

Attachment 6 to CP 225: Draft instrument



ASIC

Australian Securities & Investments Commission

ASIC Corporations (Foreign Securities— Publishing Notices) Instrument 2015

ASIC Legislative Instrument No. XX, 2015

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

Dated 2015

<signature>

<insert name>

Delegate of the Australian Securities and Investments Commission

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Part 1—Preliminary

1 Name of legislative instrument

This instrument is *ASIC Corporations (Foreign Securities—Publishing Notices) Instrument 2015*.

2 Commencement

This instrument commences on the day after it is recorded in the Federal Register of Legislative Instruments in electronic form.

Note: The register may be accessed at <http://www.comlaw.gov.au>.

3 Authority

This instrument is made under section 741 of the *Corporations Act 2001* (the *Act*).

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Part 2—Declaration

4 Publication relief for notices or reports of foreign companies

- (1) Chapter 6D of the Act applies to all persons as if section 734 were modified or varied as follows:
 - (a) omit subsection (2A), substitute:

“(2A) Subsection (2) does not apply if the advertisement or publication is authorised by subsection (4), (5), (6), (7) or (7A).”;
 - (b) after subsection (7) insert:

“(7A) An advertisement or publication does not contravene subsection (2) if it:

 - (a) relates to an offer of securities of a body that is listed on an approved foreign market and consists of a notice or report by the body, or one of its officers, about its affairs to the relevant market operator; or
 - (b) consists solely of a notice or report of a general meeting of the body.
- (7B) For the purposes of subsection (7A), ***approved foreign market*** means the main board of any of the following financial markets:
 - (a) Borsa Italiana;
 - (b) Bursa Malaysia;
 - (c) Euronext Amsterdam;
 - (d) Euronext Paris;
 - (e) Frankfurt Stock Exchange;
 - (f) Hong Kong Stock Exchange;
 - (g) JSE (also known as the Johannesburg Stock Exchange);
 - (h) London Stock Exchange;
 - (i) NASDAQ Global Market or the NASDAQ Global Select Market;
 - (j) New York Stock Exchange;

- (k) NYSE MKT;
- (l) NZX;
- (m) Singapore Exchange;
- (n) SIX Swiss Exchange;
- (o) Tokyo Stock Exchange;
- (p) Toronto Stock Exchange.”.

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