

Corporations (Fees) Act 2001

No. 52, 2001

**Compilation No. 14**

**Compilation date:** 20 October 2023

**Includes amendments up to:** Act No. 76, 2023

**Registered:** 9 November 2023

**About this compilation**

**This compilation**

This is a compilation of the *Corporations (Fees) Act 2001* that shows the text of the law as amended and in force on 20 October 2023 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Short title 1

2 Commencement 1

3 Application to the Crown 1

4 Definitions 1

5 Imposition of fees for chargeable matters 3

5A Differential fees 3

6 Matters relating to amount of fees 3

7 Who is liable to pay the fee for a chargeable matter, and time liability is incurred 4

8 Regulations 7

9 Transitional matters 7

Endnotes 9

Endnote 1—About the endnotes 9

Endnote 2—Abbreviation key 11

Endnote 3—Legislation history 12

Endnote 4—Amendment history 14

An Act to impose, as taxes, fees for chargeable matters, and for related matters

1 Short title

 This Act may be cited as the *Corporations (Fees) Act 2001*.

2 Commencement

 This Act commences at the same time as the *Corporations Act 2001*.

3 Application to the Crown

 If the Crown, in a capacity, is bound by the provision or provisions of an Act under which a chargeable matter arises or to which a chargeable matter relates, then the Crown, in that capacity, is bound by this Act in respect of that chargeable matter.

4 Definitions

 (1) In this Act:

***chargeable matter*** means any of the following:

 (a) the lodgment of a document under the *Corporations Act 2001*;

 (b) the registration of a document under that Act;

 (c) the inspection or search of a register kept by, or a document in the custody of, ASIC under that Act;

 (d) the making available by ASIC, under that Act, of information (whether in the form of a document or otherwise);

 (e) the production by ASIC, under a subpoena, of such a register or document;

 (f) the issuing of a document or of a copy of a document, the granting of a licence, consent or approval, or the doing of any other act, under that Act, by the Minister or ASIC;

 (g) the making of an inquiry of, or an application to, the Minister, or ASIC, in relation to a matter arising under that Act;

 (h) the submission to ASIC of a document for examination by ASIC;

 (i) the making of an application under that Act to the Panel;

 (j) the doing of any act by the Panel in dealing with an application under that Act to the Panel;

 (k) the performance by ASIC of:

 (i) functions conferred on ASIC by the listing rules of a market as required by subsection 798C(4); and

 (ii) any other functions conferred on ASIC by arrangements entered into under subsection 798C(2); and

 (iii) functions conferred on ASIC by the operating rules of a market as required by subsection 798DA(2) of the *Corporations Act 2001*;

 (l) the performance by ASIC of functions provided for in regulations as mentioned in paragraph 798E(2)(b) of the *Corporations Act 2001*;

 (m) the lodgment of a document under paragraph 17G(c) of the *Insurance Act 1973* or paragraph 195(c) of the *Life Insurance Act 1995*;

 (n) the making of an application to ASIC for an exemption or declaration, or a variation or revocation of an exemption or declaration, under Part 29 of the *Superannuation Industry (Supervision) Act 1993*;

 (o) the making of an application to ASIC for an exemption, or a variation or revocation of an exemption, under subsection 12DY(1) of the *Australian Securities and Investments Commission Act 2001*.

***old Corporations Law***, in relation to a State or Territory, has the same meaning as it has in Part 10.1 of the *Corporations Act 2001*.

 (2) Subject to this Act, Part 1.2 (Interpretation) of the *Corporations Act 2001* applies for the purposes of this Act as if the provisions of this Act were provisions of that Act.

Note: Part 1.2 of the *Corporations Act 2001* includes the Dictionary in section 9 of that Act, so the definitions in that section apply for the purposes of this Act unless this Act otherwise provides.

5 Imposition of fees for chargeable matters

 (1) Subject to section 6, the regulations may prescribe fees for chargeable matters.

 (2) The fees prescribed by the regulations for chargeable matters are imposed, and are so imposed as taxes.

 (3) 2 or more fees may be prescribed for the same chargeable matter.

5A Differential fees

 (1) The regulations may prescribe, in relation to a chargeable matter, different fees having regard to whether the matter is complied with by electronic means.

 (2) The regulations may prescribe, in relation to a chargeable matter, different fees having regard to whether the matter is of low, medium or high complexity.

 (3) The regulations may prescribe, in relation to a chargeable matter, different fees having regard to any matter relating to the person by whom the fee for the matter is payable.

 (4) ASIC may, by legislative instrument, make a determination specifying criteria for whether a chargeable matter is of low, medium or high complexity for the purposes of subsection (2).

 (5) However, if no such determination is in operation, the fee for a chargeable matter is the fee prescribed by the regulations for the chargeable matter of low complexity.

6 Matters relating to amount of fees

 (1) The regulations may prescribe a fee for a chargeable matter:

 (a) by specifying an amount (not exceeding $200,000) as the fee; or

 (b) by specifying a method for calculating the amount of the fee.

Note: The limitation in paragraph (a) applies separately to each fee imposed if more than one fee is prescribed for the same chargeable matter (see subsection 5(3)).

 (2) The fee for a chargeable matter need not bear any relationship to the cost of providing any service that forms part of, or is related to, that matter.

 (3) The fee, or the sum of the fees, for a chargeable matter must not exceed $300,000, except for a chargeable matter referred to in paragraph (k) or (l) of the definition of ***chargeable matter*** in subsection 4(1).

 (4) The fee, or the total of the fees, for chargeable matters referred to in paragraph (k) of the definition of that term in subsection 4(1) that relate to a particular market licensee must not exceed $300,000 in respect of each period of 12 months during which ASIC performs functions referred to in that paragraph in relation to that market licensee.

 (5) The fee, or the total of the fees, for chargeable matters referred to in paragraph (l) of the definition of that term in subsection 4(1) that relate to a particular market licensee and a particular conflict, or potential conflict, of a kind referred to in subsection 798E(1) of the *Corporations Act 2001*, must not exceed $300,000 in respect of each period of 12 months during which ASIC performs functions referred to in that paragraph in relation to that market licensee and that conflict or potential conflict.

7 Who is liable to pay the fee for a chargeable matter, and time liability is incurred

 (1) The person by whom a fee for a chargeable matter is payable, and the time at which they incur that liability, are as follows:

 (a) for a chargeable matter referred to in paragraph (a) of the definition of ***chargeable matter*** in subsection 4(1):

 (i) person liable—the person who lodges the document; and

 (ii) time liability incurred—when the document is lodged;

 (b) for a chargeable matter referred to in paragraph (b) of that definition:

 (i) person liable—the person who requests registration of the document, or if there is no request, the person who lodges the document that is registered; and

 (ii) time liability incurred—when the request for registration is made, or if there is no request, when the document is lodged;

 (c) for a chargeable matter referred to in paragraph (c) of that definition:

 (i) person liable—the person who requests the inspection or search; and

 (ii) time liability incurred—when the request is made;

 (d) for a chargeable matter referred to in paragraph (d) of that definition:

 (i) person liable—the person who requests the information; and

 (ii) time liability incurred—when the request is made;

 (e) for a chargeable matter referred to in paragraph (e) of that definition:

 (i) person liable—the person who filed the subpoena; and

 (ii) time liability incurred—when the subpoena is served on ASIC;

 (f) for a chargeable matter referred to in paragraph (f) of that definition:

 (i) person liable—the person who requests the issue of the document (or copy), the grant of the licence, consent or approval, or the doing of the other act, or, if there is no such request, the person for whose benefit the act is done; and

 (ii) time liability incurred—when the request is made, or if there is no request, when the act is done;

 (g) for a chargeable matter referred to in paragraph (g) of that definition:

 (i) person liable—the person who makes the inquiry or application; and

 (ii) time liability incurred—when the inquiry or application is made;

 (h) for a chargeable matter referred to in paragraph (h) of that definition:

 (i) person liable—the person who submits the document; and

 (ii) time liability incurred—when the document is submitted;

 (i) for a chargeable matter referred to in paragraph (i) of that definition:

 (i) person liable—the person who makes the application; and

 (ii) time liability incurred—when the application is made;

 (j) for a chargeable matter referred to in paragraph (j) of that definition:

 (i) person liable—such party or parties to the proceedings before the Panel as the Panel determines (in accordance with subsection (2)) is or are to pay the fee; and

 (ii) time liability incurred—when the Panel makes that determination;

 (k) for a chargeable matter referred to in paragraph (k) of that definition:

 (i) person liable—the market licensee affected; and

 (ii) time liability incurred—the time or times determined in accordance with the regulations;

 (l) for a chargeable matter referred to in paragraph (l) of that definition:

 (i) person liable—the market licensee affected; and

 (ii) time liability incurred—the time or times determined in accordance with the regulations;

 (m) for a chargeable matter referred to in paragraph (m) of that definition:

 (i) person liable—the person who lodges the document; and

 (ii) time liability incurred—when the document is lodged;

 (n) for a chargeable matter referred to in paragraph (n) of that definition:

 (i) person liable—the person who makes the application; and

 (ii) time liability incurred—when the application is made;

 (o) for a chargeable matter referred to in paragraph (o) of that definition:

 (i) person liable—the person who makes the application; and

 (ii) time liability incurred—when the application is made.

 (2) A determination by the Panel for the purposes of subparagraph (1)(j)(i) must be made in accordance with rules made by the Panel in writing for the purposes of that subparagraph.

8 Regulations

 The Governor‑General may make regulations for the purposes of sections 5, 5A, 6 and 7.

9 Transitional matters

 (1) Regulations referred to in paragraph 1351(a) of the old Corporations Law of a State or Territory in this jurisdiction that were in force immediately before the commencement of this Act continue to have effect, and may be amended or repealed, as if they were made under section 8 of this Act for the purposes of sections 5 and 6 of this Act.

 (2) If, immediately before the commencement of this Act, a fee was payable by a person to the Commonwealth in respect of a matter under section 1351 of the old Corporations Law of a State or Territory in this jurisdiction, a liability to pay the same amount, in respect of the same matter, to the Commonwealth is imposed on the person by this subsection on the commencement of this Act, and is so imposed as a tax.

Note: The definition of ***chargeable matter*** in section 9 of the old Corporations Law contains a list of matters that corresponds to the list in the definition of ***chargeable matter*** in subsection 4(1) of this Act.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Corporations (Fees) Act 2001 | 52, 2001 | 28 June 2001 | 15 July 2001 (s 2) |  |
| Corporations (Fees) Amendment Act 2001 | 107, 2001 | 17 Sept 2001 | 11 Mar 2002 (s 2) | — |
| Corporations (Fees) Amendment Act 2003 | 22, 2003 | 11 Apr 2003 | 1 July 2003 (s 2) | — |
| Corporations (Fees) Amendment Act (No. 1) 2004 | 98, 2004 | 29 June 2004 | 1 July 2004 (s 2) | — |
| Corporations (Fees) Amendment Act 2007 | 102, 2007 | 28 June 2007 | Sch 1: 28 June 2007 (s 2(1) item 2) | — |
| Corporations (Fees) Amendment Act 2010 | 27, 2010 | 25 Mar 2010 | Sch 1: 1 Aug 2010 (s 2(1) item 2) | — |
| Corporations (Fees) Amendment Act 2011 | 144, 2011 | 29 Nov 2011 | Sch 1: 1 Jan 2012 (s 2(1) item 2) | — |
| Corporations Legislation Amendment (Financial Reporting Panel) Act 2012 | 118, 2012 | 12 Sept 2012 | Sch 1 (item 7): 1 Oct 2012 (s 2(1) item 2) | — |
| ASIC Supervisory Cost Recovery Levy (Consequential Amendments) Act 2017 | 45, 2017 | 19 June 2017 | Sch 1 (items 20–27, 29): 1 July 2017 (s 2(1) item 1) | Sch 1 (item 29) |
| Corporations (Fees) Amendment (ASIC Fees) Act 2018 | 55, 2018 | 28 June 2018 | 29 June 2018 (s 2(1) item 1) | — |
| Corporations (Fees) Amendment (Registries Modernisation) Act 2020 | 67, 2020 | 22 June 2020 | Awaiting commencement (s 2(1) item 2) | — |
| as amended by |  |  |  |  |
| Treasury Laws Amendment (2022 Measures No. 1) Act 2022 | 35, 2022 | 9 Aug 2022 | Sch 4 (Pt 1, item 2): 21 June 2022 (s 2(1) item 5) | — |
| Corporations (Fees) Amendment (Hayne Royal Commission Response) Act 2020 | 137, 2020 | 17 Dec 2020 | 5 Oct 2021 (s 2(1) item 1) | — |
| Treasury Laws Amendment (2023 Law Improvement Package No. 1) Act 2023 | 76, 2023 | 20 Sept 2023 | Sch 2 (item 637): 20 Oct 2023 (s 2(1) item 2) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Title  | am No 55, 2018 |
| s 3  | am No 55, 2018 |
| s 4  | am No 107, 2001; No 98, 2004; No 102, 2007; No 27, 2010; No 144, 2011; No 118, 2012; No 45, 2017; No 55, 2018; No 67, 2020; No 137, 2020; No 76, 2023 |
| s 5  | am No 27, 2010; No 45, 2017 |
| s 5A  | ad No 22, 2003 |
|  | am No 55, 2018 |
| s 6  | am No 107, 2001; No 22, 2003; No 27, 2010; No 144, 2011; No 45, 2017; No 55, 2018 |
| s 6A  | ad No 27, 2010 |
|  | am No 144, 2011 |
|  | rep No 45, 2017 |
| s 7  | am No 107, 2001; No 27, 2010; No 144, 2011; No 45, 2017; No 55, 2018; No 67, 2020; No 137, 2020 |
| s 8  | am No 22, 2003; No 27, 2010; No 45, 2017; No 55, 2018 |