission

Your attention is drawn to s920C and s1311 of the Corporations Act 2001 that provide that a person commits an offence if they engage in conduct that breaches a banning order that has been made against them (Penalty: 600 penalty units or imprisonment for 5 years or both).

24-0785

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

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 24-0785.

**Commencement**

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

**Declaration**

4. Chapter 6 of the Act applies to the Bidder as if Part 6.5 were modified or varied as follows:

- (a) in item 6 of the table in subsection 633(1) (as notionally modified by *ASIC Corporations (Replacement Bidder's and Target's Statements) Instrument 2023/688*, omit "item 2", and insert:

"item 2, unless the bidder is eligible to rely on section 663A and the offers are made on terms set out in a replacement bidder's statement that differ from the lodgement terms solely in accordance with a permitted variation."

- (b) in subsection 633A(3) (as notionally modified *ASIC Corporations (Replacement Bidder's and Target's Statement) Instrument 2023/688*):

- (i) after "subsection 633(1):" insert:

**"lodgement terms** mean the terms of the offer set out in the original bidder's statement and offer document (if any) lodged with ASIC under item 2 of the table in subsection 633(1).

**permitted variation** means a difference arising from an amendment to the terms of the offer made under the bid:

- (a) an amendment to a defeating condition of the offer to the effect that the issuance or agreement to issue performance rights or options under an employee incentive scheme, or securities as a result of the vesting or exercise of such performance rights or options, would not trigger the defeating condition;
- (b) an amendment to a term of the offer to the effect that the holders of bid class securities are only taken to have appointed the bidder as their attorney to exercise their powers and rights

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in relation to the bid class securities, and only taken to have agreed not to attend shareholder meetings, after the offer becomes or has been declared free of conditions; and

- (c) an amendment to a term of the offer to the effect that the cash consideration payable under the offer will not be reduced by the amount or value of any rights that holders of bid class securities receive on and from announcement of the bid and which they were entitled to receive prior to that date.
- (ii) omit paragraph (d) of the definition of *replacement bidder's statement*, and substitute:

“(d) sets out or reflects offers under the bid that are on the same terms as the lodgement terms, or terms that differ from the lodgement terms solely in accordance with a permitted variation.”

#### Where this instrument applies

5. This instrument applies in relation to the Bid where:

- (a) the Bidder lodged a bidder's statement with ASIC on 9 September 2024 (*original bidder's statement*) and a replacement bidder's statement on 9 September 2024 (*first replacement bidder's statement*);
- (b) under the terms of the original bidder's statement and first replacement bidder's statement:
  - (i) the Bid was subject to a defeating condition in relation to the issue of units or shares, or granting an option over units or shares, or agreeing to make such an issue or grant such an option, other than as a result of the exercise of performance rights which were on issue at 9 September 2024;
  - (ii) by accepting the offer, holders of Bid class securities were taken to have appointed the bidder as their attorney to exercise their powers and rights in relation to the bid class securities, including voting rights, and agreed not to attend general or class meetings; and
  - (iii) the cash consideration payable under the offer will be reduced by the amount or value of any rights that holders of Bid class securities receive or become entitled to receive on and from 9 September 2024;
- (c) on or about 25 September 2024, the Bidder:
  - (i) has lodged with ASIC a second replacement bidder's statement for the purposes of paragraph (b) of item 6 of subsection 633(1) of the Act as notionally modified by *ASIC Corporations (Replacement Bidder's Statements and Target's Statements) Instrument 2023/688* and this instrument in relation to the permitted variations; and

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- (ii) the second replacement bidder's statement includes a statement describing the need for, and effect of, this instrument.

**Interpretation**

6. In this instrument:

***Bid*** means the off-market takeover bid made by the Bidder to acquire all of the stapled securities in HPI.

***Bidder*** means Charter Hall Wholesale Management Limited ACN 006 765 206 in its capacity as trustee for the CH Investment Trust and the CH Investment Co Trust.

***HPI*** means Hotel Property Investments Group, comprising Hotel Property Investments Limited ACN 010 330 515 and Hotel Property Investments Trust ARSN 166 484 377.

Dated this 25th day of September 2024



Signed by Ebony Jackson  
as a delegate of the Australian Securities and Investments Commission



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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**24-0832**

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

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

TO: Pearce Accounting Pty Ltd  
ACN 135 397 634 ("the Licensee")  
Unit 5, 222 Anson Street  
ORANGE NSW 2800

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 488189 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 18 November 2024

Signed *George Podaras*  
.....

George Podaras  
A delegate of the Australian Securities and Investments Commission

24-0862

**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 s926A(2)(a) of the *Corporations Act 2001* (the **Act**).

**Title**

2. This instrument is ASIC Instrument 24-0862.

**Commencement**

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

**Exemption**

4. ASIC exempts Los Angeles Capital Management, L.L.C., a limited liability company formed and organised under the laws of the US State of California, and registered with the US Securities and Exchange Commission under file number 801-60934 (the *body*), and its representatives, from the requirement to hold an Australian financial services (*AFS*) licence, in the case specified in Schedule A.

**Cessation**

5. The exemption in paragraph 4 ceases to have effect on the earlier of:
  - (a) Subparagraph 1(1) 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 03/1100] *US SEC regulated financial services providers*; or
  - (b) the body not complying with any written notice given by ASIC directing the body to give to ASIC, within the time specified in the notice, a written statement containing specified information about the financial service business operated by the body in this jurisdiction; or
  - (c) the body being notified in writing by ASIC that it is excluded from relying on this instrument.

**Schedule A**

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

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- (a) the body is:
  - (i) a registered broker dealer that is a member of the Securities Investor Protection Corporation established under the *Securities Investor Protection Act 1970* (US) and that is a member of FINRA and FINRA is the body's examining authority; or
  - (ii) a registered broker dealer that is an OTC derivatives dealer within the meaning of Rule 3b-12 promulgated under the Exchange Act who is affiliated within the meaning of that Rule with a registered broker dealer who is a member of FINRA; or
  - (iii) a registered investment adviser;
- (b) the body is either:
  - (i) a body corporate incorporated in the US or a State of the US; or
  - (ii) a partnership formed in the US or a State of the US;
- (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.



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2. Where the body provides any of the following financial services (the *financial services*) in this jurisdiction to wholesale clients (and the body is authorised under US regulatory requirements to provide the financial service in the US):
- (a) providing financial product advice;
  - (b) dealing in a financial product,
- in respect of any of the following financial products (and in respect of which the body is authorised under US regulatory requirements to provide financial services in the US):
- (a) securities;
  - (b) derivatives;
  - (c) foreign exchange contracts;
  - (d) debentures, stocks or bonds issues by a government;
  - (b) managed investment products; and
  - (c) interests in a managed investment scheme that is not required to be registered under Ch 5C of the Act.
3. Where the body has provided ASIC with all of the following:
- (a) evidence and submissions that paragraph 1(a) of Schedule A is satisfied;
  - (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

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- (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 SEC or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the SEC to disclose to ASIC and ASIC to disclose to the SEC any information or document that the SEC or ASIC has that relates to the body;
- (d) written consents to the disclosure by the SEC to ASIC and ASIC to the SEC of any information or document that the SEC or ASIC has that relates to the body. The consents must be in such form (if any) as ASIC specifies in writing.

#### Schedule B

1. The body must provide each of the financial services in this jurisdiction in a manner which would comply, so far as is possible, with the US regulatory requirements if the financial service were provided in the US in like circumstances.
2. The body must:
  - (a) notify ASIC, as soon as practicable and in any event within 15 business days after the body became aware or should reasonably have become aware, and in such form if any as ASIC may from time to time specify in writing, of the details of:
    - (i) each significant change to, including the termination of, the registration as a registered broker dealer or a registered investment adviser applying to the body relevant to the financial services the body provides or intends to provide in this jurisdiction; and
    - (ii) each significant particular exemption or other relief which the body obtains from the US regulatory requirements relevant to the financial services the body provides or intends to provide in this jurisdiction; and
    - (iii) each action or investigation of the following kinds taken by the SEC or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction:
      - (A) significant enforcement action;

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- (B) significant disciplinary action;
  - (C) significant investigation (unless, after having taken reasonable steps to enable notification to be given to ASIC, the body is prohibited by law from giving such notification but only to the extent of the prohibition); and
- (b) provide written disclosure to all persons to whom the financial services are provided in this jurisdiction (before the financial services are provided) containing prominent statements to the following effect:
    - (i) the body is exempt from the requirement to hold an AFS licence under the Act in respect of the financial services; and
    - (ii) the body is regulated by the SEC under US laws, which differ from Australian laws.
  - (c) 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;

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

*dealing* has the meaning given by section 9 of the Act;

*examining authority*, in relation to the body, means a self-regulatory organisation to which the body belongs which has not been relieved of the responsibility relating to the body under s17(d)(1)(A) of the Exchange Act in any respect;

*Exchange Act* means the *Securities and Exchange Act 1934* (US);

*financial product* has the meaning given by section 9 of the Act;

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*financial product advice* has the meaning given by section 761A of the Act;

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

*FINRA* means the Financial Industry Regulation Authority of the US;

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

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

*managed investment scheme* has the meaning given by section 9 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 SEC) which regulates financial services and which is established by or for the purposes of a foreign government or legislative body;

*registered broker dealer* means a broker dealer registered under s15(b) of the Exchange Act;

*registered investment adviser* means a body corporate or a partnership formed in the US or a State of the US registered under s203(c) of the *Investment Advisers Act 1940* (US);

*representative* has the meaning given by section 9 of the Act;

*SEC* means the Securities and Exchange Commission of the US;

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

*US* means the United States of America;

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

- (a) any applicable legislation, instruments made under that legislation and any relevant policies or other documents (however described) issued by the SEC; and
- (b) if the body is covered by subparagraph (a)(i) of Schedule A but not subparagraphs (a)(ii) or (iii) of that Schedule—any applicable rules, policies or other documents (however described) of FINRA; and

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

24-0862

Dated this 18 day of November 2024

A handwritten signature in black ink, appearing to be 'W. King', written over a horizontal line.

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

24-0879

**Australian Securities and Investments Commission  
Corporations Act 2001 — Subsection 601QA(1) — Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 24-0879.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Australian Unity Funds Management Limited ACN 071 497 115 (*AUFM*) as responsible entity of the Altius Sustainable Bond Fund ARSN 601 618 179 (**scheme**) as if the definition of *extraordinary resolution* in section 9 of the Act were modified or varied by omitting paragraph (b) from subsection 253LA(2) of the definition and substituting:

“(b) the resolution must be 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;
- (b) where the operator or custodian of an IDPS (including 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 their client’s investments in the IDPS; and
- (c) has abstained from voting on the resolution.

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

24-0879

*IDPS* has the meaning given in ASIC Instrument 2023/669.

*operator* in relation to an IDPS, has the meaning given in ASIC Instrument 2023/669.”.

#### Where this instrument applies

5. This instrument applies where:
- (a) AUFM has issued a notice of meeting to call a meeting of scheme members to vote on an extraordinary resolution for AUFM to retire as responsible entity of the scheme and be replaced by Australian Ethical Investment Ltd ACN 003 188 930 (AEI);
  - (b) the Explanatory Materials include an explanation of the effect of this instrument in relation to the resolutions to be considered at the meeting; and
  - (c) the abstaining members are HUB24, BT Portfolio Services, Asgard and IOOF.

#### Interpretation

6. In this instrument:

*Act* means the *Corporations Act 2001*.

*Asgard* means Asgard Capital Management Ltd ACN 009 279 592.

*BT Portfolio Services* means BT Portfolio Services Ltd ACN 095 055 208 which holds units in the scheme in its capacity as an operator and custodian of an IDPS, not including any units it holds on behalf of or as trustee for superannuation funds

*Explanatory Materials* means the notice of meeting dated on or about 21 November 2024 sent to members of the scheme.

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

*IOOF* means IOOF Investment Services Ltd ACN 007 350 405.

#### Where this declaration ceases to apply

7. This declaration ceases to apply 3 months from the date it is signed.

24-0879

Dated this 20<sup>th</sup> day of November 2024

A handwritten signature in black ink, appearing to be 'Rachel Adams', written in a cursive style.

Signed by Rachel Adams  
as a delegate of the Australian Securities and Investments Commission



24-0882

Notice is given under section 915F of the Corporations Act 2001 that the Australian Securities and Investments Commission has made an order in the terms set out below, which order took effect on 9 November 2024.

**Australian Securities and Investments Commission**

**Notice of Cancellation of Australian financial services licence**

To: Patrick Joseph O'Neill

**TAKE NOTICE** that under s915C(1) of the *Corporations Act 2001*, the Australian Securities and Investments Commission cancels Australian financial services licence number 500004 held by Patrick Joseph O'Neill.

Dated this 2nd September 2024.

Signed:



Melanie Baxter  
Delegate of the Australian Securities and Investments Commission

Your attention is drawn to s911A(1) of the Corporations Act 2001 which provides that subject to this section, a person who carries on a financial services business in this jurisdiction must hold an Australian financial services licence covering the provision of the financial services and that a failure to comply with this subsection is an offence (see s1311(1) of the Corporations Act 2001)

24- 0884

**Australian Securities and Investments Commission  
Corporations Act 2001 (Cth) – Paragraph 1020F(1)(c) – Declaration**

**Enabling Legislation**

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

**Title**

2. This instrument is ASIC Instrument 24-0884.

**Commencement**

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

**Declaration**

4. Part 7.9 of the Act applies to Equity Trustees Limited ACN 004 031 298 (the *responsible entity*), in its capacity as responsible entity of HMC Digital Infrastructure Trust ARSN (682 160 578) (*DigiCo Trust*), and HMC Digital Infrastructure Ltd ACN 682 024 924 (*DigiCo StapleCo*) as if subsection 1017E(2) as notionally inserted by sub-regulation 7.9.08(4) of the *Corporations Regulations 2001* were modified or varied as follows:

- (a) at the beginning of paragraph 1017E(2)(b) insert “subject to paragraph (ba),”; and

- (b) after paragraph 1017E(2)(b) insert:

“(ba) any money may be paid into the account, provided that:

- (i) money paid to acquire the financial product together with any securities or financial products that must, under the terms on which the securities or financial product is to be traded, be transferred with the financial product; and

- (ii) any other money to which this section applies; and

- (iii) interest on the amount from time to time standing to the credit of the account,

is identified and held in accordance with all other provisions of this section; and”.

**Where this declaration applies**

5. This declaration applies where:

- (a) each ordinary share in DigiCo StapleCo and ordinary unit in DigiCo Trust must, under the terms on which each is to be traded, only be transferred together (together, *Stapled Security*); and

**24- 0884**

- (b) the responsible entity and DigiCo Staple Co receive money paid to acquire Stapled Securities.

Dated this 19<sup>th</sup> day of November 2024



Signed by Penny Zeinos  
as a delegate of the Australian Securities and Investments Commission

24- 0885

**Australian Securities and Investments Commission**  
**Corporations Act 2001 – Paragraph 741(1)(b) and 1020F(1)(c) – Declaration**

**Enabling legislation**

1. The Australian Securities and Investments Commission (*ASIC*) makes this instrument under paragraphs 741(1)(b) and 1020F(1)(c) of the *Corporations Act 2001* (the *Act*).

**Title**

2. This instrument is ASIC Instrument 24-0885.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to HMC Digital Infrastructure Ltd ACN 682 024 924 (*DigiCo StapleCo*) as if subsection 708(13) were modified as follows:
  - (a) omit “or” at the end of subparagraph 708(13)(a);
  - (b) omit “.” at the end of paragraph 708(13)(b) and substitute “;or”; and
  - (c) insert after paragraph 708(13)(b):

“(c) an offer of fully paid shares in one or more bodies to one or more existing holders of shares is made under a reinvestment plan where, under the terms on which the shares in the bodies and interests in one or more registered schemes are offered under the reinvestment plan may be traded, those shares and interests must only be transferred together.”
5. Part 7.9 of the Act applies to Equity Trustees Limited ACN 004 031 298 (the *responsible entity*) in its capacity as responsible entity of HMC Digital Infrastructure Trust ARSN (682 160 578) (*DigiCo Trust*) as if subsection 1012D(3) were modified or varied as follows:
  - (a) omit “either” at the beginning of paragraph 1012D(3)(b) and substitute “one or more of the following applies”;
  - (b) omit “or” at the end of subparagraph 1012D(3)(b)(i);
  - (c) omit “.” at the end of subparagraph 1012D(3)(b)(ii) and substitute “;”;
  - (d) insert after subparagraph 1012D(3)(b)(ii):

“(iii) in a recommendation situation – the advice that constitutes the relevant conduct relates to an offer of interests in one or more registered managed investment schemes, under a plan for the reinvestment of any or all of:

    - (A) dividends in respect of shares in a body or bodies;

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- (B) distributions in respect of interests in one or more registered managed investment schemes, where, under the terms on which the shares in the body or bodies, and the interests in the registered managed investment schemes, may be traded, those shares and interests must only be transferred together;
- (iv) in an issue situation – the offer or issue that constitutes the relevant conduct is an offer or issue of interests in one or more registered managed investment schemes, under a plan for the reinvestment of any or all of:
  - (A) dividends in respect of shares in a body or bodies; or
  - (B) distributions in respect of interests in one or more registered schemes, where, under the terms on which the interests in the registered schemes and shares in one or more bodies may be traded, those interests and shares must only be transferred together.”

**Where this instrument applies**

6. This instrument applies in relation to offers, or recommendations to acquire DigiCo Stapled Securities under the DigiCo Distribution Reinvestment Plan (the *Plan*) where, under the terms on which the shares in DigiCo StapleCo and the interests in the DigiCo Trust may be traded, they must only be transferred together and where:
- (a) the terms of the Plan permit the dividends and distributions to be pooled prior to the offer or issue of stapled securities under the Plan;
  - (b) each participant of the Plan has agreed in writing to the terms of the Plan upon election to participate and is given notice of any subsequent amendments to the Plan; and
  - (c) participation in the Plan is not compulsory.

**Interpretation**

7. In this instrument:
- DigiCo Stapled Security* means a share in DigiCo StapleCo and an interest in the DigiCo Trust which, under the terms on which each is to be traded, must only be traded together.

Dated this 19<sup>th</sup> day of November 2024


Signed by Penny Zeinos  
as a delegate of the Australian Securities and Investments Commission

24- 0886

**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 24-0886.

**Commencement**

3. This instrument commences the date it is signed.

**Declaration**

4. Chapter 5C of the Act applies to Equity Trustees Limited (ACN 004 031 298) as responsible entity of HMC Digital Infrastructure Trust ARSN (682 160 578) (*DigiCo Trust*) as if the following provisions of that Chapter were modified or varied as follows:
  - (a) after section 601FE insert:

**“601FEA Modification of duties: stapled securities**

    - (1) This section applies to a registered scheme (the scheme) where the interests in the scheme and shares in a company (the company) are components of stapled securities.
    - (2) For the purposes of paragraphs 601FC(1) and 601FD(1), an obligation to act in the best interests of the members of the scheme is an obligation to act in the best interests of the members of the scheme having regard to their interests as members of scheme and the company.
    - (3) For the purposes of paragraphs 601FC(1), 601FD(1)(d) and 601FD(1), and subsection 601FE(1), an obligation to not make use of information, or not make improper use of position, in order to cause detriment to the members of the scheme is an obligation not to do those things in order to cause detriment to the members of the scheme having regard to their membership of both the scheme and the company.”;
  - (b) insert after subsection 208(2) of the Act as notionally inserted by section 601LC:

“(2A) Member approval is not required for the giving of a financial benefit and the benefit need not be given within 15 months if all of the following conditions are satisfied:

    - (a) the benefit either:

## 24- 0886

- (i) is given out of the scheme property of a registered scheme (the *Scheme*); or
  - (ii) could endanger the Scheme property; and
  - (b) all of the interests in the Scheme, together with all of the shares in the company (each a *stapled entity*), are component parts of stapled securities; and
  - (c) the benefit is given by:
    - (i) the responsible entity of the Scheme; or
    - (ii) an entity that the responsible entity controls; or
    - (iii) an agent of, or person engaged by, the responsible entity; and
  - (d) the benefit is given to:
    - (i) an entity wholly owned, whether directly or indirectly, by the Scheme; or
    - (ii) a stapled entity or an entity wholly owned, whether directly or indirectly, by a stapled entity; or
    - (iii) an entity wholly owned, whether directly or indirectly, jointly by the Scheme and a stapled entity.
- (2B) For the purposes of this section:
- (a) an entity is wholly owned by another entity if all of the shares or interests (as applicable) in the first-mentioned entity are held by, or held by a nominee for (in the case of the second-mentioned entity being a company), or form part of the trust property of (in the case of the second-mentioned entity being a trust), the second-mentioned entity or a wholly owned entity of it; and
  - (b) a reference to the giving of a benefit to an entity which is a trust is a reference to the giving of a benefit to the trustee of the trust so as to form part of the trust property of the trust or for the benefit of the trust beneficiaries.”; and
- (c) insert after section 601PC:
- “601PD      Stapled Securities**
- For the purposes of this Chapter:
- stapled securities* means two or more financial products, including at least one interest in a registered scheme where:
- (a) under the terms on which each of the financial products or securities are to be traded, they must be transferred together; and
  - (b) there are no financial products or securities in the same class as those financial products or securities which may be transferred separately.”.

**Where this declaration applies**

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5. This declaration applies where under the terms on which interest in DigiCo Trust and shares in HMC Digital Infrastructure Ltd ACN 682 024 924 (*DigiCo StapleCo*) are to be traded, they must only be transferred together.

**Where this declaration ceases to apply**

6. This declaration ceases to apply if:
- (a) a component of a stapled security is issued which on the terms on which it is issued can be transferred separately without also transferring any other component; or
  - (b) interests in any class, other than the class of interests in DigiCo Trust and the shares in DigiCo StapleCo that are already on issue as at the date of this instrument, are issued.

Dated this 19<sup>th</sup> day of November 2024



Signed by Penny Zeinos  
as a delegate of the Australian Securities and Investments Commission



24-0887

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 655A(1)(a) – Exemption**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 24-0887.

**Commencement**

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

**Exemption**

4. BP New Start and its Controllers do not have to comply with section 606 of the Act.

**Where this instrument applies**

5. This instrument applies where:
  - a) BP New Start and its Controllers acquire a relevant interest in the Shares as a result of the transfer of the Shares to BP New Start on implementation of the Court Order and pursuant to the DOCA;
  - b) the Deed Administrators made available to Shareholders the following documents at the Website:
    - i. Explanatory Statement;
    - ii. Independent Expert's Report; and
    - iii. the Originating Process; and
  - c) between 23 to 26 September 2024 inclusive, notices informing Shareholders of the Proceedings were served by electronic mail or despatched by post to Shareholders by the Deed Administrators, with such notice advising Shareholders the documents at paragraph 5(b) above would be available for download at the Website;

**Interpretation**

6. In this instrument:

*BP New Start* Means BP New Start Holding Pty Ltd ACN 675 974 348.

24-0887

**Bizpay** means Bizpay Group Limited (Subject to Deed of Company Arrangement) ACN 633 797 627.

**Controllers** means entities or persons who by operation of section 608 of the Act acquire a relevant interest in the Shares as a result of BP New Start acquiring a relevant interest in such Shares.

**Court Order** means the order of the Supreme Court of New South Wales in the Proceedings made 11 November 2024, permitting the Deed Administrators to transfer the Shares to BP New Start under section 444GA of the Act.

**Deed Administrators** means Peter Krejci and Jonathon Keenan in their capacity as joint and several deed administrators of Bizpay pursuant to the DOCA.

**DOCA** means the deed of company arrangement between Bizpay, BP New Start, and the Deed Administrators dated 21 March 2024.

**Explanatory Statement** means the Explanatory Statement dated 23 September 2024 prepared by the Deed Administrators.

**Independent Expert's Report** means the independent expert's report dated 15 August 2024 prepared by RSM Australia Pty Ltd as trustee for the Birdanco Practice Trust.

**Originating Process** means the application filed with the Supreme Court of New South Wales on 21 August 2024.

**Proceedings** means the proceedings in the Supreme Court of New South Wales in proceeding number 309404 of 2024.

**Shares** means all of the issued shares in Bizpay.

**Shareholders** means all of the shareholders of Bizpay registered in the company's share register as at 23 November 2023.

**Website** means <https://briferrier.com.au/about-us/current-matters/bizpay-group-limited>.

Dated this 19<sup>th</sup> day of November 2024



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



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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[www.asic.gov.au](http://www.asic.gov.au)

**24-0888**


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

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

TO: MIGARF Pty Ltd  
ACN 659 273 275 ("the Licensee")  
11 Lyall Street  
SOUTH PERTH WA 6151

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 541068 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 21 November 2024

Signed  .....

Jedo Charles  
A delegate of the Australian Securities and Investments Commission

24-0893

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraph 741(1)(b) – Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Instrument 24-0893.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to True North Copper Limited ACN 119 421 868 (*Company*) as if the definition of "continuously quoted securities" in section 9 of the Act as notionally modified by ASIC Corporations (Disregarding Technical Relief) Instrument 2016/73 was further modified or varied by:
  - (a) in subparagraph (b)(iii), after the number "341A", inserting the text "(other than relying on ASIC Corporations (Externally-Administered Bodies) Instrument 2015/251)".

**Where this instrument applies**

5. This instrument applies:
  - (a) in relation to an offer by the Company to issue securities pursuant to a prospectus where the offer closes before 31 January 2025; and
  - (b) within two business days of the commencement of this instrument, the Company makes this instrument available on a website in a way that is readily accessible by the public; and
  - (c) within two business days of commencement of this instrument, the Company provides written notice for release on the ASX Market Announcements Platform which includes a statement describing the need for, and effect of, the relief provided by this instrument as it applies to the Company.

24-0893

Dated this 20<sup>th</sup> day of November 2024

A handwritten signature in blue ink, appearing to read 'S. Ferguson', is positioned above the printed name.

Signed by Sean Ferguson  
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 November 2024

**Name of Company**

**ARBN**

JOHNSON ESTATE AUSTRALIA LIMITED

656 394 311

MATCH HOSPITALITY AG

672 284 918

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this twenty-second day of November 2024

**Name of Company**

**ARBN**

SEZZLE INC.

633 327 358

UK ALRA LTD

655 848 007

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this twenty-second day of November 2024

**Name of Company**

**ARBN**

BORDERLINE REGIONAL ARTS ASSOCIATION INCORPORATED

080 177 180



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 November 2024

**Name of Scheme**

**ARSN**

GREAT SOUTHERN PLANTATIONS 2002	095 343 963
GREAT SOUTHERN PLANTATIONS 2003 SCHEME	099 131 825
KFM INCOME FUND	126 274 575
MIRAE ASSET SUSTAINABLE ASIA SECTOR LEADER EQUITY FUND	621 307 962
MITTLEMAN GLOBAL VALUE EQUITY FUND	161 911 306
MUZINICH GLOBAL TACTICAL CREDIT FUND	646 298 133
SOMERSET EMERGING MARKETS DIVIDEND GROWTH FUND	159 702 360

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.

**DESERT MINERALS PTY LTD** ACN 680 419 345 will change to a public company limited by shares. The new name will be DESERT MINERALS LTD ACN 680 419 345.

**REX MINERALS LIMITED** ACN 124 960 523 will change to a proprietary company limited by shares. The new name will be REX MINERALS PTY LTD ACN 124 960 523.

**MORETON RESOURCES LTD** ACN 060 111 784 will change to a proprietary company limited by shares. The new name will be MORETON RESOURCES PTY LTD ACN 060 111 784.

**SIERRA RUTILE HOLDINGS LIMITED** ACN 613 822 165 will change to a proprietary company limited by shares. The new name will be SIERRA RUTILE HOLDINGS PTY LTD ACN 613 822 165.