

2 December 2016

Mr Alan Worsley  
Senior Specialist, Strategic Policy  
Australian Securities and Investments Commission  
Level 5, 100 Market Street  
Sydney NSW 2000

By email: [policy.submissions@asic.gov.au](mailto:policy.submissions@asic.gov.au)

Dear Mr Worsley

**RE : CONSULTATION PAPER 268 - PROPOSAL TO REPEAL CLASS ORDER [CO 03/824]**

The Financial Services Council (FSC) has over 110 members representing Australia's retail and wholesale funds management businesses, superannuation funds, life insurers, financial advisory networks, licensed trustee companies and public trustees. The industry is responsible for investing more than \$2.7 trillion on behalf of 13 million Australians. The pool of funds under management is larger than Australia's GDP and the capitalisation of the Australian Securities Exchange and is the third largest pool of managed funds in the world. The FSC promotes best practice for the financial services industry by setting mandatory Standards for its members and providing Guidance Notes to assist in operational efficiency.

The FSC thanks you for the opportunity to comment on the provisions affecting foreign financial services providers under Class Order 03/824 (the Class Order). The information received from our members is that they are largely operating under existing AFSLs and generally do not rely on the Class Order. A small number of members have indicated that they do utilise the Class Order from time to time on a limited basis. To the extent that industry players are utilising the Class Order the FSC is of the view that these entities should approach ASIC directly regarding the impact on their business of the proposed repeal.

In the event that the Class Order is not repealed, we recommend that a mechanism be developed to ensure that ASIC is made aware of which entities are utilising the Class Order at any point in time and for what purpose. This will enable ASIC to better monitor usage and determine whether the Class Order continues to be effective in the future – or whether more targeted relief would be more appropriate.

In relation to ASIC's relief for foreign financial services providers, the FSC is fully supporting of ASIC's review of existing class orders and we look forward to contributing to future submissions on this topic.

Should you wish to discuss this submission further please do not hesitate to contact me on (02) 9299 3022.

Yours sincerely



**CARLA HOORWEG**  
Senior Policy Manager – Investment, Technology & Innovation