**Australian Securities and Investments Commission**

**Corporations Act 2001—Paragraph 1020F(1)(c)—Declaration**

**Enabling legislation**

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

**Title**

2. This instrument is ASIC Class Order [CO 13/797].

**Commencement**

3. This instrument commences on the later of:

(a) the date it is registered under the *Legislative Instruments Act 2003*; and

(b) 1 July 2013.

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/>.

**Declaration**

4. Part 7.9 of the Act applies in relation to a trustee of a superannuation entity, an operator of an IDPS and a responsible entity of an IDPS-like scheme as if that Part were modified or varied by, after subsection 1015C(3) of the Act, inserting:

“(3A) Despite subsection (3), a Statement for accessible financial products may be given or sent to a person’s agent who is acting in the capacity of a financial services licensee or an authorised representative of a financial services licensee if:

1. the Statement is given or sent by:
2. the trustee of a superannuation entity for the purpose of complying with section 1012IA, paragraph 1013FB(4)(b) or section 1017CA; or
3. an operator of an IDPS for the purpose of complying with subsection 912AD(26); or
4. the responsible entity of an IDPS-like scheme for the purpose of complying with subsection 1013DAB(8); and

Note: Sections 1013FB and 1017CA were notionally inserted by ASIC Class Order [CO 06/636]. Subsection 912AD(26) was notionally inserted by ASIC Class Order [CO 13/763]. Subsection 1013DAB(8) was notionally inserted by ASIC Class Order [CO 13/762].

(b) the trustee, operator or responsible entity has received evidence of a written agreement between the agent and the person that appoints the agent as the person’s agent.

(3B) A financial services licensee or authorised representative who receives a Statement as a person’s agent must promptly give or send the Statement to the person.

(3C) In this section:

***accessible financial product*** means a financial product that may be held through an IDPS, an IDPS-like scheme or a superannuation entity.

***IDPS*** has the same meaning as in ASIC Class Order [CO 13/763].

***IDPS-like scheme*** has the same meaning as in ASIC Class Order [CO 13/762].

***operator*** has the same meaning as in ASIC Class Order [CO 13/763].”.

**Interpretation**

5. In this instrument:

 ***IDPS*** has the same meaning as in ASIC Class Order [CO 13/763].

***IDPS-like scheme*** has the same meaning as in ASIC Class Order [CO 13/762].

***operator*** has the same meaning as in ASIC Class Order [CO 13/763].

 ***superannuation entity*** has the same meaning as in section 761A of the Act.

Dated this 28th day of June 2013

Signed by Stephen Yen PSM

as a delegate of the Australian Securities and Investments Commission