

ASIC Class Order [CO 10/1219]

Facilitating online delivery of PDSs, FSGs and SOAs

Issued 8/12/2010

Registered 13/12/2010

Effective 13/12/2010 (date of registration)

Related documents: RG 221, REP 223 and AD 10-269

Class Order [CO 10/1219] facilitates the online delivery of PDSs, FSGs, Supplementary FSGs and SOAs.

This instrument has effect under s951B(1)(c) and 1020F(1)(c) of the *Corporations Act 2001*.

Prepared by the Australian Securities and Investments Commission.

Australian Securities and Investments Commission Corporations Act 2001 — Paragraphs 951B(1)(c) and 1020F(1)(c) — Declarations

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraphs 951B(1)(c) and 1020F(1)(c) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Class Order [CO 10/1219].

Commencement

3. This instrument commences on the date it is registered under the *Legislative Instruments Act 2003*.

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/>.

Declarations

Financial Services Guides and Statements of Advice

4. Part 7.7 of the Act applies in relation to all persons as if section 940C were modified or varied as follows:

- (a) after subparagraph (1)(a)(ii) insert:

“(iia)made available to the client, or the client’s agent, as agreed between the client, or the client’s agent, and the

providing entity, by making it available on a website that is maintained by or on behalf of the providing entity and giving a notice, in printed or electronic form, to the client, or the client's agent, that it is available on the website; or”;

(b) after subsection (1) insert:

“(1A) A notice in electronic form that a Statement of Advice is available on a website must not contain a hypertext link to the website.”

(c) after subparagraph (2)(b)(ii) insert:

“(iia) made available to the client, or the client's agent, as agreed between the client, or the client's agent, and the providing entity, by making it available on a website that is maintained by or on behalf of the providing entity and giving a notice, in printed or electronic form, to the client or the client's agent that it is available on the website; or”;

(d) after subsection (2) insert:

“(2A) A notice in electronic form that information required to be given by subsection 946B(6) is available on a website must not contain a hypertext link to the website.”.

5. Part 7.7 of the Act applies in relation to all persons as if regulation 7.7.01 of the *Corporations Regulations 2001* (the **Regulations**) were modified or varied by as follows:

(a) in subregulation (2) omit “Financial Services Guide”, substitute “Financial Services Guide, a Supplementary Financial Services Guide”;

(b) after subregulation (2) insert:

“(2A) Subregulation (2) does not apply to a Financial Services Guide, a Supplementary Financial Services Guide or a Statement of Advice that is made available to a person, or a person's agent, in accordance with subparagraph 940C(1)(a)(iia) of the Act.”.

Product Disclosure Statements

6. Part 7.9 of the Act applies in relation to all persons as if subsection 1015C(1) were modified or varied as follows:

(a) in subparagraph (a)(ii) omit “and”, substitute “or”; and

(b) after subparagraph (a)(ii) insert:

“(iii) made available to the person, or the person’s agent, as agreed between the person, or the person’s agent, and the responsible person, by making the Statement available on a website that is maintained by or on behalf of the responsible person and giving a notice, in printed or in electronic form, to the person or the person’s agent that it is available on the website; and”.

7. Part 7.9 of the Act applies in relation to all persons as if regulation 7.9.02A of the Regulations were modified or varied by, after subregulation (1), inserting:

“(1A) For the avoidance of doubt, subregulation (1) does not apply to a Statement that is made available to a person, or a person’s agent, in accordance with subparagraph 1015C(1)(a)(iii) of the Act.”.

Dated this 8th day of December 2010

Signed by Stephen Yen PSM

as a delegate of the Australian Securities and Investments Commission