[CO 03/806]

Employee share schemes — amendment

Issued 22/9/2003
Gazetted 30/9/2003: ASIC Gazette 39/03

Class Order [CO 03/806] amends [CO 03/184].

Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 911A(2)(l) — Variation

Under paragraph 911A(2)(l) of the *Corporations Act 2001* the Australian Securities and Investments Commission varies Class Order [CO 03/184] by, in the Fourth Exemption:

1. omitting from subparagraph 6(a) "First, Second or Third" and substituting "First or Second"; and

2. omitting subparagraphs 6(c) and 6(d) and substituting:

   "(c) the provision of a custodial or depositary service in connection with an eligible offer covered by the First or Second Exemption where the provider of the service performs their duties in good faith and has sufficient resources to perform those duties; and

   (d) dealing in a financial product in the course of providing a custodial or depositary service covered by paragraph (c); and

   (e) dealing in a financial product in connection with an eligible offer covered by the First or Second Exemption where any acquisition by purchase or disposal of the product (by the issuer or an associate) occurs either:

   (i) through a person who holds an Australian financial services licence authorising the holder to deal in financial products or a dealers licence issued under

the old Corporations Act authorising the holder to deal in securities; or

(ii)   outside this jurisdiction and through a person who is licensed or otherwise authorised to deal in financial products in the relevant place; and

(f)   in the case where paragraph 3 of the Second Exemption applies — dealing in an interest in a managed investment scheme that is exempt from section 601ED because of that paragraph.".

Commencement

This instrument commences on gazettal.

Dated this 22nd day of September 2003

Signed by Stephen Yen, PSM
as a delegate of the Australian Securities and Investments Commission