

Australian Securities and Investments Commission
Corporations Act 2001 — Paragraphs 601QA(1)(a), 741(1)(a), 741(1)(b),
911A(2)(l), 1020F(1)(a) and 1020F(1)(c) — Variation

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraphs 601QA(1)(a), 741(1)(a), 741(1)(b), 911A(2)(l), 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*.

Title

2. This instrument is ASIC Class Order [CO 12/1267].

Commencement

3. This instrument commences on the later of:
 - (a) the date it is registered under the *Legislative Instruments Act 2003*; and
 - (b) the date of its gazettal.

Note: An instrument is registered when it is recorded on the Federal Register of Legislative Instruments (*FRLI*) in electronic form: see *Legislative Instruments Act 2003*, section 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

Variations

ASIC Class Order [CO 04/526]

4. ASIC Class Order [CO 04/526] is varied by, in Schedule C, omitting paragraph C4 and substituting:
 - “C4. each action or investigation of the following kinds taken by the home regulator or other overseas regulatory authority against the exempt operator in a foreign jurisdiction relating to the provision of financial services 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 operator is prohibited by law from giving such notification but only to the extent of the prohibition).”;

ASIC Class Order [CO 07/753]

5. ASIC Class Order [CO 07/753] is varied by, in Schedule B, omitting paragraph B4 and substituting:

“B4. each action or investigation of the following kinds taken by MAS or other overseas regulatory authority against the exempt operator in a foreign jurisdiction relating to the provision of financial services 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 operator is prohibited by law from giving such notification but only to the extent of the prohibition).”;

ASIC Class Order [CO 08/506]

6. ASIC Class Order [CO 08/506] is varied by, in Schedule C, omitting paragraph C4 and substituting:

“C4. each action or investigation of the following kinds:

- (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 company or trustee (as applicable) mentioned in subparagraphs (d) and (e) is prohibited by law from giving such notification but only to the extent of the prohibition);

taken by the SFC or other overseas regulatory authority against the following persons in a foreign jurisdiction relating to the provision of financial services in the foreign jurisdiction:

- (d) the foreign company;
- (e) where the foreign company is an exempt manager in relation to an eligible FCIS—the trustee of the eligible FCIS.”.

Dated this 20th day of September 2012

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