



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Amendment and Repeal) Instrument 2023/36

I, Nathan Bourne, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 20 April 2023

Nathan Bourne

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment and Repeal) Instrument 2023/36*.

2 Commencement

- (1) This instrument (other than Schedules 3 and 4 to this instrument) commences on the day after this instrument is registered on the Federal Register of Legislation.

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

- (2) Schedules 3 and 4 to this instrument commence on 21 October 2024.

3 Authority

This instrument is made under paragraph 907D(2)(a) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Derivative Transaction Rules (Nexus Derivatives) Class Exemption 2015

1 Paragraph 4 (definition of Rules)

Omit “*ASIC Derivative Transaction Rules (Reporting) 2013* as amended from time to time”, substitute “*ASIC Derivative Transaction Rules (Reporting) 2022*”.

ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

2 Subsection 4(1) (definition of Rules)

Omit “2013”, substitute “2022”.

3 Subsection 4(1) (definition of Swap Execution Facility)

Repeal the definition.

4 Subsection 5(1)

Omit “to 30 September 2023”.

5 Paragraph 5(3)(a)

Omit “no later than 1 October 2023”, substitute “the date the Reporting Entity ceases to rely on the exemption”.

6 Paragraph 5(3)(b)

Omit “1 October 2023 or such earlier date as”, substitute “the date”.

7 Subsections 7(1) and 11(1)

Omit “30 September 2023”, substitute “20 October 2024”.

8 Subparagraph 11(2)(a)(i)

Omit “requirements (*CFTC rules*) issued by the Commodity Futures Trading Commission of the United States of America”, substitute “laws or other rules (however described) in force in one or more foreign jurisdictions”.

9 Subparagraph 11(2)(a)(ii)

Omit “; or”, substitute “; and”.

10 Subparagraph 11(2)(a)(ii) (note)

Repeal the note.

11 After subparagraph 11(2)(a)(ii)

Insert:

“(iii) on the assumption that the reporting deadline in this jurisdiction for a Reportable Transaction is the end of the second business day in Sydney after the day on which the Reportable Transaction occurs; or”

12 Paragraph 11(2)(b)

Omit “Swap Execution Facility”, substitute “trading venue”.

13 Section 13

Omit “30 September 2023”, substitute “20 October 2024”.

ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2016/0688

14 Section 4 (definition of *Reporting Rules*)

Omit “2013”, substitute “2022”.

ASIC Derivative Transaction Rules (ADI Foreign Subsidiaries) Class Exemption 2021/51

15 Subsection 4(1) (definition of *Rules*)

Omit “2013”, substitute “2022”.

Schedule 2—Repeals

ASIC Instrument [14/0234]

1 The whole of the instrument

Repeal the instrument.

ASIC Instrument [14/0633]

2 The whole of the instrument

Repeal the instrument.

Schedule 3—Amendments

ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

1 Sections 6, 6A, 6B and 13A

Repeal the sections.

2 Subsection 14(a)

Omit “, 6B(3)”.

Schedule 4—Repeals

ASIC Derivative Transaction Rules (ADI Foreign Subsidiaries) Class Exemption 2021/51

1 The whole of the instrument

Repeal the instrument.

ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2016/0688

2 The whole of the instrument

Repeal the instrument.