

ASIC Class Order [CO 09/465]

Variation of Class Orders [CO 04/671] and [CO 05/26]

Issued 15/6/2009

Registered on Federal Register of Legislative Instruments 18/6/2009

Effective 18/6/2009 (date of registration)

Related documents: [AD 09/110], [CO 09/425], [RG 125] and [REP 159]

Class Order [CO 09/465] varies other ASIC relief instruments (such as Class Order [CO 05/26] and Class Order [CO 04/671]) to reflect our updated relief for share and interest purchase plans as contained in Class Order [CO 09/425] Share and interest purchase plans.

[CO 09/465] amends Class Order [CO 04/671] Disclosure for on-sale of securities and other financial products so that on-sale relief is available where shares or interests are issued without disclosure and in reliance on CO 09/425.

[CO 09/465] amends Class Order [CO 05/26] Constitutional provisions about the consideration to acquire interests so that responsible entities of managed investment schemes may set the price of interests to be issued under interest purchase plans on certain conditions.

This instrument has effect under s601QA(1), s741(1) and 1020F(1) of the *Corporations Act 2001*.

Prepared by the Australian Securities and Investments Commission.

Australian Securities and Investments Commission Corporations Act 2001 – Subsections 601QA(1), 741(1) and 1020F(1) – Variation

Enabling provisions

1. The Australian Securities and Investments Commission makes this instrument under subsections 601QA(1), 741(1) and 1020F(1) of the *Corporations Act 2001*.

Title

2. This instrument is ASIC Class Order [CO 09/465].

Commencement

3. This instrument commences:

- (a) on the date it is registered under the *Legislative Instruments Act 2003*; or
- (b) immediately after the commencement of ASIC Class Order [CO 09/425],

whichever is later.

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*, s 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

Variation

ASIC Class Order [CO 04/671]

- 4. ASIC Class Order [CO 04/671] is varied by, in Schedule D, in paragraph (1) of “**Category 2: Share purchase plans and interest purchase plans**” omitting “[CO 02/831] or [CO 02/832]; or” and substituting “[CO 02/831], [CO 02/832] or [CO 09/425]; or”.

ASIC Class Order [CO 05/26]

- 5. ASIC Class Order [CO 05/26] is varied, in subparagraph 4(b), as follows:
 - (a) omit subsection 601GAA(4) (including the heading to that subsection), substitute:

“Interest purchase plans

(4) The responsible entity may set the issue price of interests issued in accordance with ASIC Class Order [CO 09/425].”;
 - (b) in subsection 601GAA(9) omit “Subsections (2) to (5)”, substitute “Subsections (2), (3), (5)”;
 - (c) in paragraph 601GAA(9)(a) omit “(4)(a), (4)(d),”;
 - (d) in paragraph 601GAA(9)(aa) omit “market; and”, substitute “market.”;
 - (e) omit paragraph 601GAA(9)(b);
 - (f) omit subsection 601GAA(10) (not including the heading to that subsection); and
 - (g) in subsection 601GAA(12) omit “subsection (4) or (5)”, substitute “subsection (5)”.

Dated this 15th day of June 2009

Signed by John Price
as a delegate of the Australian Securities and Investments
Commission