



ASIC

Australian Securities & Investments Commission

[CO 02/316]

CHESSE Depository Nominees Pty Ltd — FDIs

Issued 9/3/2002

Class Order [CO 02/316] gives relief from provisions in Chapter 6D and Part 7.9 of the Corporations Act in relation to the issue of Foreign Depository Interests (FDIs) by CHESSE Depository Nominees Pty Ltd (CDN). FDIs enable the beneficial ownership by Australians, of certain foreign financial products that are not quoted on an Australian market, to be recorded electronically in the Clearing House Electronic Subregister System (CHESSE) operated by ASX Settlement & Transfer Corporation Pty Ltd (ASTC). This class order revokes instruments [01/84] and [01/1165].

This class order comes into effect on 11 March 2002 upon commencement of Schedule 1 to the Financial Services Reform Act 2001: see s4(2A)(c) of the Acts Interpretation Act 1901.

Australian Securities and Investments Commission
Corporations Act 2001 — Subsections 741(1) and 1020F(1) —
Revocation and Exemption

- 1 Under subsection 741(1) of the *Corporations Act 2001* (the “Act”) the Australian Securities and Investments Commission (“ASIC”) hereby revokes Instruments [01/0084] and [01/1165].
- 2 Under subsections 741(1) and 1020F(1) of the Act ASIC hereby exempts CHESSE Depository Nominees Pty Ltd (“CDN”) from Parts 6D.2 and 6D.3 (other than section 736) and section 1017F of the Act in the case specified in Schedule A.
- 3 Under subsection 1020F(1) of the Act ASIC hereby exempts CDN from Part 7.9 of the Act in the case specified in Schedule B.

SCHEDULE A

An offer for the issue of Foreign Depositary Interests (“FDI’s”) in relation to Participating Foreign Securities that are securities, made by CDN in accordance with the ASTC operating rules.

SCHEDULE B

An offer for the issue of FDI’s in relation to Participating Foreign Securities that are interests in a managed investment scheme, made by CDN in accordance with the ASTC operating rules.

Interpretation

In this instrument:

“*ASTC*” means ASX Settlement and Transfer Corporation Pty Limited;

“*CHESS*” means the Clearing House Electronic Subregister System operated by ASTC;

“*Foreign Depositary Interest*” or “*FDI*” means a legal or equitable right or interest in a Participating Foreign Security, being an interest issued by a depositary nominee in accordance with the ASTC operating rules for the purpose of enabling beneficial ownership of the Participating Foreign Security to which the FDI relates, to be recorded in CHESS; and

“*Participating Foreign Security*” means a security or an interest in a managed investment scheme that is:

- (a) admitted to quotation on a financial market operated outside this jurisdiction; and
- (b) declared by ASTC to be a CHESS Approved Security for the purposes of the ASTC operating rules.

Note: In this instrument, “this jurisdiction” means Australia : see sections 5 and 9 (definition of “this jurisdiction”) of the Act.

Commencement

This instrument takes effect on the commencement of Schedule 1 to the *Financial Services Reform Act 2001*.

Dated this 9th day of March 2002

Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission