

Attachment 2 to CS 40: Draft instrument



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Amendment) Instrument 2026/XXX

I, Kate Metz, delegate of the Australian Securities & Investments Commission,
make the following legislative instrument.

Date 2026

[DRAFT ONLY – NOT FOR SIGNATURE]

<signature>

Kate Metz

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2026/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 subsection 926A(2) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

ASIC Corporations (Licence Conditions—Treatment of Lease Assets) Instrument 2021/229

1 After section 3

Insert:

3A Simplified outline of this instrument

<p>This instrument modifies the Act so that a right-of-use asset under a lease is not treated as an excluded asset for the purposes of an Australian financial services licensee’s general duty to comply with its Australian financial services licence conditions, including financial resource requirements</p>
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2 Section 5

Before “(4A)—”, insert: “*Adequate resources to provide financial services—excluded assets*”.

3 Section 6

Omit “1 May 2026”, substitute “1 May 2031”.