

ASIC Class Order [CO 99/1225]

Financial reporting requirements for benefit fund friendly societies

This instrument has effect under subsection 341(1) of the *Corporations Act 2001*.

This compilation was prepared on 4 October 2005 taking into account amendments up to [CO 04/664].

Prepared by the Australian Securities and Investments Commission.

Australian Securities and Investments Commission Corporations Act 2001 — Subsection 341(1) — Class Order

Pursuant to subsection 341(1) of the *Corporations Act 2001* (“the Act”), the Australian Securities and Investments Commission (“ASIC”) hereby makes an order relieving each company which is a benefit fund friendly society registered under the *Life Insurance Act 1995* (“the Entity”) from the following requirements of the Act for financial years and half-years commencing on or before 31 December 2004:

Form of financial statements and notes

- (a) Section 295, subsection 296(1) and sections 302 to 305 of the Act insofar as those provisions require the financial report for a financial year or half-year (“the Relevant Period”) to include a single set of financial statements and notes to the financial statements (“notes”) covering the management fund and benefit funds of the Entity;

Compliance with accounting standards

- (b) Subsection 296(1) and section 304 of the Act insofar as those provisions require the financial report of the Entity to comply with accounting standards in the separate financial statements and notes for each fund of the Entity to the extent that the application of accounting standards would be inconsistent with the requirements of paragraphs 6, 7, 13 to 18, 22 to 34 and 36 of Prudential Rules No. 47 issued by the Australian Prudential Regulation Authority under the *Life Insurance Act 1995* (“PR 47”); and

Distribution of reports

- (c) Subsection 314(1) and paragraph 316(1)(b) of the Act insofar as those provisions require either the full financial report, directors' report and auditors' report or the concise financial report for a benefit fund to be sent to a member whose current membership cannot be attributed in whole or part to a present or past investment in, or purchase of, a product of that benefit fund,

On condition that:

Full year requirements

- (d) If the Relevant Period is a financial year:
- (i) the financial report and auditor's report for the Relevant Period complies with PR 47; and
 - (ii) the Entity meets, in accordance with section 316, any member request for the full financial report relating to any fund in respect of which the member remains entitled to be sent a report under paragraph (c) but has been sent a concise financial report in accordance with section 316;

Concise financial reports

- (e) If a concise financial report is prepared for a fund, accounting standard AASB 1039 "Concise Financial Reports" is applied:
- (i) as if paragraph 5.2 were replaced by the following paragraph:

“5.2 Each financial statement must be presented as in the financial report, in accordance with current Accounting Standards (as modified by the application of any relief provided by the Australian Securities and Investments Commission pursuant to s340 or s341 of the *Corporations Act 2001*), except for the omission of cross-references to notes to the financial statements in the financial report.”;
 - (ii) by presenting separate financial statements and other information for each benefit fund and the management fund as an entity (these separate financial statements need not be bound together); and
 - (iii) the concise financial report of a management fund must include the information required by paragraph 19 of PR 47; and

Half-year requirements

- (f) If the Relevant Period is a half-year, and the Entity is a disclosing entity, the half-year financial report complies with PR 47 except that:
- (i) separate financial statements of the benefit funds need not be prepared (however, the information required by Schedule 2 to PR 47 must be provided);
 - (ii) the requirements of paragraphs 38 to 41 of PR 47 need not be applied;

- (iii) requirements of accounting standards under the Act applicable only to full-year financial reports need not be applied;
- (iv) accounting standard AASB 1029 “Interim Financial Reports” is applied; and
- (v) paragraph 43 of PR 47 is applied as if it did not contain a reference to the appointed actuary’s statement.

Notes to ASIC Class Order [CO 99/1225]

Note 1

ASIC Class Order [CO 99/1225] (in force under subsection 341(1) of the *Corporations Act 2001*) as shown in this compilation comprises that Class Order amended as indicated in the Tables below.

Table of Instruments

Instrument number	Date of making or FRLI registration	Date of commencement	Application, saving or transitional provisions
[CO 99/1225]	30/8/1999	30/8/1999	-
[CO 01/1085]	21/9/2001	21/9/2001	-
[CO 04/664]	1/7/2004	1/7/2004	-

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Introductory para	am. [CO 01/1085]; [CO 04/664]
Para (f)(iv)	am. [CO 04/664]
Class order	am. [CO 01/1085]