**Australian Securities and Investments Commission
Corporations Act 2001 — Subsections 655A(1), 673(1), 741(1) and 1020F(1) — Amendment**

**Enabling legislation**

1. The Australian Securities and Investments Commission makes this instrument under subsections 655A(1), 673(1), 741(1) and 1020F(1) of the *Corporations Act 2001* (***Act***).

**Title**

2. This instrument is ASIC Class Order [CO 13/854].

**Commencement**

3. This instrument commences on the date 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,* section 4 (definition of ***register***). The FRLI may be accessed at <http://www.frli.gov.au/>.

**Amendments**

4. ASIC Class Order [CO 04/523] is amended by:

(a) omitting “after subsection 609(10)” and substituting “after subsection 609(16) (as notionally inserted by ASIC Class Order [CO 12/1209])”; and

(b) in notional subsections 609(11) to (13) of the Act:

1. renumbering notional subsection (11) as notional subsection (17A) and inserting, as a heading to the subsection, “*IDPS operators*”; and
2. renumbering notional subsection (12) as notional subsection (17B) and in the subsection:

(A) omitting “Subsection (11)” and substituting “If ASIC Class Order [CO 02/294] (***old*** ***IDPS Class Order***) applies to the operator of an IDPS due to the operation of ASIC Class Order [CO 13/763], subsection (17A)”; and

(B) omitting “of an IDPS”; and

(C) omitting “unable to the rely” and substituting “unable to rely”; and

(D) before “IDPS Class Order” (wherever occurring), inserting “old”; and

(E) omitting “paragraph (11)(b)” and substituting “paragraph (17A)(b)”; and

1. omitting notional subsection (13) and substituting:

“(17C) Subsection (17A) does not apply to a person if ASIC has given a notice in writing to the person stating that subsection (17A) does not apply to the person and has not withdrawn that notice.

(17D) In subsections (17A) to (17C), ***IDPS*** and ***operator*** have the same meaning as in subsection 912AD(42).

Note: Notional subsection 912AD(42) is inserted by ASIC Class Order [CO 13/763].”; and

(c) after the heading “**Interpretation**”, omitting “subsection 609(13)” and substituting “subsection 609(17D).”.

2. ASIC Class Order [CO 00/455] is amended by:

(a) omitting “after subsection 609(9)” and substituting “after subsection 609(16) (as notionally inserted by ASIC Class Order [CO 12/1209])”; and

(b) in notional subsections 609(9A) to (9C) of the Act:

1. omitting notional subsection (9A) and substituting:

“*Collective action by institutions*

(18A) In this subsection and in subsections (18B) and (18C):

 ***institution*** means a body corporate whose primary functions are to:

(a) pool the funds of persons to whom the body corporate owes a fiduciary duty, or a contractual duty under a life insurance policy; and

(b) invest the funds of any of the following:

(i) a registered scheme;

(ii) a regulated superannuation fund, an approved deposit fund, a pooled superannuation trust or a public sector superannuation scheme within the meaning of the *Superannuation Industry (Supervision) Act 1993*;

(iii) a statutory fund of a registered life insurance company within the meaning of the *Life Insurance Act 1995*.

***subject company*** means where a voting agreement is entered into, the company whose meeting is the subject of the voting agreement.

***voting agreement*** means an agreement between two or more institutions relating to voting in a particular way, on a particular issue, or abstaining from voting, at a specified or a proposed meeting of a company in relation to which the institutions have voting power.”; and

1. renumbering notional subsection (9B) as notional subsection (18B); and
2. renumbering notional subsection (9C) as notional subsection (18C); and

(c) omitting notional subsection 671B(8) of the Act and substituting:

“*Collective action by institutions*

(8) For the purposes of this section, and of the definition of ***substantial holding*** in section 9, disregard any relevant interests or voting power in securities which is disregarded for the purposes of Chapter 6 because of subsections 609(18A) to (18C)”; and

(d) omitting notional subsection 671B(9) of the Act and substituting:

“(9) In this subsection and in subsections (10) to (16):

***institution***, ***subject company*** and ***voting agreement*** have the meanings given in subsection 609(18A).

***meeting*** means the meeting of a subject company.

***relevant event*** means either:

1. entering into a voting agreement; or
2. a party to a voting agreement becoming aware of a change in relevant interests referred to in subsection (11) or (12).”; and

(e) after the heading “**Interpretation**”:

1. omitting ““institution”” and substituting “***institution***”; and
2. omitting ““voting agreement”” and substituting “***voting agreement***”; and
3. omitting ““this jurisdiction”” (wherever occurring) and substituting “***this jurisdiction***”.

3. ASIC Class Order [CO 12/1209] is amended by:

(a) in paragraph 4, inserting as a heading to notional subsection 609(14) of the Act, “*ASIC*”; and

(b) in the note after paragraph 4, omitting “[CO 03/634]” and substituting “[CO 13/520]”.

4. ASIC Class Order [CO 09/425] is amended by, in subparagraph 14(a), omitting subparagraph (a)(ii) of the definition of ***custodian*** and substituting:

“(ii) covers the operation of an IDPS (as defined in ASIC Class Order [CO 13/763]); or”.

5. ASIC Class Order [CO 11/272] is amended by:

1. in subparagraph 6(a), in notional subsection 671B(3A) of the Act:

(i) omitting “**Information that need not be given.**”; and

(ii) inserting, as a heading to the subsection, “*Information that need not be given*”; and

1. in subparagraph 6(b), in notional subsection 671B(4A) of the Act:
2. omitting “**Information that need not be accompanied by certain securities lending agreements.**”; and

(ii) inserting, as a heading to the subsection, “*Information that need not be accompanied by certain securities lending agreements*”.

Dated this 26th day of September 2013

Signed by Stephen Yen PSM

as a delegate of the Australian Securities and Investments Commission