*ASIC Corporations (Amendment) Instrument 2018/483*

Explanatory Statement

Prepared by the Australian Securities and Investments Commission

*Corporations Act 2001*

The Australian Securities and Investments Commission (***ASIC***) makes ASIC Corporations (Amendment) Instrument 2018/483 (***Instrument 2018/483***) under sections 741 and 1020F of the *Corporations Act 2001* (***Act***).

1. **Purpose of the instrument**

Instrument 2018/483 amends the definition of foreign compromise or arrangement in ASIC Corporations (Compromises and Arrangements) Instrument 2015/358 ***(Instrument 2015/358***).

Previously, this concept was simply defined in Instrument 2015/358 as “a compromise or arrangement between a foreign company and its members or any class of them”. Instrument 2018/483 corrects the definition so that the compromise or arrangement must also be regulated by a law of an eligible foreign country. This is consistent with the intention of Instrument 2015/358 to give various relief for compromises or arrangements regulated by the laws of a specified eligible foreign country.

1. **Consultation**

ASIC did not conduct any public consultation on ASIC Corporations (Amendment) Instrument 2018/483 because the instrument merely corrects relatively minor errors in ASIC Corporations (Compromises and Arrangements) Instrument 2015/358.

**Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the Human Rights (Parliamentary Scrutiny) Act 2011*

**ASIC Corporations (Amendment) Instrument 2018/483**

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

**Overview of the legislative instrument**

The purpose of this legislative instrument is to correct the definition of foreign compromise and arrangement in ASIC Corporations (Compromises or Arrangements) Instrument 2015/358 in section 4 of that instrument and correct a typographical error in subsection 5(3) of the instrument.

**Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

**Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.