



ASIC

Australian Securities & Investments Commission

ASIC Corporations (Amendment and Repeal) Instrument 2017/848

I, Anthony Graham, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 21 September 2017

Anthony Graham

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment and Repeal) Instrument 2017/848*.

2 Commencement

This instrument commences on the later of:

- (a) the date of its gazettal; and
- (b) the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under paragraphs 911A(2)(l) and 926A(2)(c) of the *Corporations Act 2001*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned.

Schedule 1—Amendments

ASIC Class Order [CO 13/760]

1 Paragraph 4 (after notional subsection 912AA(2))

Insert:

“(2A) This section applies to a financial services licensee (*manager*) that is covered by subsection (1) and holds an Australian financial services licence that:

- (a) authorises the manager to provide wholesale equity financial services (within the meaning of the *ASIC Corporations (Wholesale Equity Scheme Trustees) Instrument 2017/849 (ASIC Instrument)*); and
- (b) contains conditions to the effect of the conditions referred to in subparagraph 6(a)(ii) of the *ASIC Instrument*);

as if the assets, liabilities, cash inflows and cash outflows of any eligible trustee were included in the assets, liabilities, cash inflows and cash outflows of the manager.

(2B) In subsection (2A), *eligible trustee* means a person who is both:

- (a) an eligible trustee of a wholesale equity scheme (within the meaning of the *ASIC Instrument*);
- (b) a related body corporate of the manager.”.

ASIC Class Order [CO 13/761]

2 Paragraph 4 (after notional subsection 912AC(2))

Insert:

“(2A) This section applies to a financial services licensee (*manager*) that is covered by subsection (1) and holds an Australian financial services licence that:

- (a) authorises the manager to provide wholesale equity financial services (within the meaning of the *ASIC Corporations (Wholesale Equity Scheme Trustees) Instrument 2017/849 (ASIC Instrument)*); and

- (b) contains conditions to the effect of the conditions referred to in subparagraph 6(a)(ii) of the ASIC Instrument;

as if the assets, liabilities, cash inflows and cash outflows of any eligible trustee were included in the assets, liabilities, cash inflows and cash outflows of the manager.

- (2B) In subsection (2A), *eligible trustee* means a person who is both:
 - (a) an eligible trustee of a wholesale equity scheme (within the meaning of the ASIC Instrument);
 - (b) a related body corporate of the manager.”.

Schedule 2—Repeal

ASIC Class Order [CO 07/74]

1 The whole of the instrument

Repeal the instrument.