

Attachment 8 to CP 262: Draft instrument



ASIC

Australian Securities & Investments Commission

ASIC Corporations (Securities—NZ FASTER System) Instrument 2016/XX

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

Date 2016

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

<insert 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 Issue or transfers of securities covered by New Zealand FASTER system ...	4

Part 1—Preliminary

1 Name of legislative instrument

This instrument is *ASIC Corporations (Securities—NZ FASTER System) Instrument 2016/XX*.

2 Commencement

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

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

3 Authority

This instrument is made under subsection 1075A(1) of the *Corporations Act 2001*.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

securities means any of the following:

- (a) shares in a company;
- (b) debentures of a company;
- (c) interests in a registered scheme.

Part 2—Declaration

5 Issue or transfers of securities covered by New Zealand FASTER system

Part 7.11 of the Act applies to securities of a company as if section 1017H were modified by inserting after subsection (5):

“(5A) A company need not comply:

- (a) with subsection (1) in relation to the issue of a security; or
 - (b) with subsection (3) in relation to a transfer of a security;
- if:
- (c) the security is able to be traded on any of the following financial markets operated by New Zealand Exchange Limited (*NZX*):
 - (i) *NZX* Main Board;
 - (ii) *NZX* Debt Market;
 - (iii) *NZX* Alternative Market; and
 - (d) the issue or transfer of the security is covered by the system (the *FASTER system*) for the electronic transfer of securities operated by *NZX* known as the “*FASTER*” system; and
 - (e) any document required to be sent or delivered to the person to whom the security is issued, or the transferee, under the *FASTER* system in relation to the issue or the transfer has been sent or delivered.

Note: Subsection (1) requires a company to complete, have ready for delivery and send or deliver to the holder the appropriate certificates or other title documents within 2 months after the company issues a security. A company that has issued securities will be able to rely on this subsection if the requirements of paragraphs (c) to (e) of this subsection are met no later than 2 months after the company issues a security.

Subsection (3) requires a company to complete, have ready for delivery and send or deliver to the transferee the appropriate title and transfer documents within one month after the date on which a transfer of a security is lodged with the company. A company whose securities have been transferred will be able to rely on this subsection if the requirements of paragraphs (c) to (e) of this subsection are met no later than one month after the date on which a transfer of a security is lodged with the company.

- (5B) In subsection (5A), a security is *able to be traded* on a financial market even if, under the terms on which it is to be traded, it must be transferred together with one or more other securities.”.