



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (Confirming Transactions— Deceased Life Insurance Policyholder) Instrument 2023/437**

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I, Rhys Bollen, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 6 June 2023

Rhys Bollen

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## Part 1—Preliminary

### 1 Name of legislative instrument

This is the *ASIC Corporations (Confirming Transactions—Deceased Life Insurance Policyholder) Instrument 2023/437*.

### 2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### 3 Authority

This instrument is made under paragraph 1020F(1)(c) of the *Corporations Act 2001*.

### 4 Definitions

In this instrument:

*Act* means the *Corporations Act 2001*.

*holder* has the same meaning as in paragraph 1017F(1)(a) of the Act.

*life company* has the meaning given by section 8 of the *Life Insurance Act 1995*.

*relevant life policy* means a life policy in relation to which all of the following are satisfied:

- (a) the person to whom the policy was issued (***initial owner of the policy***) is the same person as the life insured under the policy;
- (b) the initial owner of the policy has deceased;
- (c) when the initial owner deceased, they did not hold the policy jointly with any other person;
- (d) the rights of the initial owner have not been assigned under the *Life Insurance Act 1995* or transferred by the operation of the policy;
- (e) on the death of the initial owner, the issuer of the policy has the obligation to pay a sum of money under the policy to a person (***third party payee***) other than the initial owner or their estate.

Note: The third party payee could include a third party beneficiary for the purposes of subsection 48A(1) of the *Insurance Contracts Act 1984*, or a person to whom the

sum of money is required to be paid in accordance with section 211 or section 212 of the *Life Insurance Act 1995*.

## Part 2—Declaration

### 5 Confirmation of transactions to a third person in circumstances where the holder of the financial product is deceased

(1) Part 7.9 of the Act applies in relation to a financial product that is a relevant life policy as if section 1017F were modified or varied as follows:

(a) in subparagraph (1)(b)(ii):

(i) after “transaction” (first occurring), insert “(other than a transaction referred to in subparagraph (iia))”; and

(ii) omit “; and”, substitute “; or”;

(b) after subparagraph (1)(b)(ii), insert:

“(iia) for a product that is a life policy—a transaction by which the issuer of the product pays a sum of money under the product to a person (*third party payee*) who is not the holder of the product; and

Note: Subparagraphs (b)(i) and (ii) may also apply in relation to a product that is a life policy.”;

(c) in subsection (1)(d), before “the holder”, insert “in the case of a transaction referred to in subparagraph (b)(i) or (ii)—”;

(d) after subsection (1)(d), insert:

“(da) in the case of a transaction referred to in subparagraph (b)(iia)—the third party payee has not waived their right to be provided with confirmation of the transaction”;

(e) in subsection (2), after “the holder”, insert “(or, in the case of a transaction specified in column 2 of item 4A, the third party payee)”;

(f) after item 4 of the table in subsection (2), insert:

“4A	transaction by which the issuer pays a sum of money under the product to a third party payee	the issuer of the product”;
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(g) in subsections (5), (5A) and (7), after “holder” (wherever occurring), insert “or third party payee”;

(h) after paragraph (8)(a), insert:

“(aa) in the case of a transaction referred to in subparagraph (b)(iia), identify the third party payee;”;

- (i) in subparagraph (8)(c)(iii), after “holder”, insert “or the third party payee”.
- (2) Part 7.9 of the Act applies in relation to a financial product that is a relevant life policy as if subregulation 7.9.63G(2) of the *Corporations Regulations 2001* were modified or varied by, after “holder”, inserting “or third party payee”.

## **Part 3—Repeal**

### **6 Repeal**

This instrument is repealed at the start of 1 July 2028.