

**Australian Securities and Investments Commission
Corporations Act 2001 — Paragraph 1075A(1)(b) — Declaration**

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraph 1075A(1)(b) of the *Corporations Act 2001* (the *Act*).

Title

2. This instrument is ASIC Class Order [CO 07/183].

Commencement

3. This instrument commences on the date it is registered under the *Legislative Instruments Act 2003*.

Note: An instrument is registered when it is recorded on the Federal Register of Legislative Instruments (*FRLI*) in electronic form: see *Legislative Instruments Act 2003*, s 4 (definition of *register*). The FRLI may be accessed at <http://www.frli.gov.au/>.

Declaration

4. Part 7.11 of the Act applies to securities of a company as if section 1071H in that Part were modified or varied by inserting after subsection (5):

“(5A) A company need not comply:

- (a) with subsection (1) in relation to the issue of a security; or
- (b) with subsection (3) in relation to a transfer of a security;

if:

- (c) the security is able to be traded on any of the following financial markets operated by New Zealand Exchange Limited (*NZX*):
 - (i) NZSX;
 - (ii) NZDX;
 - (iii) NZAX; and
- (d) the issue or transfer of the security is covered by the system (the *FASTER system*) for the electronic transfer of securities operated by NZX known as the “FASTER” system; and
- (e) any document required to be sent or delivered to the person to whom the security is issued, or the transferee, under the

FASTER system in relation to the issue or the transfer has been so sent or delivered.

Note: Subsection (1) requires a company to complete, have ready for delivery and send or deliver to the holder the appropriate certificates or other title documents within 2 months after the company issues a security. A company that has issued securities will be able to rely on this subsection if the requirements of paragraphs (c) to (e) are met no later than 2 months after the company issues a security.

Subsection (3) requires a company to complete, have ready for delivery and send or deliver to the transferee the appropriate title and transfer documents within one month after the date on which a transfer of a security is lodged with the company. A company whose securities have been transferred will be able to rely on this subsection if the requirements of paragraphs (c) to (e) are met no later than one month after the date on which a transfer of a security is lodged with the company.

(5B) In subsection (5A), a security is *able to be traded* on a financial market even if, under the terms on which it is to be traded, it must be transferred together with one or more other securities.”.

Interpretation

5. In this instrument:

securities has the same meaning as in Subdivision A of Division 2 of Part 7.11 of the Act (see subsection 1071A(1) of the Act).

Dated this 30th day of August 2007

Signed by Brendan Byrne
as a delegate of the Australian Securities and Investments Commission