

# Attachment 9 to CP 239: Draft instrument



**ASIC**

Australian Securities & Investments Commission

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## **ASIC Corporations (Substituted Supplementary Disclosure Documents) Instrument 2015/XX**

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

Dated 2015

<signature>

<insert name>

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## **Part 1—Preliminary**

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

This instrument is *ASIC Corporations (Substituted Supplementary Disclosure Documents) 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](http://www.comlaw.gov.au).

### **3 Authority**

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

### **4 Definitions**

In this instrument:

*Act* means the *Corporations Act 2001*.

## Part 2—Declaration

### 5 Substituted supplementary disclosure documents

Chapter 6D of the Act applies to all persons as if section 719 were modified or varied as follows:

- (a) omit paragraph (2)(d), substitute:
  - “(d) if the supplementary document (*substituted supplementary document*) lodged with ASIC contains all the substantive information in all previous supplementary documents lodged with ASIC in relation to the offer except to the extent the substituted supplementary document corrects deficiencies in or updates that information or provides additional information—a statement that it is issued in substitution for the previous supplementary documents and it is to be read together with the disclosure document it supplements; and
  - (e) if paragraph (d) does not apply—a statement that it is to be read together with the disclosure document it supplements and any previous supplementary documents.”;
- (b) omit subsection (4) (excluding the heading and the note), insert:
  - “(4) If:
    - (a) a supplementary document is lodged with ASIC, the disclosure document is taken to be the disclosure document together with the supplementary document for the purposes of the application of this Chapter to events that occur after the lodgement of the supplementary document; and
    - (b) a substituted supplementary document is lodged with ASIC, the disclosure document is taken to be the disclosure document together with the substituted supplementary document (and not the previous supplementary documents that have been substituted by it) for the purposes of the application of this Chapter to events that occur after the lodgement of the substituted supplementary document.”.