



**ASIC**

Australian Securities & Investments Commission

## **[CO 03/957] ASX managed investment warrants — disclosure and reporting exemptions**

*Issued 6/11/2003*

*Class Order [CO 03/957] exempts all issuers of ASX traded instalment warrants over managed investment products from certain PDS content and procedural requirements under Part 7.9 of the Corporations Act that would otherwise apply because of the characterisation of the warrants as “managed investment products”.*

*The class order also clarifies that where the managed investment warrant might be characterised as an “enhanced disclosure” security, warrant issuers are exempt from the Chapter 2M reporting and Chapter 6CA continuous disclosure requirements but are subject to the continuous disclosure requirements under Part 7.9.*

<i>Amending Class Order</i>	<i>Date of Operation</i>
[CO 04/188]	11/3/2004
[CO 07/151]	25/5/2007

For details of amendments see historical notes in this class order.

### Australian Securities and Investments Commission Corporations Act 2001 — Subsections 111AT(1) and 1020F(1) — Exemption

1. Under subsection 1020F(1) of the *Corporations Act 2001* (the “Act”) the Australian Securities and Investments Commission (“ASIC”) exempts a warrant issuer from:
  - (a) section 1013I of the Act in relation to a Product Disclosure Statement or Short-Form PDS that relates to an ASX traded managed investment warrant of the warrant issuer; and
  - (aa) section 1015B of the Act in relation to a Product Disclosure Statement that relates to an ASX traded managed investment warrant of the warrant issuer; and
  - (b) section 1017D of the Act in relation to an ASX traded managed investment warrant of the warrant issuer,

for so long as and on the condition that the warrant issuer complies with section 1017B of the Act as if subsection 1017B(2) were omitted.

[*Historical note:* Paragraph 1 amended 25/5/2007 [CO 07/151] by:

- (a) replacing the words ‘sections 1013I and 1015B of the Act in relation to a Product Disclosure Statement’ with the words ‘section 1013I of the Act in relation to a Product Disclosure Statement or Short-Form PDS’; and
- (b) inserting new subparagraph (aa).]

*Note 1:* The consequences of relying on the exemption from s1015B of the Act include ss1013G(a), 1013J and 1016B(1) of the Act not applying in relation to the relevant Product Disclosure Statement; and s1015D applying in relation to that Statement.

*Note 2:* Section 1015B does not apply to a Short-Form PDS.

[*Historical note:* Note replaced 25/5/2007 [CO 07/151]. The Note formerly read: ‘*Note:* The consequences of relying on the exemption from s1015B of the Act include ss1013G(a), 1013J and 1016B(1) of the Act not applying in relation to the relevant Product Disclosure Statement; and s1015D applying in relation to that Statement.’]

- 2. Under subsection 111AT(1) of the Act, for the avoidance of doubt, ASIC exempts a warrant issuer from the disclosing entity provisions where the warrant issuer is a disclosing entity only because one or more classes of ASX traded managed investment warrants of the warrant issuer are ED securities.

## **Interpretation**

In this instrument:

- (a) “ASX” means Australian Stock Exchange Limited;
- (b) “ASX Market Rules” means the operating rules of ASX known as the ASX Market Rules as amended from time to time;
- (c) “ASX traded managed investment warrant” means a managed investment warrant that is a Warrant as defined in Rule 2.10 of the ASX Market Rules that ASX has admitted to trading status on a financial market of ASX;
- (d) “disclosing entity provisions” has the meaning given by section 111AR of the Act;
- (e) “managed investment warrant” means a financial product:
  - (i) to which the definition of derivative in subsection 761D(1) applies that is a financial product of the kind referred to in subparagraph 764A(1)(b)(ii) or 764A(1)(ba)(ii); and
  - (ii) that is transferable;

- (ea) “Short-Form PDS” has the same meaning as in Division 3A of Part 7.9 of the Act, as notionally inserted by Part 3 of Schedule 10BA of the *Regulations 2001*; and
- (f) “warrant issuer” means an institution referred to in Rule 10.2.1 of the ASX Market Rules.

[*Historical note*: Interpretation section amended 11/3/2004 [CO 04/188] by replacing paras (b) and (c). The paragraphs formerly read:

‘(b) “ASX traded managed investment warrant” means a managed investment warrant that is a Warrant as defined in Business Rule 8.1 that ASX has admitted to trading status on a financial market of ASX;

(c) “Business Rules” means the operating rules of ASX known as the Business Rules as amended from time to time;’.

Para (f) amended 11/3/2004 [CO 04/188] by replacing the reference ‘Business Rule 8.6.1’ with ‘Rule 10.2.1 of the ASX Market Rules’.

Interpretation section further amended 25/5/2007 [CO 07/151] by:

(a) in subparagraph (e)(ii) deleting ‘and’; and

(b) inserting the definition of ‘Short-Form PDS’ after the definition of ‘managed investment warrant’ at new paragraph (ea).]

Dated this 6th day of November 2003

Signed by Brendan Byrne  
as a delegate of the Australian Securities and Investments  
Commission