



ASIC
Australian Securities &
Investments Commission

ASIC Corporations, Credit and Superannuation (Amendment and Repeal) Instrument 2023/699

I, Amanda Zeller, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 22 September 2023

Amanda Zeller

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations, Credit and Superannuation (Amendment and Repeal) Instrument 2023/699*.

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:

- (a) subsections 601QA(1), 655A(1), 669(1), 673(1), 741(1), 926A(2), 951B(1), 992B(1) and 1020F(1) of the *Corporations Act 2001*; and
- (b) paragraph 163(3)(d) of the *National Consumer Credit Protection Act 2009 (Credit Act)* and subsection 203A(3) of the National Credit Code; and

Note: The National Credit Code is found in Schedule 1 to the Credit Act.

- (c) section 335 of the *Superannuation Industry (Supervision) Act 1993*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Repeal of amending and repealing instruments

- (1) The repeal of an instrument by section 4 does not affect any amendment to or repeal of another instrument (however described) made by the instrument.
- (2) Subsection (1) does not limit the effect of section 7 of the *Acts Interpretation Act 1901* as it applies to the repeal of an instrument by section 4 of this instrument.

Schedule 1—Amendments

ASIC Corporations (Managed Discretionary Account Services) Instrument 2016/968

1 Section 15 (notional subsection 912AEA(2), note)

Omit “ASIC Class Order [CO 14/1252]”, substitute “*ASIC Corporations (Disclosure of Fees and Costs) Instrument 2019/1070*”.

2 Section 15 (notional subsection 912AEA(3), note)

Omit “ASIC Class Order [CO 14/1252]”, substitute “*ASIC Corporations (Disclosure of Fees and Costs) Instrument 2019/1070*”.

ASIC Corporations (Relevant interests, ASIC and ASIC Chairperson) Instrument 2023/194

3 Subsection 5(1)

Repeal the subsection (including the note), substitute:

- (1) Chapters 6 and 6C of the Act applies to all persons as if section 609 of the Act were modified or varied by, after subsection (9C), inserting:

“ASIC

(9D) Subject to subsection (9E), ASIC does not have a relevant interest in securities.

(9E) ASIC may have a relevant interest in securities if:

- (a) the securities are vested in, or held by, ASIC for and on behalf of the Commonwealth; or
- (b) the securities are vested in, or held by, the Commonwealth on trust.

(9F) To avoid doubt, the Chairperson of ASIC does not have a relevant interest in securities merely because ASIC has a relevant interest in securities and the Chairperson holds that office.”.

Schedule 2—Repeals

ASIC Class Order [CO 13/519]

1 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/520]

2 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/521]

3 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/522]

4 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/524]

5 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/525]

6 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/526]

7 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/528]

8 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 13/898]

9 The whole of the instrument

Repeal the instrument.

ASIC Class Order [CO 14/1252]

10 The whole of the instrument

Repeal the instrument.

ASIC Credit (Repeal) Instrument 2016/1087

11 The whole of the instrument

Repeal the instrument.

ASIC Superannuation (RSE Websites) Instrument 2017/570

12 The whole of the instrument

Repeal the instrument.

ASIC Corporations (Repeal and Transitional—Relief for Providers of Retirement Estimates) Instrument 2022/204

13 The whole of the instrument

Repeal the instrument.