

Attachment 1 to CP 365: Draft instrument



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Relevant Interests, ASIC and ASIC Chairperson) Instrument 2023/XXX

I, [], delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date

[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 (Relevant Interests, ASIC and ASIC Chairperson) Instrument 2023/XXX*.

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 paragraphs 655A(1)(b), 669(1)(b) and 673(1)(b) of the Act.

4 Definitions

In this instrument:

Act means the *Corporations Act 2001*.

Part 2—Declaration

5 Relevant interests, ASIC and ASIC Chairperson

- (1) Chapters 6 and 6C of the Act applies to all persons as if section 609 of the Act were modified or varied by, after notional subsection (13), inserting:

“ASIC

(14) Subject to subsection (15), ASIC does not have a relevant interest in securities.

(15) ASIC may have a relevant interest in securities if:

- (a) the securities are vested in, or held by, ASIC for and on behalf of the Commonwealth; or
- (b) the securities are vested in, or held by, the Commonwealth on trust.

(16) To avoid doubt, the Chairperson of ASIC does not have a relevant interest in securities merely because ASIC has a relevant interest in securities and the Chairperson holds that office.”.

Note: Notional subsection 609(13) of the Act is inserted by *ASIC Corporations (Relevant Interests, Voting Power and Exceptions to the General Prohibition) Instrument 2023/XXX*.

- (2) Chapters 6, 6A and 6C of the Act apply to all persons as if subsection 12(2) of the Act were modified or varied by, after “if, and only if,” inserting “neither of the persons is ASIC and”.