

**Australian Securities and Investments Commission**  
**Corporations Act 2001 – Subsections 741(1) and 1020F(1) – Variation**

**Enabling provisions**

1. The Australian Securities and Investments Commission makes this instrument under subsections 741(1) and 1020F(1) of the *Corporations Act 2001*.

**Title**

2. This instrument is ASIC Class Order [CO 10/789].

**Commencement**

3. This instrument commences on the day it is registered under the *Legislative Instruments Act 2003*.

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*, s 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

**Variation**

4. ASIC Class Order [CO 09/425] is varied by, in the definition of *custodian* in paragraph 14:
  - (a) in subparagraph (b)(i), after “*Corporations Regulations 2001*”, inserting “(the *Regulations*)”;
  - (b) after subparagraph (b)(i) inserting:

“(ia) paragraph 7.6.01(1)(na) of the Regulations; or”;

and
  - (c) after subparagraph (b)(ii) inserting:

“(ia) ASIC Class Orders [CO 03/1099], [CO 03/1100], [CO 03/1101], [CO 03/1102], [CO 04/829] or [CO 04/1313]; or

(iib) an individual instrument of relief granted by ASIC to the person in terms similar to one of the class orders referred to in subparagraph (ia); or”.

Dated this 7th day of September 2010

Signed by Andrew Fawcett  
as a delegate of the Australian Securities and Investments Commission