



ASIC

Australian Securities & Investments Commission

[CO 02/434]

FSR Act transition — regulated activities and securities

Issued 11/4/2002

This class order clarifies that the scope of a dealer's regulated activities includes advising and dealing in:

- *equitable rights or interests in debentures;*
- *equitable rights or interests in interests in managed investment schemes; and*
- *superannuation.*

Australian Securities and Investments Commission
Corporations Act 2001 – Subsection 1437(2) – Declaration

Under subsection 1437(2) of the *Corporations Act 2001* (the “Act”), the Australian Securities and Investments Commission (“ASIC”) hereby declares that section 1430, in its application to sections 1431 and 1433 and any associated provisions, has effect in relation to the class of persons referred to in Schedule A as if the third column of item 1 of the table in subsection 1430(1) (whether or not modified or varied by another instrument under subsection 1437(2) in relation to some or all of those persons) were modified or varied by adding at the end the following words:

“And such other activities as are involved in either or both of the following:

- (a) in the case where that licence authorised the person to deal in securities within the meaning of subsection 92(1) of the old Corporations Act – dealing in financial products covered by paragraphs 764A(1)(a) to (1)(ba) and paragraph 764A(1)(g);
- (b) in the case where that licence authorised the person to advise on securities within the meaning of subsection 92(1) of the old Corporations Act – advising on financial products covered by paragraphs 764A(1)(a) to (1)(ba) and paragraph 764A(1)(g).”.

And under subsection 1437(2) ASIC hereby declares that section 1430, in its application to sections 1431 and 1433 and any associated provisions, has effect in relation to the class of persons referred to in Schedule B as if the third column of item 2 of the table in subsection 1430(1) were modified or varied by adding at the end the following words:

“And such other activities as are involved in advising on financial products covered by paragraphs 764A(1)(a) to (1)(ba) and paragraph 764A(1)(g).”.

Schedule A

A regulated principal of a kind referred to in item 1 of the table in subsection 1430(1) holding a dealers licence which authorised either or both of:

- (a) dealing in securities within the meaning of subsection 92(1) of the old Corporations Act;
- (b) advising on securities within the meaning of subsection 92(1) of the old Corporations Act.

Schedule B

A regulated principal of a kind referred to in item 2 of the table in subsection 1430(1) holding an investment advisers licence which authorised advising on securities within the meaning of subsection 92(1) of the old Corporations Act.

Interpretation

In this instrument:

- 1. “associated provisions” and “old Corporations Act” have the meanings given by subsection 1410(1); and
- 2. unless the context otherwise requires, references to provisions are references to provisions in the Act.

Dated this 11th day of April 2002

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