

## 112FB. Records

- (1) Subject to subsection (3), after a sale or purchase of a marketable security or right in respect of shares is made, or deemed to have been made, whether in or outside the State —
  - (a) pursuant to an order lodged with a broker in the State;
  - (b) by a WA broker on his or her own account or behalf; or
  - (c) pursuant to an order lodged with a WA broker outside the State and all declared States and transmitted to that broker in the State for the purpose of effecting the sale and purchase,

being a sale or purchase to which this Division applies, that broker shall forthwith enter such details of the sale or purchase in a record to be kept by the broker in such form as is prescribed.

- (2) For the purposes of subsection (1) —
  - (a) a broker who makes a purchase of a marketable security or a right in respect of shares, whether on his or her own account or on behalf of another person from a person who is not a dealer shall, notwithstanding that no order to sell it was in fact lodged with that broker, be deemed to have also made a sale of it pursuant to an order to sell lodged with the broker in this State by the person from whom the broker made the purchase;
  - (b) a broker who makes a sale of a marketable security or a right in respect of shares, whether on his or her own account or on behalf of another person to a person who is not a dealer shall, notwithstanding that no order to purchase it was in fact lodged with that broker, be deemed to have also made a purchase of it pursuant to an order to purchase lodged with the broker in the State by the person to whom the broker made the sale.

- (3) Subsection (1) does not require a broker to enter any prescribed details in respect of —
  - (a) a sale, such as is referred to in subsection (1), where the sale is made pursuant to an order to sell lodged with the broker by or on behalf of another dealer;
  - (b) a purchase, such as is referred to in subsection (1), where the purchase is made pursuant to an order to purchase lodged with the broker by or on behalf of another dealer; or
  - (c) a sale or purchase of marketable securities of any public statutory body constituted under the law of any other State, or of any Territory, of the Commonwealth, or of any Crown instrumentality, agent of the Crown or Government authority designated by the Minister by notice published in the *Government Gazette*,

in a return required to be lodged with the Commissioner under section 112FC, but those details shall be entered in the record kept by the broker under subsection (1).

- (4) When the Minister has under subsection (3)(c) designated any Crown instrumentality, agent of the Crown or Government authority, the Minister may by notice published in the *Government Gazette* amend or revoke that designation.

- (5) Subsection (1) also applies to a sale or purchase of —
- (a) a marketable security or right in respect of shares notwithstanding that the instrument of transfer is exempt from duty under this Act; or
  - (b) any odd lot of marketable securities or rights in respect of shares by an odd lot specialist.
- (6) A broker who contravenes subsection (1) commits an offence against this Act.

*[Section 112FB inserted by No. 39 of 1994 s.10.]*