



**ASIC**  
Australian Securities &  
Investments Commission

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## **ASIC Corporations (Amendment) Instrument 2023/142**

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I, Claire LaBouchardiere, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 21 December 2023

Claire LaBouchardiere

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## **Part 1—Preliminary**

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

This is the *ASIC Corporations (Amendment) Instrument 2023/142*.

### **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 341(1) and 992B(1) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Post Balance Date Reporting) Instrument 201/842*

#### 1 Section 1

Omit “201/842”, substitute “2015/842”.

#### 2 Subsection 4(1) (definition of *relevant entity*)

After “registered scheme”, insert “, registrable superannuation entity”.

#### 3 Subsection 5(1)

After “Part 2M.3 of the Act”, insert “, and a retail CCIV does not have to comply with Part 2M.3 of the Act in relation to a sub-fund,”.

#### 4 Subparagraph 5(2)(a)(i)

After “relevant entity”, insert “or sub-fund (as the case may be)”.

#### 5 Sub-subparagraph 5(2)(a)(i)(B)

After “relevant entity’s”, insert “or sub-fund’s (as the case may be)”.

### *ASIC Corporations (Disclosing Entities) Instrument 2016/190*

#### 6 Section 4 (definition of *directors’ report*)

Repeal the definition.

#### 7 Section 4

Insert:

***disclosing entity:***

- (a) a retail CCIV is a ***disclosing entity*** in relation to a sub-fund of the retail CCIV if any securities referable (within the meaning of subsection 1232F(2) of the Act) to the sub-fund are ED securities; and
- (b) otherwise, ***disclosing entity*** has the same meaning as in section 9 of the Act.

#### 8 Section 5 (heading)

Omit “Bodies or schemes”, substitute, “Entities”.

**9 Subparagraph 5(1)(a)(ii)**

Omit “year.”, substitute, “year; and”.

**10 After subsection 5(1)**

Insert:

- (1A) A retail CCIV (the *entity*) that is a disclosing entity in relation to a sub-fund of the retail CCIV at the end of its financial year (the *relevant financial year*) does not have to comply with the requirements of Chapter 2M of the Act to the extent that those requirements apply to the entity as a disclosing entity in relation to the sub-fund, if the entity stops being a disclosing entity in relation to the sub-fund before the day 3 months after the end of the relevant financial year.

**11 Paragraph 5(2)(a)**

Repeal the paragraph, substitute:

- (a) in the case of:
- (i) a company or scheme—the entity complies with Chapter 2M of the Act as if it had not been a disclosing entity at the end of the relevant financial year; and
  - (ii) a retail CCIV—the retail CCIV complies with Chapter 2M of the Act in relation to the sub-fund as if it had not been a disclosing entity in relation to the sub-fund at the end of the relevant financial year; and

**12 Paragraph 5(2)(b)**

After “disclosing entity”, insert “(or in the case of a retail CCIV, a disclosing entity in relation to the sub-fund)”.

**13 Subsection 6(1)**

Repeal the subsection, substitute:

*Relief*

- (1) None of the following (each an *entity*) has to comply with sections 302 or 306 of the Act for a half-year within the entity’s first financial year (the *relevant financial year*) where that year lasts for 8 months or less:
- (a) a company that is a disclosing entity;
  - (b) a registered scheme that is a disclosing entity;

- (c) a retail CCIV that is a disclosing entity in relation to a sub-fund of the retail CCIV.

**14 Sub-subparagraph 6(2)(a)(i)(A)**

Repeal the sub-subparagraph, substitute:

- (A) is listed; and

Note 1: A retail CCIV will be listed if its single sub-fund is included in such an official list even if the retail CCIV is not so included (see the definition of *listed* in section 9 of the Act).

Note 2: Neither a retail CCIV that has more than one sub-fund nor such a sub-fund may be listed: see section 1222N of the Act.

**15 Sub-subparagraph 6(2)(a)(i)(B)**

Omit “of which the entity is included on the official list”, substitute “in relation to which the entity is listed”.

**16 Sub-subparagraph 6(2)(a)(ii)(A)**

Omit “an unlisted disclosing entity”, substitute “unlisted”.

**17 Paragraph 6(2)(b)**

Repeal the paragraph, substitute:

- (b) in the case of:
- (i) a company or scheme—the directors’ report of the entity for the relevant financial year explains the effect of this section and states that the entity relied on it; and
  - (ii) a retail CCIV—the directors’ report of the retail CCIV in relation to the sub-fund for the relevant financial year explains the effect of this section and states that the retail CCIV relied on it in relation to the sub-fund.

***ASIC Corporations (Rounding in Financial/Directors’ Reports) Instrument 2016/191***

**18 Section 4 (paragraph (e) of the definition of *entity*)**

Omit the paragraph, substitute:

- (e) a retail CCIV in relation to a sub-fund of the retail CCIV;
- (f) a registrable superannuation entity.