

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraphs 601QA(1)(a), 741(1)(a), 741(1)(b),
911A(2)(l), 1020F(1)(a) and 1020F(1)(c) — 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 12/573].

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 04/526]

4. ASIC Class Order [CO 04/526] is varied as follows:
 - (a) after subparagraph 6(f) insert:

“(fa) If ASIC gives the exempt operator a written notice directing the operator to lodge with ASIC, within the time specified in the notice, a written statement containing specified information relating to the provision of financial services in relation to the exempt FCIS or the operation of the exempt FCIS in this jurisdiction, the operator must comply with the notice.”
 - (b) in Schedule C:
 - (i) after “as soon as practicable” insert “and in any event within 15 business days after the operator became aware or should reasonably have become aware,”;
 - (ii) omit paragraph C2;
 - (iii) omit paragraph C4, substitute:

“C4. each significant investigation, enforcement or disciplinary action taken by the home regulator or other overseas regulatory authority against the exempt operator in a foreign jurisdiction relating to the provision of financial services in the foreign jurisdiction.”.

ASIC Class Order [CO 07/753]

5. ASIC Class Order [CO 07/753] is varied as follows:

(a) after subparagraph 11(i) insert:

“(ia) If ASIC gives the exempt operator a written notice directing the operator to lodge with ASIC, within the time specified in the notice, a written statement containing specified information relating to the provision of financial services in relation to the exempt FCIS or the operation of the exempt FCIS in this jurisdiction, the operator must comply with the notice.”.

(b) in Schedule B:

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

(ii) omit paragraph B2;

(iii) omit paragraph B4, substitute:

“B4. each significant investigation, enforcement or disciplinary action taken by MAS or other overseas regulatory authority against the exempt operator in a foreign jurisdiction relating to the provision of financial services in the foreign jurisdiction.”.

ASIC Class Order [CO 08/506]

6. ASIC Class Order [CO 08/506] is varied as follows:

(a) after subparagraph 21(g) insert:

“(ga) if ASIC gives the exempt manager or eligible MFC (as applicable) a written notice directing the person to lodge with ASIC, within the time specified in the notice, a written statement containing specified information relating to the provision of financial services in relation to the eligible FCIS or eligible MFC or the operation of the eligible FCIS or eligible MFC in this jurisdiction, the person must comply with the notice.”.

(b) in Schedule C:

- (i) after “as soon as practicable” insert “and in any event within 15 business days after the company became aware or should reasonably have become aware,”;
- (ii) omit paragraph C2;
- (iii) omit paragraph C4, substitute:
 - “C4. each significant investigation, enforcement or disciplinary action taken by the SFC or other overseas regulatory authority against the following persons in a foreign jurisdiction in relation to the provision of financial services in the foreign jurisdiction:
 - (a) the foreign company; and
 - (b) where the foreign company is an exempt manager in relation to an eligible FCIS—the trustee of the eligible FCIS.”.

Dated this 28th day of June 2012

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