

Attachment 4 to CP 234: Draft instrument



ASIC

Australian Securities & Investments Commission

ASIC Corporations (IDPS—Relevant Interests) Instrument 2015/XX

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

Dated 2015

[Name]

Contents

Part 1—Preliminary	3
1 Name of legislative instrument.....	3
2 Commencement	3
3 Authority.....	3
4 Definitions	3
Part 2—Declaration	4
5 Relevant interests and operators of IDPSs.....	4

DRAFT

Part 1—Preliminary

1 Name of legislative instrument

This instrument is *ASIC Corporations (IDPS—Relevant Interests) Instrument 2015/XX*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

Note: The register may be accessed at www.comlaw.gov.au.

3 Authority

This instrument is made under sections 655A and 673 of the *Corporations Act 2001*.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

Part 2—Declaration

5 Relevant interests and operators of IDPSs

Chapters 6 and 6C of the Act apply to all persons as if section 609 of the Act were modified or varied by inserting the following in the appropriate numerical position:

“IDPS operators

(17A) A person does not have a relevant interest in securities merely because the person:

- (a) is the operator of an IDPS; or
- (b) is involved in the operation of an IDPS and is a financial services licensee or a representative (within the meaning of section 910A) of a financial services licensee;

and under the terms of the IDPS:

- (c) holds the securities; or
- (d) has a discretion in relation to the disposal of the securities.

(17B) Subsection (17A) does not apply to a person if ASIC has given a notice in writing to the person stating that subsection (17A) does not apply to the person and has not withdrawn that notice.

(17C) In subsection (17A), **IDPS** and **operator** have the same meaning as in subsection 912AD(42).”.

Note: Notional subsection 912AD(42) of the Act is inserted by ASIC Class Order [CO 13/763].