



**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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23-0336

**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 23-0336.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Abacus Funds Management Limited (ACN 007 415 590) as responsible entity for Abacus Income Trust (ARSN 104 934 287) (*AIT*) and Abacus Trust (ARSN 096 572 128) (*AT*) as if the following provisions of the Act 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 interests in the other registered scheme (the other scheme) and shares in companies (the companies) are components of stapled securities.

(2) For the purposes of paragraphs 601FC(1)(c) and 601FD(1)(c), 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 the scheme, the other scheme and the companies.

(3) For the purposes of paragraphs 601FC(1)(c), 601FD(1)(d) and 601FD(1)(e), 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 the scheme, the other scheme and the companies.";

- (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 the following conditions are satisfied:

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- (a) the benefit either:
    - (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 interests in the other scheme and all of the shares in the companies (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 (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 security* means two or more financial products or securities stapled together (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.”.

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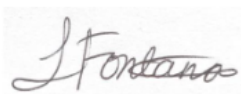
**Where this instrument applies**

5. This declaration applies where under the terms on which interests in each of AT and AIT and shares in each of Abacus Group Holdings Limited ACN 080 604 619 and Abacus Group Projects Limited ACN 104 066 104 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 traded can be transferred separately without also transferring any other component; or
  - (b) interests in any class, other than the class of interests in the scheme, the other scheme and the shares in the companies that are already on issue as at the date of this instrument, are issued.

Dated this 28<sup>th</sup> day of July 2023.



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

23-0337

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 23-0337.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Abacus Storage Funds Management Limited (ACN 109 324 834) as responsible entity for Abacus Storage Property Trust (ARSN 111 629 559) (*ASPT*) as if the following provisions of the Act 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)(c) and 601FD(1)(c), 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 the scheme and the company.

(3) For the purposes of paragraphs 601FC(1)(e), 601FD(1)(d) and 601FD(1)(e), 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:
  - (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

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- (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 (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:

**“601 PD Stapled Securities**

For the purposes of this Chapter:

*stapled security* means two or more financial products or securities stapled together (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 instrument applies**

5. This declaration applies where under the terms on which interests in ASPT and shares in Abacus Storage Operations Limited ACN 112 457 075 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 traded can be transferred separately without also transferring any other component; or

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- (b) interests in any class, other than the class of interests in the scheme and the shares in the company that are already on issue as at the date of this instrument, are issued.

Dated this 28<sup>th</sup> day of July 2023.

A handwritten signature in black ink that reads "L Fontana". The signature is written in a cursive style with a large, stylized initial "L".

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

23-0340

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraphs 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 23-0340.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to Abacus Group Holdings Limited (ACN 080 604 619), (*AGHL*) and Abacus Group Projects Limited (ACN 104 066 104) (*AGPL*), 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)(c):

“(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 Abacus Funds Management Limited (ACN 007 415 590) as responsible entity for Abacus Income Trust (ARSN 104 934 287) (*AIT*) and Abacus Funds Management Limited (ACN 007 415 590) as responsible entity for Abacus Trust (ARSN 096 572 128) (*AT*) as if it 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):



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- (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;
  - (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;
  - (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.”

**Where this instrument applies**

6. This instrument applies to offers, or recommendations to acquire Abacus Group Stapled Securities under the Abacus Group Dividend and Distribution Reinvestment Plan (*Plan*) where, under the terms on which the shares in each of AGHL and AGPL and the interests in each of AT and AIT 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 written notice of any subsequent amendments to the Plan; and
  - (c) participation in the Plan is not compulsory.


**Interpretation**

7. In this instrument:

*Abacus Group Stapled Security* means a share in AGHL, a share in AGPL, an interest in AT and an interest in AIT, which, under the terms on which each is to be traded, must only be traded together.

23-0340

Dated this 28<sup>th</sup> day of July 2023.

A handwritten signature in black ink that reads "L Fontana". The signature is written in a cursive style with a large, stylized initial "L".

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

23-0341

**Australian Securities and Investments Commission  
Corporations Act 2001 – Paragraphs 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 23-0341.

**Commencement**

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

**Declaration**

4. Chapter 6D of the Act applies to Abacus Storage Operations Limited (ACN 112 457 075) (*ASOL*), 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)(c):

“(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 Abacus Storage Funds Management Limited (ACN 109 324 834) in its capacity as the responsible entity of Abacus Storage Property Trust (ARSN 111 629 559) (*ASPT*) as if it 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):

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- (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;
  - (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;
  - (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.”

**Where this instrument applies**

6. This instrument applies to offers, or recommendations to acquire Abacus Storage King Stapled Securities under the Abacus Storage King Dividend and Distribution Reinvestment Plan (*Plan*) where, under the terms on which the shares in ASOL and the interests in ASPT 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 written notice of any subsequent amendments to the Plan; and
  - (c) participation in the Plan is not compulsory.

**Interpretation**

7. In this instrument:

*Abacus Storage King Stapled Security* means a share in ASOL and an interest in ASPT, which, under the terms on which each is to be traded, must only be traded together.

**23-0341**

Dated this 28<sup>th</sup> day of July 2023.

A handwritten signature in black ink that reads "L Fontana". The signature is written in a cursive style with a large initial "L".

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

23-0342

**Australian Securities and Investments Commission  
Corporations Act 2001 - 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 23-0342.

**Commencement**

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

**Declaration**

4. Part 7.9 of the Act applies to Abacus Group 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 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 interest in AIT and AT and each ordinary share in AGHI and AGPI, must, under the terms upon which each is to be traded, only be transferred together (*Stapled Security*); and
  - (b) Abacus Group receives money paid to acquire Stapled Securities.

**Interpretation**

6. In this instrument:

*Abacus Group* means AGHI, AGPI, and AFMI.

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*AFML* means Abacus Funds Management Limited (ACN 007 415 590) as responsible entity for AIT and AT.

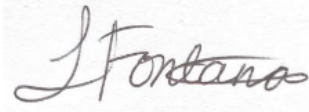
*AGHL* means Abacus Group Holdings Limited (ACN 080 604 619).

*AGPL* means Abacus Group Projects Limited (ACN 104 066 104).

*AIT* means Abacus Income Trust (ARSN 104 934 287).

*AT* means Abacus Trust (ARSN 096 572 128).

Dated this 28<sup>th</sup> day of July 2023.

A handwritten signature in black ink, appearing to read 'L Fontana', is written over a light grey rectangular background.

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

23-0343

**Australian Securities and Investments Commission  
Corporations Act 2001 - 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 23-0343.

**Commencement**

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

**Declaration**

4. Part 7.9 of the Act applies to Abacus Storage King 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 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 interest in ASPT and each ordinary share in ASOL must, under the terms upon which each is to be traded, only be transferred together (*Stapled Security*); and
  - (b) Abacus Storage King receives money paid to acquire Stapled Securities.

**Interpretation**

6. In this instrument:

*Abacus Storage King* means ASFML and ASOL.



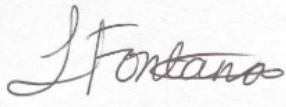
**23-0343**

*ASFML* means Abacus Storage Funds Management Limited (ACN 109 324 834) as responsible entity for ASPT.

*ASOL* means Abacus Storage Operations Limited (ACN 112 457 075).

*ASPT* means Abacus Storage Property Trust (ARSN 111 629 559).

Dated this 28<sup>th</sup> day of July 2023.

A handwritten signature in black ink, appearing to read 'L Fontana', is written over a light grey rectangular background.

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

23-0462

**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 Act.

**Title**

2. This instrument is ASIC Instrument 23-0462.

**Commencement**

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

**Cessation**

4. The exemption in paragraph 5 ceases to have effect on the earlier of:
  - (a) The date specified in subsection 1(3) of Schedule 2 of the *ASIC Corporations (Repeal and Transitional) Instrument 2016/396*; or
  - (b) CIBC Asset Management Inc., a company incorporated under the federal laws of Canada (Canada Corporation Number 868956-3) (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.

**Exemption**

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

**Schedule A**

1. Where all of the following apply:
  - (a) the body holds a current registration granted by the Ontario Securities Commission (*OSC*) as an Investment Fund Manager and Portfolio Manager pursuant to the Securities Act;

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- (b) the body is incorporated:
    - (i) under the federal laws of Canada; or
    - (ii) in a province or territory of Canada;
  - (c) the body:
    - (i) is registered under Div 2 of Pt 5B.2 of the Act; or
    - (ii) has an agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an agent for any consecutive period of 10 business days;
  - (d) the body's primary business is the provision of financial services;
  - (e) neither the body nor its agent has been notified by ASIC that the body is excluded from relying on this instrument;
  - (f) if the body becomes aware or should reasonably have become aware of matters that give it reason to believe that it has failed, other than in an immaterial respect, to comply with a requirement set out in Schedule B:
    - (i) 15 business days have not passed since the body became so aware or should reasonably have become so aware without the body providing full particulars of the failure to ASIC (to the extent that the body knows those particulars or would have known them if it had undertaken reasonable enquiries); and
    - (ii) 30 business days have not passed from ASIC receiving those particulars from the body without ASIC notifying the body that it may continue to rely on this instrument; and
  - (g) the body has not notified ASIC that it will not rely on this instrument.
2. Where the body provides the following financial services (the *financial services*) in this jurisdiction to wholesale clients (and the body is authorised under Ontario regulatory requirements to provide the financial services in Ontario):
- (a) providing financial product advice;
  - (b) dealing in a financial product;
- in respect of any of the following financial products (and the body is authorised under Ontario regulatory requirements to provide the financial services in Ontario):
- (c) derivatives;

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- (d) foreign exchange contracts;
  - (e) securities;
  - (f) debentures, stocks or bonds issued by a government;
  - (g) managed investment products; and
  - (h) 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) and 1(b) 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 s659B(1) of the Act that applies notwithstanding that the body may have ceased to rely, or never have relied, on this instrument, which 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 s50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in s659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise; and
    - (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 Div 2 of Pt 5B.2 of the Act, service of process on the body in relation to legal proceedings conducted by ASIC (including under s50 of the ASIC Act) and, in relation to proceedings relating to a financial services law, by any person referred to in s659B(1) of the Act and whether brought in the name of ASIC or the Crown or otherwise can be effected by service on the agent; and
    - (v) the body covenants that, on written request of either the OSC or ASIC, it will give or vary written consent and take all other practicable steps to enable and assist the OSC to disclose to ASIC and ASIC to disclose to the OSC any information or document that the OSC or ASIC has that relates to the body; and
  - (d) written consents to the disclosure by the OSC to ASIC and ASIC to the OSC of any information or document that the OSC or ASIC has that relates to the body (being consents in such form (if any) as ASIC specifies in writing).

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**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 Ontario regulatory requirements if the financial service were provided in Ontario 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 an Investment Fund Manager or Portfolio Manager 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 Ontario 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 OSC 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;
      - (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 OSC under the laws of Ontario, which differ from Australian laws.

**Interpretation**

In this instrument:

*Act* means the *Corporations Act 2001*;

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

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*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*;

*financial product advice* has the meaning given by s766B of the Act;

*financial services law* has the meaning given by s761A of the Act;

*Securities Act* means the Securities Act, R.S.O. 1990, c.S.5;

*managed investment products* has the meaning given by s764A(1)(ba) of the Act;

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

*Ontario 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 OSC;

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

*securities* has the meaning given by s761A of the Act;

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

Dated 13 July 2023



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

23-0553

## AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

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

## DISQUALIFICATION ORDER

To: Kerpal Harnam

Approved SMSF auditor registration number 100114476

Under s130F(2) of the *Superannuation Industry (Supervision) Act 1993* the Australian Securities and Investments Commission disqualifies Kerpal Harnam from being an approved SMSF auditor with effect from 6 July 2023.

Dated this 29<sup>th</sup> day of June 2023

Signed: .....  
Craig Angove  
Delegate of the Australian Securities and Investments Commission



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

Office address (inc courier deliveries):  
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**23 - 0617**

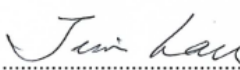
**Australian Securities and Investments Commission  
Corporations Act 2001 Section 915B**

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

TO: IJD Insurance Brokers Pty Ltd ABN 99 091 737 192 ("the Licensee")  
288 Barrenjoey Road  
NEWPORT NSW 2106

Pursuant to paragraph 915B(3)(d) of the **Corporations Act 2001**, the Australian Securities and Investments Commission hereby cancels Australian Financial Services Licence number 237304 held by the Licensee, with effect from the date on which this notice is given to the Licensee.

Dated 26 July 2023

Signed  .....

Jim Lau  
A delegate of the Australian Securities and Investments Commission



23-0625

**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 23-0625.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Antares Capital Partners Ltd ACN 066 081 114 in its capacity as responsible entity of:
  - (a) Altrinsic Global Equities Trust ARSN 152 997 290; and
  - (b) Antares Cash Fund ARSN 168 028 831; and
  - (c) Antares Diversified Fixed Income Fund ARSN 620 659 949; and
  - (d) Antares Income Fund ARSN 165 643 756; and
  - (e) Antares Inflation Linked Bond Fund ARSN 149 088 380; and
  - (f) Antares Dividend Builder ARSN 115 694 794; and
  - (g) Antares Elite Opportunities Fund ARSN 102 675 641; and
  - (h) Antares ex-20 Australian Equities Fund ARSN 635 799 530; and
  - (i) Antares High Growth Shares Fund ARSN 090 554 082; and
  - (j) Fairview Equity Partners Emerging Companies Fund ARSN 133 197 501; and

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(k) Intermede Global Equities Fund ARSN 602 927 739

together (the *Schemes*) as if section 601FL were modified or varied as follows:

(a) in subsection (1) omitting all the text after the word “it”, substitute:

“must either:

- (a) call a members’ meeting to explain its reason for wanting to retire and to enable the members to vote on a resolution (which must be an extraordinary resolution if the scheme is not listed) to choose a company to be the new responsible entity; or
- (b) propose a related body corporate of the responsible entity to be the new responsible entity in accordance with subsection (1A).”;

(b) after subsection (1), inserting:

“(1A) The requirements for proposing a related body corporate (the *proposed responsible entity*) to be the new responsible entity are as follows:

- (a) The responsible entity must give members of the scheme notice of a proposal to choose the proposed responsible entity, to be the scheme’s new responsible entity.
- (b) The notice to members must:
  - (i) set out the following information:
    - (A) the responsible entity’s reasons for wanting to retire;
    - (B) such information as can reasonably be expected to be material to a member in forming a view as to the choice of the proposed responsible entity;
    - (C) information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur;
    - (D) how members can access on the responsible entity’s website current information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur;

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- (ii) state prominently that if:
  - (A) members who together hold at least 5% of the total value of the interests held by members; or
  - (B) 100 members,  
  
who would be entitled to vote if the proposal were put as a proposed resolution to a meeting of members under paragraph (1)(a), ask for a vote on the choice of the proposed responsible entity by giving written notice received by the responsible entity within 21 days from the date the notice is sent, the responsible entity will either arrange a postal vote or convene a meeting to vote on a resolution for the choice of the proposed responsible entity; and
- (iii) be accompanied by a form which can be ticked to ask for a vote; and
- (iv) state prominently a reply paid address of the responsible entity to which the form may be sent.
- (c) The responsible entity must prominently disclose on its website current information about the proposed timing of the retirement of the responsible entity and the manner in which that retirement will occur.
- (d) If sufficient members ask for a vote in accordance with the notice, the responsible entity must arrange for a postal vote or, if the responsible entity chooses, convene a meeting in accordance with Part 2G.4 to vote on the choice of the proposed responsible entity as soon as possible.
- (e) If there is a postal vote:
  - (i) a voting paper must be sent to each member stating a reply paid address of the responsible entity to which the voting paper may be sent; and
  - (ii) the responsible entity must notify the members in, or in a document accompanying, the voting paper that:
    - (A) the proposed responsible entity will be chosen as the new responsible entity if at least 50% of the

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total votes that may be cast by members that would be eligible to vote at a meeting under paragraph (1)(a) are cast in favour of the choice; and

(B) only votes received by the responsible entity within 28 days after the issue of the voting paper will be counted.

(f) If a meeting is convened the resolution to choose the new responsible entity must be an extraordinary resolution if the scheme is not listed.";

(c) after subsection (2) insert:

“(2A) If a postal vote is arranged under paragraph (1A)(d) and at least 50% of the total votes that may be cast by members that would be eligible to vote at a meeting under paragraph (1)(a) are cast in favour of the proposed responsible entity, that entity is taken for the purposes of subsection (2) to have been chosen by a resolution of members on the last day on which postal votes may be received in order to be counted.

(2B) If:

- (a) a related body corporate is proposed to be the new responsible entity in accordance with subsection (1A); and
- (b) sufficient members do not ask for a vote to choose the entity in accordance with the notice referred to in paragraph (1A)(b); and
- (c) the entity has consented in writing to becoming the scheme’s responsible entity,

then:

- (d) as soon as practicable and in any event within 2 business days after the end of the period in which a member may ask for such a vote, the current responsible entity must lodge a notice with ASIC asking it to alter the record of the scheme’s registration to name the proposed responsible entity as the scheme’s responsible entity; and
- (e) the notice must be accompanied by a certificate from the current responsible entity that it reasonably considers that the appointment of the proposed responsible entity would be in the

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best interests of members with a summary of the responsible entity's reasons as to why this is the case; and

- (f) unless ASIC reasonably believes that the appointment of the proposed responsible entity would not be in the best interests of members, ASIC must comply with the notice as soon as practicable after the notice and summary are lodged.”

**Where this declaration applies**

5. This declaration applies where MLC Investments Limited ACN 002 641 661 has agreed in writing to become the new responsible entity of the Schemes.

**Where this declaration ceases to apply**

6. This declaration ceases to apply on 28 January 2024.

Dated this 28th day of July 2023



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

23-0626

**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 (Act)*.

**Title**

2. This instrument is ASIC Instrument 23-0626.

**Commencement**

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

**Declaration**

4. Chapter 5C of the Act applies to Navigator Australia Limited ACN 006 302 987 (the *responsible entity*) in its capacity as the responsible entity of the following registered schemes (in each instance, the *Scheme*):

- (a) Pre-Select Balanced Fund ARSN 104 412 446;
- (b) Pre-Select Conservative Fund, ARSN 104 411 583;
- (c) Pre-Select Growth Fund, ARSN 104 410 782; and
- (d) Pre-Select High Growth Fund, ARSN 104 411 467

as if section 601FL were modified or varied as follows:

- (a) omit subsection 601FL(1) and substitute the following text:

"(1) If the responsible entity of a registered scheme wants to retire, it must either:

- (a) call a members' meeting to explain its reason for wanting to retire and to enable the members to vote on a resolution (which must be an extraordinary resolution if the scheme is not listed) to choose a company to be the new responsible entity; or
- (b) where the scheme only has one member (*single member*), propose a company (*proposed responsible entity*) to be the new responsible entity in accordance with subsection (1A).";

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- (b) after subsection 601FL(1), insert:
- "(1A) The responsible entity can retire and the proposed responsible entity can become the new responsible entity if all of the following requirements are met:
- (a) the proposed responsible entity must provide its consent in writing to become the scheme's responsible entity;
  - (b) the responsible entity must provide the single member with:
    - (i) notice of a proposal to choose the proposed responsible entity to be the scheme's new responsible entity; and
    - (ii) sufficient information to explain its reason for wanting to retire and to enable the single member to decide whether to consent to the appointment of the proposed responsible entity as the new responsible entity;
  - (c) the single member must consent in writing to the retirement of the responsible entity and the appointment of the proposed responsible entity as the new responsible entity;
  - (d) as soon as practicable and in any event within 2 business days after the single member has given its written consent, the responsible entity must lodge a notice with ASIC asking it to alter the record of the scheme's registration to name the proposed responsible entity as the scheme's responsible entity;
  - (e) if the current responsible entity does not lodge the notice required by paragraph (d), the proposed responsible entity may lodge that notice; and
  - (f) ASIC must comply with the notice when it is lodged.
- (1B) The responsible entity must arrange for a vote within a reasonable time under paragraph (1)(a) on the choice of the proposed responsible entity, unless the single member gives their prior consent in writing to choose the proposed responsible entity without a meeting being held under paragraph (1)(a)."

**Where this declaration applies**

5. This instrument applies where:

- (a) The Trust Company (PTAL) Limited ACN 008 412 913 is the only member of the Scheme; and

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(b) MLC Investments Limited ACN 002 641 661 has consented in writing to become the new responsible entity of the Scheme.

6. This declaration ceases to apply on 31 January 2024.

Dated this 28<sup>th</sup> day of July 2023.



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



CORPORATIONS ACT 2001  
Section 601CC(3)

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

Dated this twenty-eighth day of July 2023

**Name of Company**

**ARBN**

HOTEL MOTEL & ACCOMMODATION ASSOCIATION INC	117 226 267
INTERNATIONAL TEAMS AUSTRALIA INCORPORATED	631 900 920
SINGIN' THE BLUES AWAY INCORPORATED	601 347 540

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-eighth day of July 2023

**Name of Scheme****ARSN**

MACQUARIE EUCALYPT PROJECT 2009

135 454 616

MACQUARIE TIMBER LAND TRUST 2009

135 454 563

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-eighth day of July 2023

**Name of Company**

**ARBN**

GREATURENZ LIMITED

613 059 608

CORPORATIONS ACT 2001  
Subsection 601CC(4)

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

Dated this twenty-eighth day of July 2023

**Name of Company**

**ARBN**

CRUISE DOWN UNDER INC.

143 272 762

CORPORATIONS ACT 2001  
Section 601CL(5)

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

Dated this twenty-eighth day of July 2023

**Name of Company**

**ARBN**

ADYOULIKE LIMITED

635 495 895

CATERPILLAR USED EQUIPMENT SERVICES INC.

051 099 257

LONDONPHARMA LIMITED

625 725 028

PROTOPHARMA LIMITED

634 330 555

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.

**COKING COAL PTY LTD** ACN 633 594 895 will change to a public company limited by shares. The new name will be COKING COAL LIMITED ACN 633 594 895.

**MACALLUM NEW ENERGY PTY LTD**  
ACN 628 953 122 will change to a public company limited by shares. The new name will be MACALLUM NEW ENERGY LIMITED ACN 628 953 122.

**RAWSON OIL AND GAS LTD**  
ACN 082 752 985 will change to a proprietary company limited by shares. The new name will be RAWSON OIL AND GAS PTY LTD ACN 082 752 985.

**IG3 EDUCATION LTD** ACN 095 551 161 will change to a proprietary company limited by shares. The new name will be IG3 EDUCATION PTY LTD ACN 095 551 161.

**NEW QUANTUM HOLDINGS PTY LTD**  
ACN 628 253 743 will change to a public company limited by shares. The new name will be NEW QUANTUM HOLDINGS LIMITED ACN 628 253 743.

**WOODSFORD AUSTRALIA LIMITED**  
ACN 644 961 446 will change to a proprietary company limited by shares. The new name will be WOODSFORD AUSTRALIA PTY LTD ACN 644 961 446.