



**ASIC**

Australian Securities & Investments Commission

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## **ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2017 (No. 1)**

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I, Greg Yanco, delegate of the Australian Securities and Investments Commission, with the written consent of the Minister, make the following legislative instrument.

Date 10 November 2017

Greg Yanco

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## **Part 1—Preliminary**

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

This instrument is *ASIC Market Integrity Rules (Competition in Exchange Markets) Amendment 2017 (No. 1)*.

### **2 Commencement**

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

Note: The register may be accessed at [www.legislation.gov.au](http://www.legislation.gov.au).

### **3 Authority**

This instrument is made under subsection 798G(1) of the *Corporations Act 2001*.

### **4 Schedule**

Schedule 1 amends the *ASIC Market Integrity Rules (Competition in Exchange Markets) 2011*.

## Schedule 1—Amendments

### *ASIC Market Integrity Rules (Competition in Exchange Markets) 2011*

**1 Rule 1.4.3, definition of *Equity Market Product*, sub-paragraph (c)(ii)**

After “;”, omit “or”.

**2 Rule 1.4.3, definition of *Equity Market Product*, paragraph (d)**

Omit “;”, substitute “; or”.

**3 Rule 1.4.3, definition of *Equity Market Product*, after paragraph (d)**

Insert “(e) a Transferable Custody Receipt,”.

**4 Rule 1.4.3, after the definition of *Financial Product***

Insert:

***Foreign Quoted Shares***, in relation to a Transferable Custody Receipt, means shares of a foreign company that is listed on the New York Stock Exchange, NASDAQ Global Market or NASDAQ Global Select Market, where the shares are in a class of shares that is able to be traded on at least one of those financial markets.

**5 Rule 1.4.3, after the definition of *Transaction Costs***

Insert:

***Transferable Custody Receipts*** means units of beneficial ownership in Foreign Quoted Shares where the units:

- (a) arise from a custodial and sub-custodial arrangement under which:
  - (i) a custodian holds, directly or indirectly, the Foreign Quoted Shares on behalf of, or in trust for, an AFSL holder that holds an AFSL that covers the provision of a custodial or depository service; and
  - (ii) the AFSL holder holds their equitable rights or interests in the Foreign Quoted Shares arising from the custodial arrangement mentioned in subparagraph (i) on behalf of, or in trust for, a person; and
- (b) are issued without the involvement of the issuer of the Foreign Quoted Shares; and
- (c) are able to be traded on the Chi-X Market.