

**Australian Securities and Investments Commission
Corporations Act 2001 – Paragraph 1020F(1)(c) – Declaration**

Enabling legislation

1. The Australian Securities and Investments Commission makes this instrument under paragraph 1020F(1)(c) of the *Corporations Act 2001 (Act)*.

Title

2. This instrument is ASIC Class Order [CO 10/29].

Commencement

3. This instrument commences on the later of:
 - (a) the day the instrument is registered under the *Legislative Instruments Act 2003*; and
 - (b) the commencement of Schedule 2 to the *Corporations Amendment Regulations 2009 (No. 8)*.

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 7.9 of the Act applies in relation to all persons as if Division 15 of Part 7.9 of the *Corporations Regulations 2001 (Regulations)* were modified or varied as follows:
 - (a) in subregulation 7.9.99(1) omit the definition of *reporting day*, substitute:

“reporting day, in relation to a short position, means a day that a licensed market that has admitted to quotation the section 1020B product is open for trading.”;
 - (b) in paragraph 7.9.100(1)(d) omit “the close of business”, substitute “7 pm”;
 - (c) after subregulation 7.9.100(1) insert:

“(1A) A seller is not required to give the particulars mentioned in paragraph (1)(d) in relation to an agreement to sell entered into before 1 June 2010.”;

(d) omit subregulation 7.9.100A(1), substitute:

“(1) If a seller has a short position which arises from an agreement to sell, entered into before 1 June 2010, the seller must:

(a) give particulars about the short position as at 7 pm on 1 June 2010 on or before 9 am on 4 June 2010; and

(b) give particulars about the short position as at 7pm on each subsequent day after 1 June 2010 on or before 9 am on the third reporting day after that subsequent day as long as the seller has a short position.”; and

(e) after subregulation 7.9.102(1A) insert:

“(1B) ASIC is not required to publicly disclose the particulars mentioned in subregulation (1A) in relation to information given to it before 21 June 2010.”.

Dated this 29th day of March 2010

Signed by Andrew Fawcett
as a delegate of the Australian Securities and Investments Commission