

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

**Contents**

[Part 1—Preliminary 3](#_Toc132725757)

[1 Name of legislative instrument 3](#_Toc132725758)

[2 Commencement 3](#_Toc132725759)

[3 Authority 3](#_Toc132725760)

[4 Schedules 3](#_Toc132725761)

[Schedule 1—Amendments 4](#_Toc132725762)

[*ASIC Derivative Transaction Rules (Nexus Derivatives) Class Exemption 2015* 4](#_Toc132725763)

[*ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844* 4](#_Toc132725764)

[*ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2016/0688* 5](#_Toc132725765)

[*ASIC Derivative Transaction Rules (ADI Foreign Subsidiaries) Class Exemption 2021/51* 5](#_Toc132725766)

[Schedule 2—Repeals 6](#_Toc132725767)

[ASIC Instrument [14/0234] 6](#_Toc132725768)

[ASIC Instrument [14/0633] 6](#_Toc132725769)

[Schedule 3—Amendments 7](#_Toc132725770)

[*ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844* 7](#_Toc132725771)

[Schedule 4—Repeals 8](#_Toc132725772)

[*ASIC Derivative Transaction Rules (ADI Foreign Subsidiaries) Class Exemption 2021/51* 8](#_Toc132725773)

[*ASIC Corporations (Derivative Transaction Reporting Exemption) Instrument 2016/0688* 8](#_Toc132725774)

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](http://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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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.