



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (Amendment) Instrument 2019/784**

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I, Jennifer Dolphin, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 13 September 2019

Jennifer Dolphin

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## Contents

|   |          |
|---|----------|
| <b>Part 1—Preliminary</b>                                   | <b>3</b> |
| 1 Name of legislative instrument .....                      | 3        |
| 2 Commencement .....  | 3        |
| 3 Authority .....   | 3        |
| 4 Schedules .....   | 3        |
| <b>Schedule 1—Amendments</b>                                | <b>4</b> |
| ASIC Corporations (Short Selling) Instrument 2018/745 ..... | 4        |
| ASIC Class Order [CO 13/655] .....                          | 4        |
| ASIC Class Order [CO 13/721] .....                          | 4        |
| ASIC Class Order [CO 13/1200] .....                         | 4        |

## **Part 1—Preliminary**

### **1 Name of legislative instrument**

This is the *ASIC Corporations (Amendment) Instrument 2019/784*.

### **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](http://www.legislation.gov.au).

### **3 Authority**

This instrument is made under subsections 601QA(1) and 1020F(1) of the *Corporations Act 2001*.

### **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended as set out in the applicable items in the Schedule concerned.

## **Schedule 1—Amendments**

### **ASIC Corporations (Short Selling) Instrument 2018/745**

#### **1 Section 5 (notional subsection 1020B(4A) of the Act)**

Omit notional paragraph 1020B(4A)(b), substitute:

- (b) the sale is in the course of making a market in the shorted product on a financial market operated by ASX Limited or Chi-X Australia Pty Ltd.

#### **2 Subsection 13(2)**

Omit the subsection, substitute:

- (2) Subsection (1) applies in relation to a sale of interests in, or securities of, an exchange traded fund or a managed fund by the ETF market maker in the course of making a market in those interests or securities on a financial market operated by ASX Limited or Chi-X Australia Pty Ltd.

### **ASIC Class Order [CO 13/655]**

#### **3 Paragraph 4(b) (notional subparagraph 601GAE(2)(a) of the Act)**

Omit notional subparagraphs 601GAE(2)(a)(ii) and (iii), substitute:

- (ii) for exchange traded funds or managed funds—are in a class of interests that are able to be traded on a financial market operated by ASX or Chi-X,

### **ASIC Class Order [CO 13/721]**

#### **4 Paragraph 9**

Omit the paragraph, substitute:

- 9. A responsible entity of an exchange traded fund or a managed fund whose interests are in a class of interests that are able to be traded on a financial market operated by ASX or Chi-X, does not have to comply with section 1017B of the Act for as long as the conditions in paragraph 10 are met.

### **ASIC Class Order [CO 13/1200]**

#### **5 Paragraph 8(b)**

Omit the paragraph, substitute:

- (b) an interest in an exchange traded fund or a managed fund whose interests are in a class of interests that are able to be traded on a financial market operated by ASX or Chi-X;