

EXPOSURE DRAFT



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Corporations and Competition (CS Services) Instrument 2024

I, Stephen Jones, Assistant Treasurer and Minister for Financial Services, having regard to the matters specified in subsection 828B(5) of the *Corporations Act 2001* and in subsection 153ZEF(4) of the *Competition and Consumer Act 2010*, make the following instrument.

Dated 2024

Stephen Jones **[DRAFT ONLY—NOT FOR SIGNATURE]**
Assistant Treasurer
Minister for Financial Services

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Part 1—Preliminary

1 Name

This instrument is the *Corporations and Competition (CS Services) Instrument 2024*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the following:

- (a) the *Competition and Consumer Act 2010*; and
- (b) the *Corporations Act 2001*.

4 Definitions

Note: Expressions have the same meaning in this instrument as in the *Competition and Consumer Act 2010* and the *Corporations Act 2001* (as the case requires) as in force from time to time—see paragraph 13(1)(b) of the *Legislation Act 2003*.

In this instrument:

cash equity means any of the following:

- (a) a share in a body;
- (b) an interest in a managed investment scheme or notified foreign passport fund;
- (c) a legal or equitable right or interest in a share or interest covered by paragraph (a) or (b);
- (d) an option to acquire, by way of issue, a share, interest or right covered by paragraph (a), (b) or (c);

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Part 1 Preliminary

Section 4

- (e) a right (whether existing or future and whether contingent or not) to acquire, by way of issue, a share, interest or right covered by paragraph (a), (b), (c) or (d).

CCA means the *Competition and Consumer Act 2010*.

Corporations Act means the *Corporations Act 2001*.

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CS services in relation to which ASIC may impose rules **Part 2**

Section 5

Part 2—CS services in relation to which ASIC may impose rules

5 Determined classes of CS services

Under subsection 828B(2) of the Corporations Act, all of the following classes of CS services are specified:

- (a) a CS service relating to cash equities (being a type of financial product).

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Part 3 CS services to which access may be subject to negotiation or arbitration

Section 6

Part 3—CS services to which access may be subject to negotiation or arbitration

6 Declared CS services

Under subsection 153ZEF(1) of the CCA, all of the following classes of CS services are declared as services to which access may be the subject of negotiations or arbitration under Part XICB of the CCA:

(a) a CS service relating to cash equities.