

Attachment 2 to CS 25: Draft instrument



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Foreign Securities— Incidental Advertising) Instrument 2025/XX

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

Date 2025

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

<insert name>

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Foreign Securities—Incidental Advertising) Instrument 2025/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 subsections 741(1) and 1020F(1) of the *Corporations Act 2001*.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

foreign securities means securities (within the meaning of subsection 92(1) of the Act) issued or proposed to be issued by a foreign company.

publication, in relation to an advertisement or statement, includes publication in or by way of:

- (a) newspapers and magazines; and
- (b) radio and television broadcasting services; and
- (c) electronic services (including services provided through the internet) that:
 - (i) are operated on a commercial basis; and
 - (ii) are similar to newspapers, magazines or radio or television broadcasts.

Part 2—Exemption

5 Advertising relief for incidental advertising of foreign securities

A person who, as author or publisher, publishes an advertisement or statement about foreign securities in this jurisdiction does not have to comply with subsection 734(2) or section 1018A of the Act where:

- (a) the person causes or authorises the publication of an advertisement or statement in relation to foreign securities outside this jurisdiction; and
- (b) the publication of the advertisement or statement in this jurisdiction is merely incidental to its publication outside this jurisdiction.

Part 3—Repeal

6 Repeal

This instrument is repealed at the start of 1 October 2030.