

Australian Securities and Investments Commission**National Consumer Credit Protection Act 2009 – Paragraph 109(1)(a) -
Exemption****Enabling legislation**

1. The Australian Securities and Investments Commission (**ASIC**) makes this instrument under paragraph 109(1)(a) of the *National Consumer Credit Protection Act 2009* (the **Credit Act**).

Title

2. This instrument is ASIC Instrument 23-219.

Commencement

3. This instrument commences on the date it is signed.

Exemption

4. Lendi Group Distribution Pty Ltd (ACN 105 265 861) (**Lendi Distribution**) does not have to comply with paragraph 47(1)(ea) of the Credit Act in relation to employing or authorising an individual (**transferring representative**) who is a representative of Lendi Group Finance Pty Ltd (ACN 164 638 171) (**Lendi Finance**) as a representative of Lendi Distribution.

Where exemption applies

5. The exemption applies where:
 - (a) Lendi Distribution and Lendi Finance are each a wholly-owned subsidiary (within the meaning of section 9 of the *Corporations Act 2001*) of Lendi Group Pty Ltd (ACN 648 681 654); and
 - (b) Lendi Distribution has received from Lendi Finance the required information for each transferring representative that Lendi Distribution intends to employ or authorise for:
 - (i) if the representative has been employed or authorised by Lendi Finance for less than 5 years—the period commencing on the date of the employment or authorisation and ending on the date of the written confirmation referred to in subparagraph (d); and

- (ii) otherwise—the 5-year period ending on the date of the written confirmation referred to in subparagraph (d); and
- (c) Lendi Distribution has received from Lendi Finance all references obtained by Lendi Finance in accordance with *ASIC Corporations and Credit (Reference Checking and Information Sharing Protocol) Instrument 2021/429* for each transferring representative that:
 - (i) Lendi Distribution intends to employ or authorise; and
 - (ii) Lendi Finance has appointed in the 12-month period preceding the date of the written confirmation referred to in subparagraph (d); and
- (d) Lendi Distribution has received from Lendi Finance written confirmation that Lendi Finance has provided Lendi Distribution with all the information required by subparagraphs (b) and (c).

Condition

- 6. Lendi Distribution must keep complete and accurate records of the following for a period of 5 years after the last day on which it employs or authorises a transferring representative in reliance on the exemption in paragraph 3:
 - (a) all information received from Lendi Finance in relation to the matters referred to in subparagraphs 5(b) and (c); and
 - (b) the written confirmation referred to in subparagraph 5(d).

Definitions

- 7. In this instrument:

required information for a transferring representative means the following:

- (a) details of any reportable situations reported to ASIC under section 50B of the Credit Act or section 912DAA of the *Corporations Act 2001* (*Corporations Act*), and of any reports of breaches under former section 912D of the Corporations Act, in respect of the representative;
- (b) details (including any relevant information in relation to internal assessments, external notifications, or complaints) of any concerns about the representative's conduct or performance (including acts or omissions) in relation to the provision of financial services or engaging in credit activities, including involvement in any of the following:
 - (i) dishonesty;
 - (ii) unprofessional conduct.

- (iii) refusal or deliberate non-compliance in relation to the financial services laws or the credit legislation;
- (iv) gross incompetence or gross negligence;
- (v) a breach of the Financial Planners and Advisers Code of Ethics 2019;

Note: The conduct need not involve a contravention of the law.

- (c) details of any inquiry or investigation in progress in relation to the representative in connection with the provision of financial services or engaging in credit activities;
- (d) details about any compliance audits undertaken in relation to the representative, including information on the following:
 - (i) whether the compliance audit results were about non-compliance with financial service laws or credit legislation, and/or non-compliance with licensee processes;
 - (ii) a description of any remedial action.

transferring representative: see paragraph 4.

Dated this 19th day of June 2023



Signed by Alexandra Hall
as a delegate of the Australian Securities and Investments Commission