

[CO 98/1807]

Exemption from Div 5 for excluded issue scheme

Policy Statement 135

Issued 2/10/1998

Class Order [CO 98/1807] provides relief from the continuing application of the Corporations Law (as continued in force by section 1408 of the Corporations Act) before 1 July 1998 where all issues of interests have been excluded issues (within the meaning of subsection 66(2) of the Corporations Law as in force immediately before 1 July 2008) and all members have agreed that the managed investment scheme is not required to be registered under section 601ED or to continue to have an approved deed. See Policy Statement 135 at [PS 135.47A].

Australian Securities and Investments Commission Corporations Law — Paragraph 601QA(1)(b) — Declaration

Pursuant to paragraph 601QA(1)(b) of the Corporations Law (“the Law”) the Australian Securities and Investments Commission hereby declares that the provisions of this Chapter within the meaning of that expression in section 601QA of the Law apply to the management company and the trustee or representative of and the holders of prescribed interests in each of the undertakings in the class of undertakings referred to in the Schedule as if Division 11 (second appearing) of Part 11.2 of the Law were omitted.

SCHEDULE

An undertaking in relation to which:

- (a) all holders of prescribed interests were issued all their interests by excluded issue; and
- (b) none of the prescribed interests is held by a responsible entity of a registered scheme or its agent as scheme property, or held by a trustee or representative acting under an approved deed; and
- (c) all holders of prescribed interests have agreed in writing that the undertaking should not be required to be registered as a registered managed investment scheme or continue to be subject to the Law as in force immediately before the commencement of Chapter 5C of the Law; and
- (d) the management company has lodged a notice stating that each of the matters described in paragraphs (a), (b) and (c) is satisfied with respect to the undertaking.

Dated this 2nd day of October 1998

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