



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Margin Lending Relief for Exchange-Traded Instalment Warrants) Instrument 2021/194

I, Anthony Graham, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 24 March 2021

Anthony Graham

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Margin Lending Relief for Exchange-Traded Instalment Warrants) Instrument 2021/194*.

2 Commencement

This instrument commences on the later of:

- (a) the day after it is registered on the Federal Register of Legislation;
and
- (b) 1 April 2021.

Note: The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under subsection 761EA(9) of the *Corporations Act 2001* (the **Act**).

4 Definitions

In this instrument:

Australian domestic market licensee means a person who is a market licensee because of subsection 795B(1) or 1413(2) of the Act.

instalment warrant means a financial product that is a security or an interest in a managed investment product under the terms of which:

- (a) credit is provided by the issuer to the person (the ***client***) acquiring the financial product; and
- (b) the credit is applied to acquire one or more marketable securities (the ***underlying asset***), which may include applying the credit to pay for expenses incurred in connection with providing the credit or acquiring the underlying asset; and
- (c) the underlying asset is held on trust so that the client acquires a beneficial interest in the underlying asset; and
- (d) the client has a right to acquire legal ownership of the underlying asset by making one or more payments after acquiring the beneficial interest; and
- (e) the rights of the issuer, or any other person, against the client are limited to rights relating to the underlying asset.

Part 2—Declaration

5 Terms of the Declaration

ASIC declares that a facility that is an instalment warrant:

- (a) that is in a class of financial products that are admitted to quotation on a licensed market operated by an Australian domestic market licensee; and
- (b) that is issued by a financial services licensee; and
- (c) that is a standard margin lending facility;

is not a margin lending facility.

Note: This declaration does not have the effect that an instalment warrant covered by this declaration is not a financial product.

Part 3—Repeal

6 Repeal

This instrument is repealed on 1 April 2026.