



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Amendment) Instrument 2023/825

I, Amanda Zeller, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 6 November 2023

Amanda Zeller

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2023/825*.

2 Commencement

This instrument commences on the day after it is registered on the Federal Register of Legislation.

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

3 Authority

This instrument is made under subsection 655A(1) 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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Takeover Bids) Instrument 2023/683

1 After paragraph 6(f)

Insert:

- (fa) in the heading to section 641, omit “**securities holdings**”, substitute “**holdings of securities and derivatives**”;

2 Paragraph 6(g) (after notional paragraph 641(1)(a) of the *Corporations Act 2001*)

Insert:

- (aa) where the target:
 - (i) knows an electronic address for the person because the person holds:
 - (A) securities in the target; or
 - (B) securities or derivatives referred to in subparagraph (a)(ii); and
 - (ii) believes on reasonable grounds that it is a current electronic address for the person for receiving electronic communications—that electronic address; and
- (ab) where an election of the person to be sent documents by the target in physical form, or in electronic form, is in force under section 110E (disregarding subsection 110E(8)) in relation to a kind of documents mentioned in subsection (1C) of this section—the fact that such an election is in force; and

3 Section 9

Omit “Chapter 6 of of the Act,” substitute “Chapter 6 of the Act.”.