



ASIC
Australian Securities &
Investments Commission

ASIC Derivative Transaction Rules (Reporting) Determination 2023/679

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

Date 25 August 2023

Benjamin Cohn-Urbach

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Part 1—Preliminary

1 Name of notifiable instrument

This is the *ASIC Derivative Transaction Rules (Reporting) Determination 2023/679*.

2 Commencement

- (1) This instrument (other than subsections 6(1) and (2)) 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.

- (2) Subsections 6(1) and (2) commence 90 days after the day this instrument is published on the website of ASIC.

3 Authority

This instrument is made under subrules 2.2.8(3) and (5) of the *ASIC Derivative Transaction Rules (Reporting) 2022*.

4 Definitions

In this instrument:

CFD-like product means an OTC Derivative for which the following applies:

- (a) the parties to the OTC Derivative are:
- (i) a person (**CFD Provider**) who carries on a business of offering to enter into, and entering into, OTC Derivatives of that type with other persons (**clients**); and
 - (ii) a client;
- (b) the client has the right to determine when the OTC Derivative will be terminated and OTC Derivatives of that type are typically terminated by the client entering into (other than as a result of a compression or clearing process) an offsetting OTC Derivative;

Note: The terms of the OTC Derivative may also provide for its termination in other circumstances.

- (c) the client is required to pay money, or provide other security, to the CFD Provider as security for its obligations under the OTC Derivative.

Excluded Derivative has the same meaning as in Rule 2.2.8 of the Rules.

OTC Derivative has the same meaning as in Rule 1.2.4 of the Rules.

Rules means the *ASIC Derivative Transaction Rules (Reporting) 2022*.

Part 2—Determination

5 Excluded Derivatives

An OTC Derivative is an Excluded Derivative for the purposes of Rule 2.2.8 of the Rules if it is any of the following:

- (a) an equity derivative;
- (b) a derivative of the kind commonly known as a CFD;
- (c) a derivative of the kind commonly known as Margin FX;
- (d) a CFD-like product.

Part 3—Repeal and Withdrawal

6 Repeal and withdrawal

- (1) To the extent *ASIC Derivative Transaction Rules (Reporting) Determination 2018/1096* is still in force, it is withdrawn.
- (2) To the extent *ASIC Derivative Transaction Rules (Reporting) Determination 2018/1096* has not already been repealed, it is repealed.
- (3) At the start of 21 October 2024:
 - (a) the determination in section 5 is withdrawn; and
 - (b) this instrument is repealed.