ASIC Corporations (Pre-Prospectus Advertising and Publicity) Instrument 2026/XX

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

Date 2026

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

<insert name>

Contents

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Pre-Prospectus Advertising and Publicity) Instrument 2026/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 741(1) of the *Corporations Act 2001*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Simplified outline of this instrument

Section 734 of the Act prohibits advertising and publicity of offers of securities that require a disclosure document except in limited circumstances.

This instrument modifies subsection 734(5) of the Act to enable advertising and publicity of an offer, or intended offer, of securities before lodgement of a disclosure document, provided that the advertisement or publication includes certain statements.

6 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

Part 2—Declaration

7 Advertising and publicity before the disclosure document is lodged

Chapter 6D of the Act applies to all persons as if section 734 were modified or varied by omitting subsection 734(5) (not including the note), and substituting:

“(5) Before the disclosure document is lodged, an advertisement or publication does not contravene subsection (2) if it includes a statement that:

(a) if the securities are likely to be available by way of issue—identifies the issuer of the securities; and

(b) if the securities are likely to be available pursuant to sale offers to which section 707 will apply—identifies the issuer of the securities and the seller of the securities; and

(c) in any case—a disclosure document for the offer will be made available when the securities are offered; and

(d) indicates when and where the disclosure document is expected to be made available; and

(e) a person should consider the disclosure document in deciding whether to acquire the securities; and

(f) anyone who wants to acquire the securities will need to complete the application form that will be in or will accompany the disclosure document.”.

Part 3—Repeal

8 Repeal

This instrument is repealed at the start of 1 October 2031.

Schedule 1—Repeals

ASIC Corporations (IPO Communications) Instrument 2020/722

1 The whole of the instrument

Repeal the instrument.