

Attachment to CP 243: Draft instrument



ASIC

Australian Securities & Investments Commission

ASIC Corporations (Electronic Lodgement of Financial Reports) Instrument 2015/XX

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

Date 2015

<signature>

<insert name>

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Part 1—Preliminary

1 Name of legislative instrument

This instrument is *ASIC Corporations (Electronic Lodgement of Financial Reports) 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 341 and 352 of the *Corporations Act 2001*.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

eligible financial market means a financial market operated by:

- (a) Asia Pacific Stock Exchange Limited (APX);
- (b) ASX Limited (ASX); or
- (c) National Stock Exchange of Australia Limited (NSX).

eligible report means a report that a disclosing entity has to prepare or obtain under Division 1 or 2 of Part 2M.3 of the Act and includes an amended report within the meaning of section 322 of the Act.

Part 2—Approval

5 Electronic lodgement of reports with APX, ASX and NSX

- (1) ASIC approves the electronic lodgement with ASIC of an eligible report by a listed disclosing entity that is listed on an eligible financial market.
- (2) This approval applies where all of the following apply:
 - (a) the operator of the relevant financial market is appointed as agent for ASIC for the purposes of this approval;
 - (b) the eligible report is lodged with the operator electronically as agent for ASIC;
 - (c) the entity has adequate arrangements in place to ensure a signed copy of the eligible report is kept for a period of not less than 7 years from the time of electronic lodgement of the eligible report.
- (3) This approval does not apply in relation to a financial year of a disclosing entity which is not a company or registered scheme.

Part 3—Order

6 Approved forms to accompany financial documents

For the avoidance of doubt, a listed disclosing entity that lodges an eligible report in accordance with the approval in section 5 of this instrument does not have to comply with regulations 1.0.08 and 1.0.09 of the *Corporations Regulations 2001* in relation to the eligible report.