

## Attachment 3 to CP 358: Draft instrument



**ASIC**  
Australian Securities &  
Investments Commission

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# **ASIC Corporations (Financial Services Guide Given in a Time Critical Situation) Instrument 2022/XX**

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I, <insert name>, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 2022

[DRAFT ONLY—NOT FOR SIGNATURE]

<signature>

<insert name>

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## **Part 1—Preliminary**

### **1 Name of legislative instrument**

This is the *ASIC Corporations (Financial Services Guide Given in a Time Critical Situation) Instrument 2022/XX*.

### **2 Commencement**

This instrument commences at the same time that the *ASIC Corporations (Repeal) Instrument 2022/XX* commences.

### **3 Authority**

This instrument is made under paragraph 951B(1)(c) of the *Corporations Act 2001*.

### **4 Definitions**

In this instrument:

*Act* means the *Corporations Act 2001*.

## Part 2—Declaration

### 5 Information in a Financial Services Guide given in a time critical situation

- (1) Part 7.7 of the Act applies in relation to a financial services licensee and an authorised representative of a financial services licensee as if Division 2 of that Part were modified or varied by omitting section 941E and substituting:

**“941E Information must be up to date**

- (1) Subject to subsection (2), the information in a Financial Services Guide must be up to date as at the time when it is given to the client.
- (2) The information in a Financial Services Guide given to a client under subsection 941D(4) may be up to date as at the time the statement referred to in that subsection is given to the client.

Note: A Supplementary Financial Services Guide containing updated information may be given with a Financial Services Guide that has become out of date. The updated information is taken to be included in the Financial Services Guide (see section 943D.)”.

## Part 3—Repeal

### 6 Repeal

This instrument is repealed on 1 October 2027.