



PDS in-use notice in relation to a CCIV sub-fund

Use this form to notify ASIC that a Product Disclosure Statement (PDS) has been given to someone in a recommendation, issue or sale situation for the first time. This form may only be used in relation to a PDS relating to a CCIV sub-fund.

Related Forms

- 5289 Notice of change to fees and charges in a PDS in relation to a CCIV sub-fund
- 5290 Notice that a product in a PDS in relation to a CCIV sub-fund has ceased to be available

If there is insufficient space in any section of the form, you may photocopy the relevant page(s) and submit as part of this lodgement

Lodgement details

Who should ASIC contact if there is a query about this form?

Firm/organisation

Contact name/position description

ASIC registered agent number (if applicable)

Telephone number

Postal address or DX address

1 General information

Responsible person (an individual or a body corporate who, or on whose behalf, the Statement is required to be prepared. In most cases, this will be the CCIV as the body corporate issuing the product).

1.1 Name of responsible person

1.2 ABN of responsible person

1.3 ACN of responsible person (if applicable)

1.4 AFS licence number (if applicable)

1.5 What best describes your relationship to the financial product(s) that is the subject of the PDS?
 the issuer of the financial product(s)
 the person making the offer to sell the financial product(s)

1.6 Are there multiple responsible persons for the PDS?
 Yes No

If Yes, go to 1.6.1. If No, go to 1.7.

1.6.1 Complete the following table for each additional responsible person. (Up to five persons can be responsible persons for a PDS.)

Name of additional responsible persons	ABN	ACN (if applicable)	AFS licence number (if applicable)

1 Continued... General information

1.7 **Contact person**
Provide the following details for the contact person to whom ASIC should direct all questions and correspondence regarding the PDS.

1.7.1 Name (First given name, family name)

1.7.2 Capacity
 Issuer (including officers and staff)
 External service provider
 Other (please describe)

1.7.3 Email address (Not mandatory)

If email address provided, can ASIC use this email address to deliver correspondence relating to this PDS?
 Yes No

1.7.4 Telephone number

1.7.5 Facsimile number

If fax number provided, can ASIC use this fax number to deliver correspondence relating to this PDS?
 Yes No

1.7.6 Postal address

1.7.7 DX address (not mandatory)

2 PDS details

2.1 Name of PDS (cannot exceed 100 characters)

2.2 Reference number to identify the PDS

Keep this number, as it (or the ASIC-generated number for this document) must be quoted in future notices relating to this PDS. The reference number must not exceed 20 characters (alpha, numeric or a combination of both).

2.3 Date of PDS
 / /
[D] [D] / [M] [M] / [Y] [Y]

2.4 Date the PDS was first given in a recommendation, issue or sale situation
 / /
[D] [D] / [M] [M] / [Y] [Y]

2.5 Does the PDS replace an existing PDS ('earlier PDS')?
 Yes No
If Yes, go to 2.6. If No, go to 2.7

2.6 Enter the ASIC document number for the earlier PDS or the reference number you gave in the earlier notice. (The earlier notice is the Form 5288 *PDS in-use notice for a CCIV sub-fund*.)

This reference number needs to be identical to the reference number provided on the PDS in-use notice for the last PDS. The ASIC document number is the identifier ASIC allocates to a document recorded on the corporate register.
Date of the earlier PDS
 / /
[D] [D] / [M] [M] / [Y] [Y]

2 Continued... PDS details

2.7	Is the PDS a shorter PDS for:	
		Maximum PDS size
	<input type="checkbox"/> a FHSA product?	4 A4, 8 A5 or 12 DL pages
	<input type="checkbox"/> a standard margin lending facility?	4 A4, 8 A5 or 12 DL pages
	<input type="checkbox"/> superannuation (excluding a superannuation product that is solely an interest in a defined benefit fund or solely a pension product)?	8 A4, 16 A5 or 24 DL pages
	<input type="checkbox"/> a simple managed investment scheme?	8 A4, 16 A5 or 24 DL pages
	A shorter PDS can only cover one of the above product types and is NOT the same as a short form PDS. Shorter PDSs are governed by Schedules 10A, 10B, 10C or 10D of the Corporations Regulations ("regs" or "regulations") and short form PDSs by Schedule 10BA of the regulations.	
	If the PDS is a shorter PDS, go to 2.11. If not, go to 2.8.	
2.8	Is the PDS a short form PDS?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	(Refer to Part 3 of Schedule 10BA of the regulations.)	
2.9	Is the PDS for a stapled security product?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.10	Are there multiple documents in the PDS?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	(Refer to s1013L of the <i>Corporations Act 2001</i>)	
2.11	Does the PDS contain information incorporated under:	
	<ul style="list-style-type: none"> regs 7.9.11E, 7.9.11P or 7.9.11X? (For shorter PDSs) reg 7.9.15DA? (For other PDSs) 	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.12	Will the PDS be available to the general public on the internet?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	If Yes, go to 2.13. If No, go to 2.14.	
2.13	What is the URL?	<input type="text"/>
2.14	Will any of the products in the PDS be offered in a recognised jurisdiction (New Zealand) under a foreign recognition scheme?	
	<input type="checkbox"/> Yes <input type="checkbox"/> No	
2.15	Product details	
2.15.1	Name of financial product (cannot exceed 100 characters)	<input type="text"/>
2.15.2	Type of financial product CCIV sub-fund	
	<input type="checkbox"/> Commodities	
	<input type="checkbox"/> Crypto assets	
	<input type="checkbox"/> Derivatives	
	<input type="checkbox"/> Direct real property	
	<input type="checkbox"/> Film	
	<input type="checkbox"/> Financial assets	
	<input type="checkbox"/> Mortgages	
	<input type="checkbox"/> Primary production	
	<input type="checkbox"/> Other	
2.15.3	If the product is a CCIV sub-fund, provide the ARFN	<input type="text"/>

If the PDS has more than one product, complete 2.15.1 to 2.15.4 for each additional product as a separate Annexure. Shorter PDSs can only have one product.

Signature

This form must be signed by a director or secretary of the corporate director of the CCIV.

I certify that the information in this form is true and complete.

Name of person signing

Capacity

- Director of the corporate director
 Company secretary of the corporate director

Signature

Date signed

/ /
[D] [D] [M] [M] [Y] [Y]

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630

Guide: PDS in-use notice in relation to a CCIV sub-fund

Use this form to notify ASIC that a Product Disclosure Statement (PDS) has been given to someone in a recommendation, issue or sale situation for the first time. This form may only be used for a PDS relating to a CCIV sub-fund.

Related Forms

5289 *Notice of change to fees and charges in a PDS in relation to a CCIV sub-fund*

5290 *Notice that a product in a PDS in relation to a CCIV sub-fund has ceased to be available*

This guide is intended to assist you in completing and lodging the Form 5288, but is not part of the form. The information is intended as a guide only. Please consult your industry body or solicitor for further advice .

Statutory references are to the *Corporations Act 2001* (eg, s1015D(1)) and the *Corporations Regulations 2001* (eg regulation 7.9.15DA).

Signature	This form must be signed by a director or secretary of the corporate director of the CCIV.
Lodgement period	As soon as practicable, and in any event within 5 business days after a copy of the PDS is first given to someone in a recommendation, issue or sale situation.
Late fees	In all cases, late fees will apply if the document is lodged outside the prescribed period. For information on fees refer to www.asic.gov.au/forms . A receipt will not be issued unless requested.
When you must tell us about a PDS	Section 1015D(2)(a) requires you to lodge a notice (Form 5288 <i>PDS in-use notice in relation to a CCIV sub-fund</i>) with ASIC when a copy of the PDS is first given to someone in a recommendation, issue or sale situation. This requirement does not apply to a PDS or a Supplementary PDS, a copy of which is required by s1015B to be lodged with ASIC (see s1015D(1)).
Responsible person	The responsible person for the PDS must lodge this notice. This is the person (individual or body corporate) who, or on whose behalf, the PDS is required to be prepared (see s1013A(3)). Where there is more than one responsible person, provide details of each responsible person (to a maximum of 5 additional responsible persons) (see Class Order (CO 03/1092) <i>Further relief for joint product disclosure statements</i>). The first responsible person nominated in this form will be the primary responsible person for the PDS and responsible for ongoing notifications in respect to the PDS.
Keeping and providing copies	The responsible person for a PDS or Supplementary PDS ("Statement") must keep a copy of the Statement, for 7 years after the Statement date (see s1015D(3)). <ul style="list-style-type: none">Where under s1014D, a PDS includes information and statements contained in one or more Supplementary PDSs (together the "whole PDS"), the responsible person must keep the whole PDS (and any document or part of a document referred to in the Statement) for 7 years after the date of the most recent Supplementary PDS (see s1015D(3) and regulation 7.9.15DB).Each version of a matter adopted, applied or incorporated by a Shorter PDS must be retained for 7 years from the date it was prepared (see regulations 7.9.11F, 7.9.11Q and 7.9.11Y). Providing copies During the period a responsible person is required to keep a Statement, they must make a copy of it available to ASIC when ASIC asks them to do so and comply with any reasonable request from any person for a copy (see s1015D(4)).
Why do we collect this information?	The information you provide by completing this notice, helps ASIC monitor PDSs and regulate financial services disclosure. When you renew (or "replace") a PDS, you can assist ASIC in linking the existing and new PDSs, by entering: <ul style="list-style-type: none">the ASIC document number for the last Form 5288 for the PDS, oryour reference number given in the last Form 5288 for the PDS.

How to provide additional information**Annexures**

If there is insufficient space in any section of the form, you may submit annexures as part of this lodgement.

To make any annexure conform to the regulations, you must

1. use A4 size paper of white or light pastel colour with a margin of at least 10mm on all sides
2. responsible person's name and ACN or ABN
3. number the pages consecutively
4. print or type in BLOCK letters in dark blue or black ink so that the document is clearly legible when photocopied
5. mark the annexure with an identifying letter or symbol e.g. a,b,c or 1,2,3 etc.
6. endorse the annexure with the words:
This annexure (mark) of (number) pages referred to in form (form number and title)
7. sign and date the annexure

The annexure must be signed by the same person(s) who signed the form.

Privacy

The information provided to ASIC in this form may include personal information. Please refer to our privacy policy (www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

Lodgement

Send completed and signed forms to:
Australian Securities and Investments Commission,
PO Box 4000, Gippsland Mail Centre VIC 3841

For more information

Web www.asic.gov.au
Need help? www.asic.gov.au/question
Telephone 1300 300 630