



ASIC
Australian Securities &
Investments Commission

ASIC Corporations (Amendment) Instrument 2024/630

I, Leah Sciacca, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 31 July 2024

Leah Sciacca

Contents

Part 1—Preliminary	3
1 Name of legislative instrument.....	3
2 Commencement.....	3
3 Authority.....	3
4 Schedule.....	3
Schedule 1—Amendments	4
<i>ASIC Corporations (Facilitating Electronic Delivery of Financial Services Disclosure) Instrument 2015/647</i>	4
<i>ASIC Corporations (Periodic Statement Relief for Quoted Securities) Instrument 2024/14</i>	6

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC Corporations (Amendment) Instrument 2024/630*.

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 paragraphs 951B(1)(c) and 1020F(1)(c) of the *Corporations Act 2001*.

4 Schedule

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 (Facilitating Electronic Delivery of Financial Services Disclosure) Instrument 2015/647

1 Section 4

Insert:

ASX means ASX Limited ACN 008 624 691.

Cboe means Cboe Australia Pty Ltd ACN 129 584 667.

2 Subsection 5(1) (heading)

After “*Definition of*”, insert “*ETF and*”.

3 Subsection 5(1) (notional definition of *nominated electronic means*)

Before the notional definition, insert the following notional definition:

“*ETF* (short for exchange traded fund) means a registered scheme or a sub-fund of a CCIV in relation to which all of the following are satisfied:

- (a) interests in the scheme or shares in the sub-fund are in a class that is able to be traded on a financial market operated by ASX or Cboe, but the scheme or sub-fund is not listed on either of those markets;
- (b) the responsible entity or CCIV has the power and approval to issue interests or shares in that class on any day that those interests or shares are able to be traded on the relevant financial market; and
- (c) the responsible entity or CCIV allows applications for, and redemptions of, interests or shares in that class on any day that those interests or shares are able to be traded on the relevant financial market.”.

4 Subsection 5(1) (paragraph (a) of the notional definition of *nominated electronic means*)

Omit the paragraph, substitute:

- (a) the providing person makes the relevant communication available by an electronic means and:
 - (i) if subparagraph (b)(i) or (ii) applies—notifies the receiving person orally or by giving the receiving person a notice in printed or electronic form:

- (A) that the providing person has made the relevant communication available by the electronic means; and
 - (B) how the receiving person can obtain the relevant communications through, or by using, the electronic means; and
- (ii) if subparagraph (b)(iii) applies to a relevant communication that is a periodic statement—a notification that the relevant communication is available is included on the website identified in the notice referred to in sub-subparagraph (b)(iii)(A);

Note: A notification under subparagraph (a)(i) or (ii) must be made each time a relevant communication is made by a nominated electronic means. A standing notice may be given for the purposes of subparagraph (b)(ii) and sub-subparagraph (b)(iii)(A).

5 Subsection 5(1) (paragraph (b) of the notional definition of *nominated electronic means*)

Omit “either”, substitute “any of the following is satisfied”.

6 Subsection 5(1) (subparagraph (b)(i) of the notional definition of *nominated electronic means*)

Omit “; or”, substitute “;”.

7 Subsection 5(1) (after subparagraph (b)(ii) of the notional definition of *nominated electronic means*)

Insert:

- (iii) if the providing person is an issuer of interests or shares in an ETF, or of quoted ED securities, and the relevant communication is a periodic statement:
 - (A) the providing person has given the receiving person a notice in printed or electronic form that explains how the receiving person can access their periodic statements by the electronic means and that states that, after the date of the notice, notifications of when a periodic statement becomes available will be made on (as applicable) the website for market announcements operated by ASX or Cboe (as applicable), the issuer’s website or the website of the registry service provider for the issuer; and
 - (B) unless the receiving person has subsequently notified the providing person that they wish to access their periodic statements by the electronic means and to be notified by way of an announcement on the website referred to in the notice under sub-subparagraph (A) when a periodic statement is available—the receiving person has not notified the providing

person before 30 November 2024 that they wish to receive periodic statements in hard copy form;

8 Subsection 5(1) (paragraph (d) of the notional definition of *nominated electronic means*)

After “subparagraph (b)(ii)”, insert “or (iii)”.

9 Paragraph 5(8)(f)

Omit “paragraph (3)(d)”, substitute “paragraph (3)(e)”.

10 Paragraph 5(8)(g)

Repeal the paragraph, substitute:

(g) after paragraph (3)(e) insert:

“(f) making information available to the person, or the person’s agent, by a nominated electronic means.”.

ASIC Corporations (Periodic Statement Relief for Quoted Securities) Instrument 2024/14

11 Section 4 (paragraph (c) of the definition of *ETF*)

At the end of the paragraph, omit “;”, substitute “.”.

12 Section 4 (paragraph (d) of the definition of *ETF*)

Repeal the paragraph.

13 Paragraph 5(c)

Omit the paragraph, substitute:

(c) after paragraph (5)(f), insert:

“(fa) if the financial product is a quoted ED security or an interest in an ETF (within the meaning of *ASIC Corporations (Periodic Statement Relief for Quoted Securities) Instrument 2024/14*), the address of a website on which information about the performance of the scheme or sub-fund relative to the investment objectives of the scheme or sub-fund is available for an holder to make an informed assessment of the performance of the scheme or sub-fund;”;

14 Section 5 (notional subsection 1017D(8D))

Omit the definitions of *first financial year*, *financial year* and *most recent financial year*.

15 Section 5 (notional subsection 1017D(8E))

Omit the notional subsection.