



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Amendment) Instrument 2023/504

I, Benjamin Cohn-Urbach, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 30 August 2023

Benjamin Cohn-Urbach

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2023/504*.

2 Commencement

- (1) This instrument (other than Schedule 2 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) Schedule 2 to this instrument commences 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 Corporations (Derivative Transaction Reporting Exemption) Instrument 2015/844

1 Subsection 4(1)

Insert:

2024 Transitional Information means Derivative Trade Data referred to in the following table:

Table in Rules	Items in Table
Table S2.1(1) (Derivative Transaction Information - Common data)	9, 23, 25, 26, 36, 51, 52 and 54
Table S2.1(2) (Derivative Transaction Information – Commodity derivative data)	3, 10, 11, 12 and 13
Table S2.2(1) (Derivative Position Information – Common data)	17 and 26

2 After section 13A

Insert:

13B Exemption 11 (2024 Transitional Information Reporting)

Relief

- (1) A Reporting Entity does not have to comply with Rule 2.2.1 of the Rules to the extent that Rule requires the Reporting Entity to report 2024 Transitional Information.

Where exemption does not apply

- (2) The exemption in subsection (1) does not apply in relation to an item (**relevant item**) of 2024 Transitional Information if the systems of the Derivative Trade Repository to which the Reporting Entity reports Derivative Trade Data require the reporting of:
- (a) the relevant item; or
 - (b) another item of Derivative Trade Data, the reporting of which requires the reporting of the relevant item.

Relief

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- (3) A Reporting Entity does not have to comply with Rule 2.2.1 of the Rules to the extent that Rule requires the Reporting Entity to report Derivative Trade Data referred to as item 21 ('Whether the Derivative has been confirmed') or item 22 (Form of confirmation) of Table S2.1(1) in Schedule 2 to the Rules.

Where exemption applies

- (4) The exemption in subsection (3) applies if:
- (a) the systems of the Derivative Trade Repository to which the Reporting Entity reports Derivative Trade Data do not require the reporting of item 21 or item 22 (as applicable); or
 - (b) the Reporting Entity has reported 'not confirmed' in relation to item 21 or item 22 (as applicable) to the Derivative Trade Repository.

Conditions

- (5) A Reporting Entity that relies on the exemption in subsection (1) must maintain records of the 2024 Transitional Information in accordance with Rule 2.3.1 of the Rules.
- (6) A Reporting Entity that relies on the exemption in subsection (3) must maintain records of the Derivative Trade Data referred to in item 21 or item 22 (as applicable) in accordance with Rule 2.3.1 of the Rules.

3 Section 14 (heading)

Omit "10", substitute "11".

4 Paragraph 14(a)

Omit "and 11(2)", substitute "11(2), 13B(5) and 13B(6)".

Schedule 2—Amendments

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

1 Subsection 4(1) (definition of 2024 Transitional Information)

Repeal the definition.

2 Section 13B

Repeal the section.

3 Section 14 (heading)

Omit “11”, substitute “10”.

4 Paragraph 14(a)

Omit “, 11(2), 13B(5) and 13B(6)”, substitute “and 11(2)”.