



**ASIC**

Australian Securities & Investments Commission

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## **ASIC Corporations (Email Lodgment Service) Instrument 2018/0577**

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I, Rachel Howitt, delegate of the Australian Securities and Investments Commission, make the following instrument.

Dated 29 June 2018

A handwritten signature in blue ink, appearing to read 'R Howitt'.

Rachel Howitt

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## Part 1—Preliminary

### 1 Name of instrument

This is the *ASIC Corporations (Email Lodgment Service) Instrument 2018/0577*.

### 2 Commencement

This instrument commences on the date it is signed.

### 3 Authority

The Australian Securities and Investments Commission (**ASIC**) makes this approval instrument for the purposes of:

- (a) paragraph 352(1)(b) of the *Corporations Act 2001* (the **Corporations Act**); and
- (b) subsection 11(4) of the *Australian Securities and Investments Commission Act 2001* (the **ASIC Act**) in respect of ASIC's power to do whatever is necessary for or in connection with, or reasonably incidental to, the performance of its functions.

## Part 2—Approval

### 4 Approval of electronic submissions via ASIC’s Email Lodgment Service

#### *Approvals of electronic submissions under the legislation*

- (1) To facilitate electronic submissions via ASIC’s Email Lodgment Service (the *ELS*), ASIC makes the following approvals:
  - (a) For the purposes of paragraph 352(1)(b) of the Corporations Act, ASIC approves electronic lodgment with ASIC through the ELS of the documents set out in the Schedule that may be lodged under that Act (and any regulations or other instruments made under or for the purposes of that Act).
  - (b) For all other purposes, ASIC approves electronic lodging with, submitting to and giving to ASIC through the ELS of the documents set out in the Schedule under the legislation named in this instrument and generally.

#### *Electronic signatures*

- (2) Where the Corporations Act (and any regulations or other instruments made under or for the purposes of that Act) requires a document to be signed by a person in a particular capacity, the person in that capacity is required to sign the document electronically in accordance with paragraph (3)(b) of this approval.

Note: For example, section 351 of the Corporations Act requires a paper document lodged with ASIC by an Australian company to be signed by a director or secretary of the company – the director or secretary must electronically sign the document in accordance with paragraph (3)(b) of this approval.
- (3) For the purposes of the legislation referred to in subsection (1) of this approval, and all other purposes, the electronic method for signing a document to be lodged, submitted or given through the ELS is:
  - (a) a person applying or inserting their own electronic signature to a searchable Portable Document Format (*PDF*) document or inserting another person’s electronic signature into a searchable PDF with that person’s prior written authority;
  - (b) for documents that the Corporations Act (and any regulations or other instruments made under or for the purposes of that Act) requires to be signed by a person in a particular capacity—the person in that capacity applying or inserting their own electronic signature to a searchable PDF document;

- (c) a person, or the person in a particular capacity referred to in paragraph (b), signing a paper document and scanning that document to create a non-searchable PDF document.

## **5 Conditions**

- (1) An electronic lodgment or submission through the ELS and electronically signed by a person using the signature method in paragraph 4(3)(c) is not valid unless, before that lodgment or submission, the person:
  - (a) contacts the Corporations Team on [Corporations.Queries@asic.gov.au](mailto:Corporations.Queries@asic.gov.au) for assistance with creating searchable PDF documents; and
  - (b) if, following that contact, a searchable PDF document is unable to be created and electronically signed in the manner described in paragraphs 4(3)(a) and 4(3)(b)—obtains written approval from a member of the Corporations Team to rely on that electronic signature method.

## Schedule

### Documents that may be lodged or submitted using the ELS

This table references the documents that can be lodged using the ELS, and provides links to the cover forms required to be lodged with the Electronic lodgment form, and the principle documents being lodged. Where no ASIC cover form is available this is noted

CF Form	Document Name	Corporations Act provision requiring lodgement
Documents relating to Fundraising		
<a href="#">OFFERlist</a>	Prospectus for equities	s718
<a href="#">OFFERlist</a>	Offer information statement	s718
<a href="#">OFFERlist</a>	Profile statement	s718
<a href="#">OFFERlist</a>	Short form prospectus for equities	s718
<a href="#">OFFERlist</a>	Product Disclosure Statement	s1015B
<a href="#">CF07</a>	Replacement prospectus for equities	s719
<a href="#">CF07</a>	Replacement offer information statement	s719
<a href="#">CF07</a>	Replacement profile statement	s719
<a href="#">CF07</a>	Replacement short form prospectus for equities	s719
	Replacement Product Disclosure Statement	s1014L
<a href="#">CF07</a>	Supplementary statement for equities	s719
	Supplementary PDS Statement	s1015B(?)
<a href="#">CF07</a>	Documents lodged in relation to a short form prospectus	s712
No form	Document lodged as a condition of section 741 relief	s741
No form	Offer document – Mutual Recognition Scheme	s1200C(5)
No form	Supplementary or replacement document – Mutual Recognition Scheme	s1200G(9)
No form	Change to offer document – Mutual Recognition Scheme	s1200G(9)
No form	Notice of Australian offer under Foreign Recognition Scheme	s1200C(5)
Documents relating to Schemes of Arrangement		
<a href="#">CF10</a>	Court order re scheme of arrangement	s411(10)
<a href="#">CF10</a>	Notice of hearing for scheme of arrangement	s411(2)
<a href="#">CF10</a>	Application for abridgement of time to provide notice of hearing for scheme of arrangement	s411(2)(a)

CF Form	Document Name	Corporations Act provision requiring lodgement
<a href="#">CF10</a>	Draft explanatory statement regarding compromise or arrangement	s411(2)(b)
	Court order facilitating reconstruction	s413(3)
<a href="#">CF10</a>	Application for para. 411(17)(b) statement of no objection to compromise or arrangement	s411(17)(b)
<a href="#">CF10</a>	Registration copy of explanatory statement	s412(6)
No form	Court Orders for meeting concerning compromise or arrangement	Court Rules (var.)
Documents relating to Takeovers		
<a href="#">CF09</a>	Bidder's statement and offer - off market	s633(1) – item 2
<a href="#">CF09</a>	Target's statement and reports - off market	s633(1) – item 13
<a href="#">CF09</a>	Notice of status of defeating condition – off market - unquoted bid class securities	s630 (2), (3), (4) and(5)
<a href="#">CF09</a>	Notice of service of bidder's statement - off market - s633 Step 4	s633(1) –item 4
<a href="#">CF09</a>	Notice that takeover offers have been sent - off market - s633 Step 9	s633(1) – item 9
<a href="#">CF09</a>	Takeover bidder's statement and documents sent to ASX - on market	s635 – item 5
<a href="#">CF09</a>	Document accompanying bidder's statement - on market bid - s635 Step 7	s635 – item 7
<a href="#">CF09</a>	Target's statement and reports - on market - s635 Step 12	s635 – item 12
<a href="#">CF09</a>	Bidder's supplementary statement	s647(3)(a)
<a href="#">CF09</a>	Target's supplementary statement	s647(3)(a)
<a href="#">CF09</a>	Replacement bidder's statement - Class Order 13/528	s633A(2) and s635A(2) (Class Order 13/528)
<a href="#">CF09</a>	Replacement bidder's statement marked up - Class Order 13/528	s633A(2) and s635A(2) (Class Order 13/528)
<a href="#">CF09</a>	Court order regarding proportional takeover provisions in constitution	s648G
<a href="#">CF09</a>	Notice of variation in takeover offer – on market	s649C
<a href="#">CF09</a>	Notice of variation in takeover offer – off market	s650D
<a href="#">CF09</a>	Notice offers free of defeating condition - off market bid	s650F
<a href="#">CF09</a>	Notice of record date for determining who is to be sent bidder's statement	633(4)
<a href="#">CF09</a>	Notice of disclosure regarding substantial holding in bid period	s654C(3)
<a href="#">CF09</a>	Notice of objection regarding compulsory acquisition/buy out	s664E(2)
<a href="#">CF09</a>	List of members objecting to compulsory acquisition/buy-out	s664E(3)(b)
Documents relating to Compulsory Acquisition		
<a href="#">6021</a>	Notice of compulsory acquisition following takeover bid	s661B

CF Form	Document Name	Corporations Act provision requiring lodgement
<a href="#">6022</a>	Notice of right of buy out to remaining holder of securities following a takeover bid	s662B
<a href="#">6023</a>	Notice of right of buy out to holders of convertible securities following a takeover bid	s663B
<a href="#">6024</a>	Notice of compulsory acquisition	s664C(2)(A)
<a href="#">6025</a>	Notice of right of buy out to holders of convertible securities by 100% holder	s665B(1)(b)
Documents and applications relating to meetings (including related party transactions)		
No form	Document lodged under item 7 of section 611	RG74
<a href="#">2501</a>	Application for extension of time to hold Annual General Meeting	s250P
<a href="#">5057A</a>	Related party benefits - proposed notice, explanatory statement & accompanying documents	s218(1)
<a href="#">CF11</a>	Application for reduction of lodgement period under s218(1)	s218(2)