



ASIC

Australian Securities & Investments Commission

ASIC Corporations (Amendment) Instrument 2016/1212

I, Stephen Yen PSM, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date: 15 December 2016

Stephen Yen

Contents

Part 1—Preliminary	3
1 Name of legislative instrument	3
2 Commencement	3
3 Authority	3
4 Schedules	3
Schedule 1—Amendments	4
ASIC Class Order [CO 13/1621]	4

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2016/1212*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under paragraphs 1020F(1)(a) and (c) of the *Corporations Act 2001*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

ASIC Class Order [CO 13/1621]

1 Subparagraph 5(b)

Omit all the words from and including “confirmation” to and including “made”, substitute:

confirmation:

- (i) has been prepared by the responsible entity; and
- (ii) was not defective as at the time when the application was made

2 Paragraph 7 (after notional subsection 1016(2B) of the *Corporations Act 2001*)

Insert:

(2C) Subsection (2A) applies in relation to a Product Disclosure Statement that has been supplemented by one or more Supplementary Product Disclosure Statements as if:

- (a) a reference to a Product Disclosure Statement were a reference to a Product Disclosure Statement and each Supplementary Product Disclosure Statement which supplements it; and
- (b) a reference to the date of a Product Disclosure Statement were a reference to the date of the most recent Supplementary Product Disclosure Statement that supplements it.

3 Paragraph 8 (definitions of *ASX Settlement Operating Rules* and *ASX Operating Rules*)

Omit “20 December 2013”, substitute “15 December 2016”.

4 Paragraph 8 (definition of *ASX Operating Rules*)

Relocate the definition to its appropriate alphabetical position, determined on a letter-by-letter basis.

5 After paragraph 8

Insert:

- 9. Paragraphs 5 and 6 (other than sub-subparagraph 5(b)(ii)) apply in relation to a Product Disclosure Statement that has been supplemented by one or more Supplementary Product Disclosure Statements as if:

- (a) a reference to a Product Disclosure Statement were a reference to a Product Disclosure Statement and each Supplementary Product Disclosure Statement which supplements it; and
- (b) a reference to the date of a Product Disclosure Statement were a reference to the date of the most recent Supplementary Product Disclosure Statement that supplements it.

Note: In determining whether a Product Disclosure Statement is defective for the purposes of sub-subparagraph 5(b)(ii), information in a Supplementary Product Disclosure Statement that supplements the Product Disclosure Statement is taken to be contained in the Product Disclosure Statement: see the definition of defective in subsection 1016A(1) of the Act.