

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 911A(2)(l) — Variation**

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraph 911A(2)(l) of the *Corporations Act 2001*.

Title

2. This instrument is ASIC Class Order [CO 12/572].

Commencement

3. This instrument commences on the later of:
 - (a) the date it is registered under the *Legislative Instruments Act 2003*; and
 - (b) the date of its gazettal.

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/>.

Variations

ASIC Class Order [CO 03/1099]

4. ASIC Class Order [CO 03/1099] is varied as follows:
 - (a) in Schedule A omit subparagraph (b)(ii), substitute:
 - “(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;
 - (b) in Schedule C, in paragraph 2:
 - (i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;
 - (ii) after sub-subparagraph (a)(iii) insert:
 - “(iv) each significant investigation, enforcement or disciplinary action taken by the FSA or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”

- (iii) omit subparagraph (aa);
- (iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;
- (v) after subparagraph (b) insert:
 - “(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—comply with the notice.”.

ASIC Class Order [CO 03/1100]

5. ASIC Class Order [CO 03/1100] is varied as follows:

- (a) in Schedule A omit subparagraph (b)(ii), substitute:
 - “(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;
- (b) in Schedule C, in paragraph 2:
 - (i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;
 - (ii) after sub-subparagraph (a)(iii) insert:
 - “(iv) each significant investigation, enforcement or disciplinary action taken by the SEC or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”
 - (iii) omit subparagraph (aa);
 - (iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;
 - (v) after subparagraph (b) insert:
 - “(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—comply with the notice.”.

ASIC Class Order [CO 03/1101]

6. ASIC Class Order [CO 03/1101] is varied as follows:

(a) in Schedule A omit subparagraph (b)(ii), substitute:

“(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;

(b) in Schedule C, in paragraph 2:

(i) omit subparagraph (a), substitute:

(a) notify ASIC, as soon as practicable and in any event within 15 business days after the body became aware or should reasonably have become aware, and in such form if any as ASIC may from time to time specify in writing, of the details of:

(i) each significant particular exemption or other relief which the body obtains from the US regulatory requirements relevant to the financial services the body provides or intends to provide in this jurisdiction; and

(ii) each significant investigation, enforcement or disciplinary action taken by the Federal Reserve, the OCC or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”

(ii) omit subparagraph (aa);

(iii) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;

(iv) after subparagraph (b) insert:

“(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—comply with the notice.”.

ASIC Class Order [CO 03/1102]

7. ASIC Class Order [CO 03/1102] is varied as follows:

(a) in Schedule A omit subparagraph (b)(ii), substitute:

“(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;

(b) in Schedule C, in paragraph 2:

(i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;

(ii) after sub-subparagraph (a)(iii) insert:

“(iv) each significant investigation, enforcement or disciplinary action taken by MAS or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”

(iii) omit subparagraph (aa);

(iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;

(v) after subparagraph (b) insert:

“(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—comply with the notice.”.

ASIC Class Order [CO 03/1103]

8. ASIC Class Order [CO 03/1103] is varied as follows:

(a) in Schedule A omit subparagraph (b)(ii), substitute:

“(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;

(b) in Schedule C, in paragraph 2:

(i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;

(ii) after sub-subparagraph (a)(iii) insert:

“(iv) each significant investigation, enforcement or disciplinary action taken by the SFC or other overseas

regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”

- (iii) omit subparagraph (aa);
- (iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;
- (v) after subparagraph (b) insert:
 - “(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—comply with the notice.”.

ASIC Class Order [CO 04/829]

9. ASIC Class Order [CO 04/829] is varied as follows:

- (a) in Schedule A omit subparagraph (c)(ii), substitute:
 - “(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;
- (b) in Schedule C, in paragraph 2:
 - (i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;
 - (ii) after sub-subparagraph (a)(iii) insert:
 - “(iv) each significant investigation, enforcement or disciplinary action taken by the CFTC or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”
 - (iii) omit subparagraph (aa);
 - (iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;
 - (v) after subparagraph (b) insert:
 - “(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any

financial service provided by the body in this jurisdiction—
comply with the notice.”.

ASIC Class Order [CO 04/1313]

9. ASIC Class Order [CO 04/1313] is varied as follows:

(a) in Schedule A omit subparagraph (c)(ii), substitute:

“(ii) has an Agent at the time the body first purports to rely on this instrument and, from that time, has not failed to have an Agent for any consecutive period of 10 business days;”;

(b) in Schedule C, in paragraph 2:

(i) in subparagraph (a) after “as soon as practicable” insert “and in any event within 15 business days after the body became aware or should reasonably have become aware,”;

(ii) after sub-subparagraph (a)(iii) insert:

“(iv) each significant investigation, enforcement or disciplinary action taken by BaFin or other overseas regulatory authority against the body in a foreign jurisdiction in relation to financial services provided in the foreign jurisdiction; and;”

(iii) omit subparagraph (aa);

(iv) in sub-subparagraph (b)(ii) omit “laws.”, substitute “laws; and”;

(v) after subparagraph (b) insert:

“(c) if ASIC gives the body a written notice directing the body to lodge with ASIC, within the time specified in the notice, a written statement containing specified information about any financial service provided by the body in this jurisdiction—
comply with the notice.”.

Dated this 28th day of June 2012

Signed by Stephen Yen PSM
as a delegate of the Australian Securities and Investments Commission