



Corporations Amendment Regulations 2009 (No. 4)¹

Select Legislative Instrument 2009 No. 70

I, QUENTIN BRYCE, 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 30 April 2009

QUENTIN BRYCE
Governor-General

By Her Excellency's Command

NICK SHERRY
Minister for Superannuation and Corporate Law

1 Name of Regulations

These Regulations are the *Corporations Amendment Regulations 2009 (No. 4)*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Amendment of *Corporations Regulations 2001*

Schedule 1 amends the *Corporations Regulations 2001*.

Schedule 1 Amendments

(regulation 3)

[1] Paragraph 7.8.01 (5) (c)

omit

licensed financial market)

insert

licensed market or licensed CS facility)

[2] Subregulation 7.8.01 (8), including the note

substitute

(8) For paragraph 981B (1) (c) of the Act, if a financial services licensee is required to call margins from a client under the operating rules of a licensed market or the operating rules of a licensed CS facility:

(a) the financial services licensee may operate an account to which that paragraph applies as:

(i) a clients' segregated account; or

- (ii) a trust account;
in accordance with the operating rules; and
- (b) if:
- (i) the account is operated outside Australia; and
- (ii) the law in force in the jurisdiction where it is maintained requires the account to be designated in a particular way;
- the financial services licensee must designate the account in that way.

Note The operating rules may require client moneys, including moneys used for margining, to be held in either a clients' segregated account or a trust account.

[3] Schedule 8C, after item 10

insert

10A After subsection 892B (1), including the note

insert

- (1A) Nothing in subsection (1) prevents the Minister approving, in accordance with section 884C, a change to Division 3 arrangements that includes the withdrawal of money from an account or accounts holding a fidelity fund.

[4] Further amendments — licensed market

The following provisions are amended by omitting 'licensed financial market' and inserting 'licensed market':

- subregulation 7.8.01 (4A)
- paragraph 7.8.02 (1) (f)
- regulation 7.9.07C
- subregulation 7.9.63B (3).

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.