



Corporations Amendment Regulations 2004 (No. 8)¹

Statutory Rules 2004 No. 398²

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Corporations Act 2001*.

Dated 16 December 2004

P. M. JEFFERY
Governor-General

By His Excellency's Command

CHRIS PEARCE
Parliamentary Secretary to the Treasurer

1 Name of Regulations

These Regulations are the *Corporations Amendment Regulations 2004 (No. 8)*.

2 Commencement

These Regulations commence on the date of their notification in the *Gazette*.

3 Amendment of *Corporations Regulations 2001*

Schedule 1 amends the *Corporations Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

[1] Subregulation 1.0.02 (1), after definition of *ABN*

insert

ACH means Australian Clearing House Pty Limited.

[2] Subregulation 1.0.02 (1), definition of *OCH*

omit

[3] Before paragraph 7.1.01 (a)

insert

(aa) Australia Pacific Exchange Limited;

[4] Regulation 7.1.09

omit

For

insert

- (1) For

[5] Paragraph 7.1.09 (e)

omit

Act.

insert

Act;

[6] After paragraph 7.1.09 (e)

insert

- (f) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A (1) (k) of the Act;
- (g) each obligation arising from a contract to transfer a right that includes an undertaking by a body to repay, as a debt, money deposited with or lent to the body;
- (h) each obligation arising from the entry into a repurchase agreement.

[7] Regulation 7.1.09

insert

- (2) In this regulation, ***repurchase agreement*** means a repurchase transaction, in relation to a financial product, entered into pursuant to:
- (a) The Bond Market Association and the International Securities Market Association Global Master Repurchase Agreement (known as the TBMA/ISMA Global Master Repurchase Agreement); or

- (b) another commonly used master agreement for repurchase transactions.

[8] Paragraph 7.4.01 (c)

substitute

- (c) SFE Corporation Limited, in its capacity as the holding company of the following bodies corporate that have an Australian market licence or an Australian CS facility licence:
- (i) Austraclear Limited;
 - (ii) SFE Clearing Corporation Pty Limited;
 - (iii) Sydney Futures Exchange Limited;

[9] Paragraph 7.4.01 (f)

omit

licence).

insert

licence);

[10] After paragraph 7.4.01 (f)

insert

- (g) Austraclear Limited (in its capacity as a body corporate that has an Australian CS facility licence).

[11] Regulation 7.11.22

substitute

7.11.22 Details to be included in instrument of transfer

- (1) For subsection 1071B (3) of the Act, for a transfer of unquoted securities, the State or Territory in this jurisdiction in which the company is taken to be registered is a prescribed detail.

(2) In this regulation:

unquoted securities means securities (within the meaning of subsection 1071A (1) of the Act) that are not admitted to quotation on any of the financial markets operated by the Australian Stock Exchange Limited, Bendigo Stock Exchange Limited or Stock Exchange of Newcastle Limited.

[12] Schedule 3, item 6

omit

[13] Schedule 4, item 1, column 2, paragraph (a)

omit

subsection 173 (2):

insert

subsection 173 (2) or subsection 672DA (7):

[14] Schedule 4, item 3, column 2

omit

subsection 173 (3):

insert

subsection 173 (3) or subsection 672DA (8):

[15] Further amendments

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraph 7.4.01 (f)	OCH	ACH
Subregulation 7.5.01 (1), definition of <i>obligations</i> , paragraph (b)	OCH,	ACH,
Subregulation 7.5.01 (1), definition of <i>obligations</i> , subparagraph (b) (ii)	OCH; or	ACH; or

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Subregulation 7.5.01 (1), definition of obligations , sub-subparagraph (b) (iv) (B)	OCH	ACH
Subregulation 7.5.01 (1), definition of prescribed period , paragraph (a)	OCH	ACH
Subregulation 7.5.01 (1), definition of reportable transaction , subparagraph (b) (ii)	OCH	ACH
Paragraph 7.5.03 (3) (b)	OCH.	ACH.
Subregulation 7.5.04 (1)	OCH,	ACH,
Subparagraph 7.5.04 (1) (d) (vi)	OCH; or	ACH; or
Subparagraph 7.5.04 (1) (e) (vii)	OCH.	ACH.
Paragraphs 7.5.06 (3) (b) and 7.5.19 (3) (a)	OCH	ACH
Paragraphs 7.5.19 (3) (b) and (3A) (b)	OCH,	ACH,
Paragraphs 7.5.19 (3A) (b) and (4) (a)	OCH	ACH
Paragraphs 7.5.19 (4) (b) and (5) (b)	OCH,	ACH,
Paragraph 7.5.19 (5) (b)	OCH	ACH
Subparagraph 7.5.24 (1) (d) (i)	OCH	ACH
Subparagraph 7.5.24 (1) (d) (ii)	OCH,	ACH,
Subparagraphs 7.5.24 (1) (d) (ii) and (5) (b) (i)	OCH	ACH
Subparagraph 7.5.24 (5) (b) (ii)	OCH,	ACH,
Subregulation 7.5.24 (7)	OCH.	ACH.
Subparagraphs 7.5.25 (1) (d) (ii), 7.5.26 (1) (d) (ii) and 7.5.27 (1) (d) (ii)	OCH,	ACH,
Subparagraph 7.5.68 (a) (ii)	OCH; and	ACH; and

<i>Provision</i>	<i>omit each mention of</i>	<i>insert</i>
Paragraphs 7.5.81 (4) (aa) and (ab)	OCH	ACH
Subparagraph 7.5.81 (4) (d) (ii)	OCH:	ACH:
Sub-subparagraph 7.5.81 (4) (d) (ii) (A)	OCH;	ACH;
Subparagraph 7.5.81 (4) (d) (iii)	OCH:	ACH:
Sub-subparagraph 7.5.81 (4) (d) (iii) (D)	OCH;	ACH;
Paragraph 7.5.85 (b)	OCH.	ACH.

Notes

1. These Regulations amend Statutory Rules 2001 No. 193, as amended by 2001 Nos. 208, 318 and 319 (rr 7.9.10 and 7.9.11 were disallowed by the Senate on 16 September 2002); 2002 Nos. 15, 16 (rr 7.9.10, 7.9.11 (1), 7.9.11 (1) (a), 7.9.11 (1) (b) and 7.9.11 (2) were disallowed by the Senate on 16 September 2002), 41, 53, 126, 145, 182, 265 and 282; 2003 Nos. 31, 48, 85, 126, 127, 194, 202, 282 (Sch 3, items [1] to [4], [6], [8] and [9] were disallowed by the Senate on 24 March 2004), 367, 368 and 369; 2004 Nos. 10, 25, 26, 36, 145, 149 and 208.

2. Notified in the *Commonwealth of Australia Gazette* on 23 December 2004.