

ASIC CLASS ORDER [CO 14/1217]

EXPLANATORY STATEMENT

Prepared by the Australian Securities and Investments Commission

Corporations Act 2001

The Australian Securities and Investments Commission (*ASIC*) makes ASIC Class Order [CO 14/1217] under subsection 1020F(1) of the *Corporations Act 2001* (the Act).

Subsection 1020F(1) of the Act provides that ASIC may exempt a person or class of persons from all or specified provisions of Part 7.9 of the Act.

1. Background

A trustee of a superannuation fund must provide, generally every twelve months, a periodic statement to a member of the fund to help the member understand their investment in the fund.

The *Superannuation Legislation Amendment (MySuper Measures) Regulation 2013* introduced paragraph 7.9.20(1)(o) of the *Corporations Regulations 2001* which requires that superannuation product dashboards must be included as part of a periodic statement if the trustee is required to make publicly available a product dashboard for the investment option under section 1017BA of the Act.

The Second Exemption set out in ASIC Class Order [CO 13/1534] provides interim relief from paragraph 7.9.20(1)(o) so that it applies only to those periodic statements with a reporting period ending before 1 January 2015.

A condition of the interim relief is that the trustee must include a website address for the latest product dashboard either in, or in a document accompanying, the periodic statement. This also applies to periodic statements for members who are exiting the fund.

Purpose of the class order

The purpose of this class order is to extend the Second Exemption in CO 13/1534 for a further six months so that it now applies to periodic statements for reporting periods ending before 1 July 2015.

2. Operation of the class order

This class order operates to extend the relief given from the requirement that periodic statements include, or are accompanied by, a product dashboard so that it applies to periodic statements with reporting periods that end before 1 July 2015.

3. Consultation

ASIC did not undertake a formal consultation process with respect to extending the operation of the Second Exemption of [CO 13/1534] as it is a technical modification to extend the duration of the interim relief. The purpose of extending the interim relief is to enable further consideration as to how best to clarify obligations relating to product dashboards. To this end, we consulted with the Australian Government - The Treasury and with relevant industry bodies, who had no objection to the extension.

Statement of Compatibility with Human Rights

Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011

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This class order is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

Overview of the class order

The *Superannuation Legislation Amendment (MySuper Measures) Regulation 2013* introduced paragraph 7.9.20(1)(o) of the *Corporations Regulations 2001*. This requires that superannuation product dashboards must be included as part of a periodic statement provided to members if the trustee is required to make publicly available a product dashboard for the investment option under section 1017BA of the *Corporations Act 2001*.

ASIC Class Order [CO 13/1534] provides interim relief from the requirement in subregulation 7.9.20(1)(o) if a trustee includes in the periodic statement a website address for the latest product dashboard for the investment option. The interim relief applies to periodic statements for reporting periods ending before 1 January 2015.

The purpose of this class order is to extend the Second Exemption in [CO 13/1534] for a further six months so that it now applies to periodic statements for reporting periods ending before 1 July 2015.

Human rights implications

This class order does not engage any of the applicable rights or freedoms.

Conclusion

This class order is compatible with human rights as it does not raise any human rights issues.