**EXPLANATORY STATEMENT for   
*ASIC Corporations (Repeal) Instrument 2018/193***

Prepared by the Australian Securities and Investments Commission

*Corporations Act 2001*

The Australian Securities and Investments Commission (ASIC) makes *ASIC Corporations (Repeal) Instrument 2018/193* (the *Instrument*) under paragraphs 601QA(1)(a), 911A(2)(l), 1020F(1)(a) and 1020F(1)(c) of the *Corporations Act 2001*.

Paragraph 601QA(1)(a) provides that ASIC may exempt a person from a provision of Chapter 5C of the Act.

Paragraph 911A(2)(l) provides that ASIC may exempt a person from the requirement to hold an Australian financial services licence for a financial service they provide. This is done by granting an exemption in writing and publishing it in the *Gazette.*

Paragraph 1020F(1)(a) provides that ASIC may exempt a person from a provision of Part 7.9 of the Act.

Paragraph 1020F(1)(c) provides that ASIC may declare that Part 7.9 of the Act applies in relation to a person or a financial product as if specified provisions were omitted, modified or varied as specified in the declaration.

The *Instrument* repeals one class order. Under subsection 33(3) of the *Acts Interpretation Act 1901* (as in force as at 1 January 2005 and as applicable to the relevant powers because of section 5C of the *Act*), where an Act confers a power to make, grant or issue any instrument (including rules, regulations or by-laws), the power shall be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to repeal, rescind, revoke, amend, or vary any such instrument.

1. **Background**

Under the Legislation Act 2003, legislative instruments cease automatically, or ʻsunsetʼ, after 10 years, unless action is taken to exempt or preserve them. To preserve its effect, a legislative instrument must be remade before the sunset date. The purpose of sunsetting is to ensure that instruments are kept up to date and only remain in force while they are fit for purpose, necessary and relevant.

*ASIC Class Order [CO 07/753]* *Singaporean collective investment schemes* (*[CO 07/753]*) provides relief for Singaporean collective investment schemes from the requirement to register as a managed investment scheme, obtain an Australian financial services licence or comply with financial product disclosure requirements.

*[CO 07/753]* is to sunset on 1 April 2018.

After reviewing the operation of *[CO 07/753]*, ASIC has determined that it is not operating effectively or efficiently and is not being relied on by any entity.

1. **Purpose of the instrument**

The purpose of the Instrument is to repeal *[CO 07/753]* as it is no longer operating effectively or efficiently.

1. **Operation of the instrument**

Paragraph 1 of Schedule 1 of the Instrument repeals *[CO 07/753]*.

1. **Consultation**

ASIC consulted with the Monetary Authority of Singapore and received no adverse comments.

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

***ASIC Corporations (Repeal) Instrument 2018/193***

*ASIC Corporations (Repeal) Instrument 2018/193* is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview**

Under the Legislation Act 2003, [CO 07/753] will expire, or sunset, on 1 April 2018.

This instrument repeals *[CO 07/753]*.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Australian Securities and Investments Commission**