

Australian Securities and Investments Commission Regulations 2001

Statutory Rules No. 192, 2001

made under the

*Australian Securities and Investments Commission Act 2001* and the *Corporations Act 2001*

**Compilation No. 39**

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**About this compilation**

**This compilation**

This is a compilation of the *Australian Securities and Investments Commission Regulations 2001* that shows the text of the law as amended and in force on 1 July 2020 (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 Legislation 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 series page on the Legislation 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 series page on the Legislation 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If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name of Regulations

These Regulations are the *Australian Securities and Investments Commission Regulations 2001*.

2 Definitions

In these Regulations, unless the contrary intention appears:

***Act*** means the *Australian Securities and Investments Commission Act 2001*.

***Australian carbon credit unit*** has the same meaning as in the *Carbon Credits (Carbon Farming Initiative) Act 2011*.

***carbon unit*** has the same meaning as in the *Clean Energy Act 2011*.

***eligible international emissions unit*** has the same meaning as in the *Australian National Registry of Emissions Units Act 2011*.

***Form*** means a form set out in Schedule 1.

2A Territorial application of Act

(1) For subsection 4(2) of the Act, the Act applies in each external Territory in accordance with this regulation.

(2) For the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands:

(a) Division 2 of Part 2 of the Act applies in relation to:

(i) a financial product; and

(ii) a financial service; and

(b) the remainder of the Act applies in relation to:

(i) a superannuation product within the meaning of section 761A of the Corporations Act; and

(ii) an RSA product within the meaning of section 761A of the Corporations Act; and

(iii) a financial service that relates to a superannuation product within the meaning of section 761A of the Corporations Act; and

(iv) a financial service that relates to an RSA product within the meaning of section 761A of the Corporations Act.

(3) For an external Territory other than the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, the Act applies in relation to:

(a) a superannuation product within the meaning of section 761A of the Corporations Act; and

(b) an RSA product within the meaning of section 761A of the Corporations Act; and

(c) a financial service that relates to a superannuation product within the meaning of section 761A of the Corporations Act; and

(d) a financial service that relates to an RSA product within the meaning of section 761A of the Corporations Act.

2AC Professional accounting bodies

For the definition of ***professional accounting body*** in subsection 5(1) of the Act, the following bodies are prescribed:

(a) CPA Australia;

(b) The Institute of Chartered Accountants in Australia;

(c) Institute of Public Accountants.

2B Financial products: credit facility

(1) For paragraph 12BAA(7)(k) of the Act, each of the following is a ***credit facility***:

(a) the provision of credit:

(i) for any period; and

(ii) with or without prior agreement between the credit provider and the debtor; and

(iii) whether or not both credit and debit facilities are available;

(b) a facility:

(i) known as a bill facility; and

(ii) under which a credit provider provides credit by accepting, drawing, discounting or indorsing a bill of exchange or promissory note;

(c) the provision of credit by a pawnbroker in the ordinary course of a pawnbroker’s business (being a business which is being lawfully conducted by the pawnbroker);

(d) the provision of credit by the trustee of the estate of a deceased person by way of an advance to a beneficiary or prospective beneficiary of the estate;

(e) the provision of credit by an employer, or a related body corporate of an employer, to an employee or former employee (whether or not it is provided to the employee or former employee with another person);

(f) the provision of a mortgage that secures obligations under a credit contract (other than a lien or charge arising by operation of any law or by custom);

(g) a guarantee related to a mortgage mentioned in paragraph (f);

(h) a guarantee of obligations under a credit contract;

(i) a facility for making non‑cash payments (within the meaning of section 763D of the Corporations Act) if payments made using the facility will all be debited to a facility mentioned in paragraphs (a) to (h).

(2) The provision of consumer credit insurance that includes a contract of general insurance for the *Insurance Contracts Act 1984* is not a credit facility.

(3) In this regulation:

***credit*** means a contract, arrangement or understanding:

(a) under which:

(i) payment of a debt owed by one person (a ***debtor***) to another person (a ***credit provider***) is deferred; or

(ii) one person (a ***debtor***) incurs a deferred debt to another person (a ***credit provider***); and

(b) including any of the following:

(i) any form of financial accommodation;

(ii) a hire purchase agreement;

(iii) credit provided for the purchase of goods or services;

(iv) a contract, arrangement or understanding for the hire, lease or rental of goods or services, other than a contract, arrangement or understanding under which:

(A) full payment is made before or when the goods or services are provided; and

(B) for the hire, lease or rental of goods—an amount at least equal to the value of the goods is paid as a deposit in relation to the return of the goods;

(v) an article known as a credit card or charge card;

(vi) an article, other than a credit card or a charge card, intended to be used to obtain cash, goods or services;

(vii) an article, other than a credit card or a charge card, commonly issued to customers or prospective customers by persons who carry on business for the purpose of obtaining goods or services from those persons by way of a loan;

(viii) a liability in respect of redeemable preference shares;

(ix) a financial benefit arising from or as a result of a loan;

(x) assistance in obtaining a financial benefit arising from or as a result of a loan;

(xi) issuing, indorsing or otherwise dealing in a promissory note;

(xii) drawing, accepting, indorsing or otherwise dealing in a negotiable instrument (including a bill of exchange);

(xiii) granting or taking a lease over real or personal property;

(xiv) a letter of credit.

2BA Declared financial product

For paragraph 12BAA(7)(m) of the Act, a margin lending facility (within the meaning given by section 761EA of the Corporations Act) is declared to be a financial product for the purposes of subsection 12BAA(7) of the Act.

2BB Specific things that are not financial products—Australian carbon credit units and eligible international emissions units

(1) For paragraph 12BAA(8)(p) of the Act:

(a) an Australian carbon credit unit is not a financial product; and

(b) an eligible international emissions unit is not a financial product.

(2) On 1 July 2012:

(a) subregulation (1) ceases to apply; and

(b) Australian carbon credit units and eligible international emissions units become financial products.

2BC Specific things that are not financial products—certain tradeable water rights

(1) For paragraph 12BAA(8)(p) of the Act, each of the following is not a financial product:

(a) tradeable water rights;

(b) an arrangement:

(i) under which a person (the ***seller***) has, or may have, an obligation to sell tradeable water rights at a future date; and

(ii) under which another person (the ***buyer***) has, or may have, an obligation to buy the tradeable water rights, or replacement water rights, at a future date; and

(iii) that does not permit the seller’s obligations to be wholly settled by cash, or by set‑off between the seller and the buyer, rather than by transfer of ownership of the tradeable water rights or replacement water rights; and

(iv) in relation to which neither usual market practice, nor the rules, allow the seller’s obligations to be closed out by matching up the arrangement with another arrangement of the same kind under which the seller has offsetting obligations to buythe tradeable water rights or replacement water rights.

(2) In subregulation (1):

***replacement water rights*** means tradeable water rights that are granted, issued or authorised as a replacement for the seller’s tradeable water rights, including as a result of transformation arrangements mentioned in subsection 97(1) of the *Water Act 2007*.

***rules*** means the rules of:

(a) a licensed market (as defined in section 761A of the Corporations Act); or

(b) a licensed CS facility (as defined in section 761A of the Corporations Act).

***tradeable water rights*** has the same meaning as in the *Water Act 2007*.

2BD Specific things that are not financial products—guarantees issued by the NHFIC

For paragraph 12BAA(8)(p) of the Act, a guarantee the National Housing Finance and Investment Corporation has issued in the performance of its function under paragraph 8(1)(ca) of the *National Housing Finance and Investment Corporation Act 2018* is not a financial product.

2C Meaning of *financial service—*off‑market offers for financial products

For paragraph 12BAB(1)(h) of the Act, a person provides a financial service if:

(a) the person makes an unsolicited offer to purchase a financial product from another person otherwise than through a licensed financial market; and

(b) the other person acquired the financial product as a retail client.

2D Circumstances in which a person is taken to be provided a traditional trustee company service

For subsection 12BAB(1B) of the Act, a person who is one of the following:

(a) a person who may request an annual information return under subregulation 5D.2.01(3) of the *Corporations Regulations 2001*;

(b) a person who requests the preparation of a will, a trust instrument, a power of attorney or an agency arrangement;

is, in relation to an estate management function, prescribed as the person to whom the service is taken to be provided for the purpose of Division 2 of Part 2 of the Act.

2E Prescribed requirements for definition of *assert a right to payment*

For paragraph 12BEA(1)(e) of the Act, the following requirements are prescribed:

(a) the statement must include the text ‘This is not a bill. You are not required to pay any money.’;

(b) the text must be the most prominent text in the document.

2F Prescribed requirements for warning statements

For paragraphs 12DM(1AA)(b) and 12DMB(2)(b) of the Act, the following requirements are prescribed:

(a) the warning statement must include the text ‘This is not a bill. You are not required to pay any money.’; and

(b) the text must be the most prominent text in the document.

Part 2—General

3A Professional standards schemes

For subsection 12GNA(2) of the Act, a scheme and any modifications to the scheme set out in the following table are prescribed.

Note: Column 2 of the table below is included for information only.

| Prescribed professional standards schemes | | |
| --- | --- | --- |
| Item | Column 1 Scheme | Column 2 Date prescribed |
| 1 | The CPA Australia Ltd Professional Standards (Accountants) Scheme, published in the New South Wales Government Gazette No. 98, 30 August 2019  Note: This Scheme was formerly the CPA Australia Ltd Professional Standards (Accountants) Scheme, published in the New South Wales Government Gazette No. 138, 22 December 2017. | 22 October 2019 |
| 2 | Chartered Accountants Australia and New Zealand Professional Standards Scheme, published in the New South Wales Government Gazette No. 72, 12 July 2019  Note: This Scheme is a national Scheme which replaces 7 previous State and Territory Schemes of the same name. | 22 October 2019 |
| 3 | The Law Society of New South Wales Professional Standards Scheme, published in the New South Wales Government Gazette No. 87 on 7 September 2018  Note: This Scheme was formerly the Law Society of New South Wales Scheme, published in the New South Wales Government Gazette No. 78, 27 July 2012, including as modified by the extension published in the New South Wales Government Gazette No. 72, 30 June 2017. | 26 March 2019 |
| 4 | The New South Wales Bar Association Professional Standards Scheme, published in the New South Wales Government Gazette No. 179, 20 December 2019  Note: This scheme was formerly the New South Wales Bar Association Scheme, published in the New South Wales Government Gazette No. 17, 5 March 2015, including as modified by the amendments published in the New South Wales Government Gazette No. 123, 10 November 2017. | 1 July 2020 |
| 6 | The Law Institute of Victoria Limited Scheme, published in the Victoria Government Gazette No. G 16, 21 April 2016  Note: This Scheme was formerly the Law Institute of Victoria Limited Scheme, published in the Victoria Government Gazette No. G 10, 11 March 2010. | 25 May 2017 |
| 7 | The Victorian Bar Professional Standards Scheme, published in the Victoria Government Gazette No. G 16, 18 April 2019  Note: This Scheme was formerly the Victorian Bar Professional Standards Scheme, published in the Victoria Government Gazette No. S 134, 24 April 2014. | 22 October 2019 |
| 8 | The Bar Association of Queensland Professional Standards Scheme, approved as described in the *Professional Standards (Bar Association of Queensland Professional Standards Scheme) Notice 2019* (Qld), 18 February 2019  Note: This Scheme was formerly the Bar Association of Queensland Scheme, published in the Queensland Government Gazette No. 40, 24 June 2013, including as modified by the extension published in the Queensland Government Gazette No. 60, 23 March 2018. | 26 March 2019 |
| 10 | The Queensland Law Society Professional Standards Scheme, approved as described in the *Professional Standards (Queensland Law Society Professional Standards Scheme) Notice 2016* (Qld), 30 June 2016  Note: This Scheme was formerly the Queensland Law Society Scheme, published in the Queensland Government Gazette No. 64, 25 June 2010. | 25 May 2017 |
| 12 | The Law Society of Western Australia Professional Standards Scheme, published in the Western Australian Government Gazette No. 62, 7 May 2019  Note: This Scheme was formerly the Law Society of Western Australia Scheme, published in the Western Australian Government Gazette No. 54, 11 April 2014. | 22 October 2019 |
| 13 | The Western Australian Bar Association Professional Standards Scheme, published in the Western Australian Government Gazette No. 63, 24 April 2020  Note: This scheme was formerly the Western Australian Bar Association Scheme, published in the Western Australian Government Gazette No. 57, 17 April 2014, including as modified by the extension published in the Western Australian Government Gazette No. 196, 21 December 2018. | 1 July 2020 |
| 15 | The Law Society of South Australia Professional Standards Scheme, published in the South Australian Government Gazette No. 21, 5 April 2017, including as modified by the amendments published in the South Australian Government Gazette No. 77, 21 November 2017  Note: This Scheme was formerly the Law Society of South Australia Professional Standards Scheme, published in the South Australian Government Gazette No. 76, 3 November 2011. | The scheme—10 February 2018  The amendments—3 October 2018 |
| 16 | The South Australian Bar Association Inc Professional Standards Scheme, published in the South Australian Government Gazette No. 35, 30 May 2017  Note: This Scheme was formerly the South Australian Bar Association Inc Scheme, published in the South Australian Government Gazette No. 76, 3 November 2011. | 10 February 2018 |
| 19 | The Institute of Public Accountants Professional Standards Scheme, published in the Victoria Government Gazette No. G 42, 18 October 2018  Note: This Scheme was formerly the Institute of Public Accountants Professional Standards Scheme, published in the New South Wales Government Gazette No. 135, 28 December 2012, including as modified by the extension and amendments made by instrument published in the New South Wales Government Gazettes No. 72, 30 June 2017 and No. 118, 20 October 2017. | 26 March 2019 |
| 20 | The Association of Consulting Surveyors National Professional Standards Scheme, published in the New South Wales Government Gazette No. 90, 1 May 2020 | 1 July 2020 |

3 Prescribed agencies (Act s 18(2)(d))

For paragraph 18(2)(d) of the Act, each of the following agencies is prescribed:

(a) the Clean Energy Regulator;

(aa) the Australian Competition and Consumer Commission;

(b) the Australian Prudential Regulation Authority;

(c) the Australian Taxation Office;

(d) the Australian Transaction Reports and Analysis Centre;

(e) an authority of a State or Territory having functions and powers similar to those of the Director of Public Prosecutions;

(f) the police force or service of each State and the Northern Territory;

(g) the Department of Fair Trading of New South Wales;

(h) the Office of Fair Trading and Business Affairs of Victoria;

(i) the Office of Consumer Affairs of Queensland;

(j) the Department of Consumer and Employment Protection of Western Australia;

(k) the Office of Consumer and Business Affairs of South Australia;

(l) the Office of Consumer Affairs and Fair Trading of Tasmania;

(m) the Consumer Affairs Bureau of the Australian Capital Territory;

(n) the Fair Trading Group of the Northern Territory.

4 Form of notice requiring assistance and appearance for examination

For subsection 19(2) of the Act, Form 1 is prescribed.

5 Notice to produce books

A notice under section 30, subsection 31(1) or section 32A or 33 of the Act to produce books must be in accordance with Form 2.

6 Evidence of authority

If:

(a) a member or staff member produces a document issued by the Commission; and

(b) the document states that the person is authorised by the Commission under section 34 of the Act;

the document is evidence of:

(c) the authority of the person to require other persons to produce books under subsection 34(2) of the Act; and

(d) any limitation on that authority that is specified in the document under that subsection.

7 Summons to witnesses to appear before Commission

For subsection 58(1) of the Act, Form 3 is prescribed.

8 Allowances and expenses payable to examinees and witnesses

For subsections 89(1) and (2) of the Act, a person who appears:

(a) for examination under section 19 of the Act; or

(b) in accordance with a summons issued under section 58 of the Act;

is entitled to be paid allowances and expenses in accordance with Schedule 2.

8AA Prescribed professional disciplinary and other bodies

(1) For the purposes of subparagraph 127(4)(d)(i) of the Act, the following professional disciplinary bodies are prescribed:

(a) the Australian Restructuring Insolvency and Turnaround Association;

(b) CPA Australia;

(c) Chartered Accountants Australia and New Zealand;

(d) the Institute of Public Accountants;

(e) the New South Wales Bar Association;

(f) the Law Society of New South Wales;

(g) the Victorian Legal Services Commissioner;

(h) the Victorian Legal Services Board;

(i) the Bar Association of Queensland;

(j) the Queensland Law Society;

(k) the Legal Practice Board of Western Australia;

(l) the Law Society of South Australia;

(m) the Legal Profession Conduct Commissioner of South Australia;

(n) the Law Society of Tasmania;

(o) the Law Society of the Australian Capital Territory;

(p) the Law Society Northern Territory.

(2) For the purposes of subparagraph 127(4)(d)(ii) of the Act, the Australian Restructuring Insolvency and Turnaround Association is prescribed in relation to performing a disciplinary function in relation to a member of the Association.

8A Commission may disclose confidential information to certain bodies corporate

The bodies corporate listed in Schedule 3 are specified for subsection 127(4C) of the Act.

8AAA Annual reports

(1) For subsection 136(2A) of the Act, a report under subsection 136(1) of the Act for a financial year (the ***report year***) must include the following information:

(a) the number of times in the report year that ASIC used an information gathering power prescribed in subregulation (2) (a ***prescribed power***);

(b) for a particular use of a prescribed power in the report year—the provision of the Act, or another law, which conferred the prescribed power;

(c) the number of times in the financial year before the report year that ASIC used an information gathering power that was a prescribed power for this regulation at the time the power was used.

(2) For subsection 136(2A) of the Act, each information gathering power set out in a provision of an Act mentioned in the following table is prescribed.

| Information gathering powers | | |
| --- | --- | --- |
| Item | Provisions in which powers appear | General description of provision (for information only) |
| 1 | Subsection 12GY(2) of the Act | Powers relating to substantiation of a claim |
| 2 | Section 19 of the Act | Powers relating to requiring a person to attend for examination |
| 3 | Section 30 of the Act | Powers relating to the production of books |
| 4 | Section 30A of the Act | Powers relating to requesting information |
| 4A | Section 30B of the Act | Powers relating to requesting information and books |
| 5 | Section 31 of the Act | Powers relating to the production of books |
| 6 | Section 32A of the Act | Powers relating to the production of books |
| 7 | Section 33 of the Act | Powers relating to the production of books |
| 8 | Subsection 49(3) of the Act | Powers relating to requiring a person to give assistance |
| 9 | Section 58 of the Act | Powers relating to:  (a) summonsing a witness; and  (b) taking evidence |
| 10 | Section 601FF of the *Corporations Act 2001* | Powers relating to conducting surveillance on, or monitoring, a managed investment scheme |
| 11 | Section 601HD of the *Corporations Act 2001* | Powers relating to a request for information |
| 12 | Section 672A of the *Corporations Act 2001* | Powers relating to requiring the disclosure of interests |
| 13 | Section 672B of the *Corporations Act 2001* | Powers relating to requiring the disclosure of interests |
| 14 | Section 792D of the *Corporations Act 2001* | Powers relating to requiring a person to give assistance |
| 15 | Section 912C of the *Corporations Act 2001* | Powers relating to requiring a person to give assistance |
| 16 | Section 912E of the *Corporations Act 2001* | Powers relating to:  (a) requiring a person to give assistance; and  (b) requiring the disclosure of documents and information |
| 16A | Section 1213P of the *Corporations Act 2001* | Powers relating to requiring a notified foreign passport fund to lodge a copy of the register of members |
| 17 | Section 1317R of the *Corporations Act 2001* | Powers relating to requiring a person to give assistance |
| 18 | Section 3E of the *Crimes Act 1914* | Powers relating to search warrants |
| 19 | Subsection 10(2) of the *Mutual Assistance in Business Regulation Act 1992* | Powers relating to:  (a) requiring a person to give information; and  (b) requiring a person to give documents; and |
|  |  | (c) requiring a person to attend to give evidence and produce documents |
| 20 | Subsection 37(4) of the *National Consumer Credit Protection Act 2009* | Powers relating to requesting information |
| 21 | Subsection 49(1) of the *National Consumer Credit Protection Act 2009* | Powers relating to requesting information |
| 22 | Section 51 of the *National Consumer Credit Protection Act 2009* | Powers relating to requiring a person to give assistance |
| 23 | Section 253 of the *National Consumer Credit Protection Act 2009* | Powers relating to requiring a person to give assistance |
| 24 | Section 266 of the *National Consumer Credit Protection Act 2009* | Powers relating to the production of books |
| 25 | Section 267 of the *National Consumer Credit Protection Act 2009* | Powers relating to the production of books |
| 26 | Item 17 of Schedule 2 to the *National Consumer Credit Protection Act 2009* | Powers relating to requesting information |

8B Prescribed body

For subparagraph 203(1B)(b)(ii) of the Act, the Insolvency Practitioners Association of Australia is prescribed.

11 Summons to witnesses to appear before Disciplinary Board

If a person is summoned under subsection 217(1) of the Act, the summons must be in accordance with Form 3.

12 Allowances and expenses payable for attendance at hearings of Disciplinary Board

For subsection 218(4) of the Act, a person who attends at a hearing in accordance with a summons issued under subsection 217(1) of the Act is entitled to be paid allowances and expenses in accordance with Schedule 2.

Part 3—Panel Procedures

Division 1—Preliminary

13 Objects of this Part

The objects of this Part are to ensure that Panel proceedings are:

(a) as fair and reasonable; and

(b) conducted with as little formality; and

(c) conducted in as timely manner;

as the requirements of this Part and the corporations legislation (other than the excluded provisions), and a proper consideration of the matters before the Panel, permit.

14 Application of this Part

This Part applies to Panel proceedings in addition to the requirements of the corporations legislation (other than the excluded provisions) that applies to the proceedings.

15 Definitions for Part 3

In this Part:

***application*** means an application under section 656A, 657C or 657EA of the *Corporations Act 2001*.

***brief***, in relation to Panel proceedings, means the brief for the proceedings that is mentioned in paragraph 20(b).

***business day***, in relation to a place, means any day except:

(a) a Saturday or a Sunday; or

(b) a day that is a public holiday or an Australian Public Service holiday in that place.

***party*** means a party to Panel proceedings.

***submission*** means a submission lodged with the Panel under a provision of this Part.

16 Powers of Panel

(1) In addition to any other provision of this Part, the Panel may:

(a) direct that 2 or more related matters are to be considered in Panel proceedings; and

(b) identify the issues to be considered by the Panel in its proceedings; and

(c) give directions to a person about:

(i) the manner in which a matter may be presented, either orally or in writing, to the Panel; and

(ii) the duration of the time in which the person may address the Panel or give evidence in Panel proceedings; and

(d) give directions to parties to lodge with the Panel specified documents relating to Panel proceedings; and

(e) give directions to persons about the time at or before which documents must be lodged with the Panel; and

(f) extend the time at or before which documents must be lodged with the Panel; and

(g) invite a person who is not a party to make a submission in relation to Panel proceedings; and

(h) permit a person to amend or withdraw information or evidence given to, or a document lodged with, the Panel for the purposes of Panel proceedings; and

(i) direct that Panel proceedings be suspended for a period determined by the Panel; and

(j) direct that Panel proceedings be deferred until a day determined by the Panel.

(2) In the performance of its functions and the exercise of its powers in relation to Panel proceedings, the Panel:

(a) is not bound by the rules of evidence; and

(b) must consider all relevant information contained in:

(i) a submission that is lodged with the Panel; and

(ii) other evidence that is given to the Panel; and

(c) must act:

(i) as fairly and reasonably; and

(ii) with as little formality; and

(iii) having regard to the time available before the decision must be made, in as timely a manner;

as the requirements of this Part, and the corporations legislation (other than the excluded provisions), and a proper consideration of the matters before the Panel permit.

Division 2—Applications

18 Reference of matters to the Commission by the Panel

(1) The Panel may refer a matter to the Commission for the Commission to consider with a view to making an application.

(2) If the Panel refers a matter to the Commission, the reference must be made:

(a) in writing; and

(b) in sufficient detail to allow the Commission to make a decision about the matter.

19 Making of applications

An application to the Panel must be in the form approved by the Panel.

20 Consideration of applications

As soon as practicable after receiving an application, the Panel must:

(a) decide whether to conduct proceedings in relation to the application; and

(b) if the Panel decides to conduct proceedings—prepare a brief setting out:

(i) a general description of the matters to be examined in the Panel proceedings; and

(ii) the issues to be addressed in submissions for the proceedings.

Division 3—Decisions to conduct proceedings

21 Notice of decision

(1) If the Panel decides, under regulation 20, to conduct proceedings, the Panel must, as soon as practicable after making the decision, notify the decision to:

(a) the Commission; and

(b) each company to which, or person to whom, the relevant application relates.

(2) If the Panel decides, under regulation 20, not to conduct proceedings, the Panel must, as soon as practicable after making the decision:

(a) notify the decision to the Commission; and

(b) notify the decision to each company and person to whom the relevant application relates.

22 Decision to hold inquiry

(1) If the Panel decides to conduct proceedings, it must, after receiving the application:

(a) give a copy of the brief for the proceedings to:

(i) the Commission; and

(ii) to each company to which, or person to whom, the application relates; and

(b) invite each body or person mentioned in paragraph (a) to lodge with the Panel a written submission addressing the issues identified in the brief.

(2) If the Panel decides to conduct proceedings it may give written notice of the decision to any other body or person.

(3) The Panel must:

(a) give a copy of the brief to the body or person; and

(b) invite the body or person to lodge with the Panel a written submission addressing the issues identified in the brief that are specified in the invitation.

Division 4—Submissions

23 Expressions of interest by non‑parties

(1) The Panel may give notice to a person, or to the public at large, of a decision by the Panel to conduct proceedings.

(2) A notice must include a description of the nature of the proceedings.

(3) A notice may invite a person who is not a party to the proceedings to give, within a time allowed by the Panel, a written expression of interest in the proceedings:

(a) stating the nature of the interest of the person in the proceedings; and

(b) setting out the reasons why the Panel should consider a written submission of the person in relation to the proceedings.

(4) The Panel may, by written notice to the person, vary the period mentioned in subregulation (3).

24 Panel may accept submissions from persons expressing interest

(1) As soon as practicable after the Panel receives the expression of interest of a person, the Panel must acknowledge the receipt in writing.

(2) If the Panel decides to consider the written submission of a person in the proceedings, the Panel must give to the person a copy of the brief for the proceedings.

(3) The Panel must invite the person to lodge with the Panel a written submission addressing the issues identified in the brief.

(4) If the Panel decides not to consider any written submission of the person in the proceedings, the Panel must inform the person of the decision and of the reasons for the decision.

25 Submissions

A submission made by a person to proceedings of the Panel must:

(a) be in the form approved by the Panel; and

(b) if the Panel has given to the person a copy of the brief and invited the person to comment on an issue identified in the brief, address that issue.

26 Disregard of certain submissions

(1) The Panel may disregard any matter in a submission that:

(a) is not in accordance with regulation 25; or

(b) is frivolous or vexatious.

(2) The Panel must disregard any matter in a submission that is not relevant to the proceedings.

27 Abuse of Panel procedures to be noted

If a matter in a written submission made to the Panel is frivolous or vexatious, the Panel must place on the submission a note stating:

(a) that the Panel has disregarded the matter in accordance with paragraph 26(1)(b); and

(b) the reasons why the Panel believes the matter to be frivolous or vexatious.

28 Lodgment and distribution of submissions

(1) A submission for Panel proceedings must be lodged with the Panel within the time allowed by the Panel.

(2) As soon as practicable after the Panel receives a submission, the Panel must give a copy of the submission to each party.

(3) A party who receives a copy of a submission relating to an application (the ***first submission***) may lodge with the Panel no more than 1 submission that:

(a) rebuts a matter, or matters, in the first submission; and

(b) does not include material that is not necessary to support the rebuttal.

(5) A submission lodged with the Panel is taken not to include any additional material that is not lodged at the same time as the submission.

30 Panel may invite further submissions

(1) At any time during Panel proceedings, the Panel may request a party to lodge with the Panel a submission that addresses a matter specified in the request.

(2) The Panel may give a copy of the submission to each party.

(3) The Panel may direct a party who receives a copy of a submission (the ***first submission***) to lodge, at or before a time specified in writing by the Panel, with the Panel not more than 1 submission that:

(a) rebuts a matter, or matters, in the first submission; and

(b) does not include material that is not necessary to support the rebuttal.

34 Submissions that are not lodged in time

If a person does not lodge a document with the Panel by the time of lodgment specified in this Part for the document, the Panel may continue with the proceedings without regard to the document.

Division 5—Conferences

35 Purpose of conferences

(1) The Panel may conduct a conference during Panel proceedings to:

(a) clarify matters arising from documents in the possession of the Panel relating to the proceedings; or

(b) resolve inconsistent statements:

(i) in documents in the possession of the Panel relating to the proceedings; or

(ii) made orally to the Panel; or

(c) otherwise inform itself on matters relating to the proceedings.

(2) For the purposes of these Regulations, a conference is taken to be part of Panel proceedings.

37 Conduct of conferences

(1) The President may convene a conference.

(2) The President:

(a) must determine the place where, and the time when, a conference is to convene; and

(b) must give written notice of that time and place to each party.

(3) The President may permit a member of the Panel, a party to the proceedings or a person who may attend a conference to attend the conference by:

(a) telephone; or

(b) video conference; or

(c) any other means of communication approved by the President.

(4) A conference for which permission has been given under subregulation (3) may be held at 2 or more places at the same time.

(5) A person mentioned in subregulation (3) who attends a conference in accordance with a permission under that subregulation is taken to be present at the place where, and the time when, the conference is convened, as determined by the President for paragraph (2)(a).

38 Procedures at conferences

(1) As soon as practicable before a conference, the Panel must give to a person who may attend the conference a statement setting out:

(a) the matters which the Panel proposes to raise at the conference; and

(b) any other matter of which the Panel wishes the person to be aware for the purposes of the conference.

(2) At a conference with a person, the Panel is not obliged to consider matters that are not set out in the statement given to the person before the conference.

(3) The Panel may make and retain a transcript of the proceedings of a conference.

(4) If a person who may attend a conference does not attend:

(a) the Panel may conduct the conference in the absence of the person; and

(b) the person may, before the day on which the conference begins, lodge with the Panel any written submission that addresses the matters set out in the statement mentioned in subregulation (1); and

(c) the Panel must consider the submission in the proceedings.

39 Addresses to the Panel at conferences

(1) A person who attends a conference may address the Panel.

(2) Subject to subregulation (3), the address of a person to the Panel must only deal with matters set out in the statement given by the Panel under subregulation 38(1) for the purposes of the conference.

(3) If the Panel invites a person at a conference to address the Panel on a matter, the person may address the Panel on the matter at the conference.

40 Witnesses

(1) At a conference, a person must not ask a witness about a matter unless it is a matter on which the person may address the Panel in accordance with regulation 39.

(2) A witness must not make a statement on a matter at a conference unless it is a matter on which the witness, or the person who called the witness to give evidence, may address the Panel in accordance with regulation 39.

41 Misbehaviour at conferences

The Panel may exclude from a conference a person whose behaviour has a disruptive effect on the conference.

Division 6—Other matters

42 Summons to witnesses by the Panel

For subsection 192(1) of the Act (which provides for the summons of a person by the Panel), Form 3 is prescribed.

43 Allowances and expenses payable for attendances

For subsection 192(6) of the Act (which provides for allowances and expenses to be paid in relation to Panel proceedings), a person who appears at Panel proceedings in response to a summons issued under section 192 of the Act is entitled to be paid allowances and expenses in accordance with Schedule 2.

Part 5—Clearing and settlement facilities

45 Meaning of *clearing and settlement facility*

For paragraph 12BAB(17)(b) of the Act, the following obligations are prescribed:

(a) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A(1)(a) of the Corporations Act;

(b) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A(1)(b) of the Corporations Act;

(ba) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A(1)(bb) of the Corporations Act;

(c) each obligation arising from acquiring or providing a financial product mentioned in paragraph 764A(1)(c) of the Corporations Act;

(d) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A(1)(j) of the Corporations Act;

(e) each obligation arising from a contract to transfer a financial product mentioned in paragraph 764A(1)(ba) of the Corporations Act;

(f) each obligation arising from a contract to transfer a carbon unit, an Australian carbon credit unit or an eligible international emissions unit.

46 Conduct that does not constitute operating a clearing and settlement facility

(2) For paragraph 12BAB(18)(i) of the Act, the conduct of:

(a) National Stock Exchange of Australia Limited, or an agent of that body; or

(b) a participant of the National Stock Exchange of Australia Limited, or an agent of the participant; or

(c) Bendigo Stock Exchange Limited, or an agent of that body; or

(d) a participant of the Bendigo Stock Exchange Limited, or an agent of the participant;

in operating a facility in accordance with the operating rules of a licensed market does not constitute operating a ***clearing and settlement facility*** if the requirements of subregulation (3) are met.

(3) For subregulation (2), the requirements are:

(a) the market licensee must have, and must be responsible for enforcing, operating rules that apply to a participant of the licensed market in relation to the participant’s obligations arising from transactions carried out on the licensed market; and

(b) a participant mentioned in paragraph (a), or an agent of the participant, must be responsible for fulfilling the obligations owed to another participant or agent arising from transactions carried out on the licensed market; and

(c) the market licensee is not the operator of any other clearing and settlement facility; and

(d) each participant of the licensed market is not the operator of any other clearing and settlement facility; and

(e) each agent of a participant of the licensed market is not the operator of any other clearing and settlement facility.

47 Financial transaction reports

For paragraph 243D(j) of the Act, neither subsection 16(5A) nor (5AA) of the *Financial Transaction Reports Act 1988* prohibits a cash dealer from communicating or disclosing a fact or information referred to in either of those subsections:

(a) to a body corporate approved under section 770 of the Corporations Act as an approved securities organisation; or

(b) in accordance with conditions imposed by the Minister when approving under section 770A of the Corporations Act a stock market for electronic trading of interests in a registered scheme; or

(c) in accordance with conditions imposed by the Minister when declaring a specified stock market to be an exempt stock market under section 771 of the Corporations Act; or

(d) in accordance with conditions imposed by the Minister when declaring a specified futures market to be an exempt futures market under section 1127 of the Corporations Act.

Note: Although sections 770, 770A, 771 and 1127 of the Corporations Act were repealed by the *Financial Services Reform Act 2001*, the sections are still relevant for specific purposes in the period of 2 years after the commencement of the Financial Services Reform Act.

Schedule 1—Forms

(regulation 2)

Form 1—Notice requiring appearance at an examination or reasonable assistance in connection with an investigation

(regulation 4)

*Australian Securities and Investment Commission Regulations 2001*

**Australian Securities and Investments Commission**

NOTICE REQUIRING APPEARANCE AT AN EXAMINATION OR REASONABLE ASSISTANCE IN CONNECTION WITH AN INVESTIGATION

To: 1

In relation to an investigation of 2

you are notified that under subsection 19(2) of the *Australian Securities and Investments Commission Act 2001* (‘the Act’) you are required:

(a) to appear at 3 on

4 at

5 before 6

for examination on oath or affirmation and to answer questions put to you in relation to the investigation; and

(b) to give the Australian Securities and Investments Commission all reasonable assistance in connection with the investigation.

Please note the provisions of subsection 23(1) of the Act (relating to legal representation) and section 68 of the Act (relating to self‑incrimination). The effect of those provisions is set out at the end of this form.

Dated 4.

Signature of person authorised

by the Commission to conduct the

examination:

NOTICE OF RELEVANT STATUTORY PROVISIONS

1. Subsection 23(1) of the Act provides that a person who is required to submit to an examination is entitled to have his or her lawyer attend the examination. It also provides that the person’s lawyer may address the inspector or ask the person questions about matters raised with the person by the inspector.

2. (1) You must not fail to comply with this notice without reasonable excuse (see subsection 63(1) of the Act).

(2) It is not a reasonable excuse for failure to comply with this notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see subsection 68(1) of the Act).

(3) However, if:

(a) before making an oral statement or signing a record in answer to this notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and

(b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;

the statement, or the fact that you have signed the record, is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.

(4) The right to make a claim of this kind is not available to a body corporate (see subsections 68(2) and (3) of the Act).

1 *insert full name and address of the person to whom the notice is to be given*

2 *insert the nature of the matter to which the investigation relates*

3 *insert time of day*

4 *insert date*

5 *insert full particulars of the address of the place at which the requirement is to be satisfied*

6 *insert full name of the person conducting the examination*

Form 2—Notice requiring the production of books

(regulation 5)

*Australian Securities and Investment Commission Regulations 2001*

**Australian Securities and Investments Commission**

NOTICE REQUIRING THE PRODUCTION OF BOOKS

To: 1

In relation to 2

you are notified that, under section 303/subsection 31(1)3/section 32A3/section 333 of the *Australian Securities and Investments Commission Act 2001* you are required to produce to

4 at 5

on 6 at 7

the following books:

8

Dated 6.

Signature of the person requiring

the production of books:

1 *insert full name and address of the person to whom the notice is to be given*

2 *insert the nature of the matter to which the request for production of books relates*

3 *strike out or delete if inapplicable*

4 *insert the full name of the person to whom the books are to be produced*

5 *insert time of day*

6 *insert date*

7 *insert full particulars of the address of the place at which the books are to be produced*

8 *insert description(s) of the books that are to be produced*

Form 3—Summons to witness

(regulations 7, 11 and 42)

*Australian Securities and Investment Commission Regulations 2001*

**Australian Securities and Investments Commission**

SUMMONS TO WITNESS

In the matter of 1

To: 2

at 4you are summoned to appear before the Australian Securities and Investments Commission3/Takeovers Panel3/Companies Auditors Disciplinary Board3

on 5

at 6 and thereafter to attend from day to day until the hearing in this matter is completed or you are excused or released from further attendance by a member of the Commission3/ Panel3/Board3.

3You are required to produce the following document(s) at the hearing:

7

Dated 4.

Signature of person authorised by

the Commission3/Panel3/Board3 to issue summons:

1 *insert description of matter*

2 *insert full name and address of the person to be summoned to appear*

3 *strike out or delete if inapplicable*

4 *insert time of day*

5 *insert date*

6 *insert full particulars of the address of the place where the hearing is to be held*

7 *insert description(s) of the documents that are to be produced at the hearing*

Schedule 2—Witnesses fees and allowances for expenses

(regulations 8, 12 and 43)

1. A person summoned to appear as a witness, because of his or her professional, scientific or other special skill or knowledge, before the Commission, the Panel or the Board must be paid:

(a) if the person is remunerated in his or her occupation by wages, salary or fees—an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and

(b) in any other case—an amount of not less than $81, or more than $407, for each day on which he or she so attends.

2. A person summoned to appear as a witness, other than a witness referred to in item 1, before the Commission, the Panel or the Board must be paid:

(a) if the person is remunerated in his or her occupation by wages, salary or fees—an amount equal to the amount of wages, salary or fees not paid to the person because of his or her attendance for that purpose; and

(b) in any other case—an amount of not less than $46, or more than $76, for each day on which he or she so attends.

3. A person summoned to appear as a witness before the Commission, the Panel or the Board must be paid a reasonable amount for allowances for:

(a) transport between the usual place of residence of the person and the place that he or she attends for that purpose; and

(b) if he or she is required to be absent overnight from his or her usual place of residence—meals and accommodation during the absence.

Schedule 3—Bodies corporate to which information may be disclosed

(regulation 8A)

Part 1—Australian bodies corporate

| Item | Body Corporate |
| --- | --- |
| 1 | Asia Pacific Exchange Limited |
| 2 | ASX Clear (Futures) Pty Limited |
| 3 | ASX Clear Pty Limited |
| 4 | ASX Compliance Pty Limited |
| 5 | ASX Limited |
| 6 | ASX Operations Pty Ltd |
| 7 | ASX Settlement Pty Limited |
| 8 | Austraclear Ltd |
| 9 | Australian Securities Exchange Limited |
| 10 | BGC Partners (Australia) Pty Limited |
| 11 | Bloomberg Tradebook Australia Pty Ltd |
| 12 | Chi‑X Australia Pty Ltd |
| 13 | ICAP Brokers Pty Limited |
| 14 | IMB Ltd |
| 15 | Mercari Pty Ltd |
| 16 | National Stock Exchange of Australia Limited |
| 17 | SIM Venture Securities Exchange Ltd |
| 18 | Yieldbroker Pty Limited |

Part 2—Foreign bodies corporate

| Item | Body | Location |
| --- | --- | --- |
| 1 | American Stock Exchange Inc (also known as ‘AMEX’) | United States of America |
| 2 | Amsterdam Exchanges NV (also known as ‘AEX’) | The Netherlands |
| 3 | Athens Stock Exchange | Greece |
| 4 | Austrian Futures and Options Exchange (also known as ‘OTOB’) | Austria |
| 5 | Belgium Futures and Options Exchange (also known as ‘BELFOX’) | Belgium |
| 6 | Bolsa de Barcelona | Spain |
| 7 | Bolsa de Comercio de Buenos Aires | Argentina |
| 8 | Bolsa de Comercio de Santiago | Chile |
| 9 | Bolsa de Derivados do Porto | Portugal |
| 10 | Bolsa de Madrid | Spain |
| 11 | Bolsa de Mercadorias & Futuros | Brazil |
| 12 | Bolsa de Valores de Lima | Peru |
| 13 | Bolsa de Valores de Lima e Porto | Portugal |
| 14 | Bolsa de Valores de Rio de Janeiro | Brazil |
| 15 | Bolsa de Valores do São Paolo (also known as ‘BOVESPA’) | Brazil |
| 16 | Bolsa Mexicana de Valores | Mexico |
| 17 | Bourse de Montréal | Canada |
| 18 | Brussels Exchange (also known as ‘BXS’) | Belgium |
| 19 | Canadian Venture Exchange (also known as ‘CDNX’) | Canada |
| 20 | Chicago Board of Trade (also known as ‘CBOT’) | United States of America |
| 21 | Chicago Board Options Exchange | United States of America |
| 22 | Chicago Mercantile Exchange Inc (also known as ‘CME’) | United States of America |
| 23 | Chicago Stock Exchange | United States of America |
| 24 | Coffee, Sugar and Cocoa Exchange Inc (also known as ‘CSCE’) | United States of America |
| 25 | Commodity Exchange Inc (also known as ‘COMEX’) | United States of America |
| 26 | Copenhagen Stock Exchange | Denmark |
| 27 | Deutsche Börse AG | Germany |
| 27A | EBS Service Company Limited | Switzerland |
| 27B | Eurex Frankfurt AG | Germany |
| 28 | Eurex Zurich AG | Germany and Switzerland |
| 29 | Financiele Termijnmarket Amsterdam NV | The Netherlands |
| 29A | FX Alliance International, LLC | United States of America |
| 30 | Helsinki Exchanges (also known as ‘HEX’) | Finland |
| 31 | Hong Kong Futures Exchange Ltd (also known as ‘HKFE’) | Hong Kong |
| 32 | Irish Stock Exchange | Republic of Ireland |
| 33 | Istanbul Stock Exchange | Turkey |
| 34 | Italian Futures Exchange (also known as ‘MIF’) | Italy |
| 35 | Italian Stock Exchange | Italy |
| 36 | Jakarta Stock Exchange | Indonesia |
| 37 | Johannesburg Stock Exchange | South Africa |
| 38 | Kansas City Board of Trade | United States of America |
| 39 | Korea Stock Exchange | South Korea |
| 40 | Kuala Lumpur Commodity Exchange (also known as ‘KLCE’) | Malaysia |
| 41 | Kuala Lumpur Options and Financial Futures Exchange | Malaysia |
| 42 | Kuala Lumpur Stock Exchange | Malaysia |
| 43 | London International Financial Futures Exchange Ltd | United Kingdom |
| 44 | London Securities and Derivatives Exchange | United Kingdom |
| 45 | London Stock Exchange | United Kingdom |
| 46 | Marche a Terme International de France (also known as ‘MATIF’) | France |
| 47 | Marche des Options Negotiable de Paris (also known as ‘MOTEP’) | France |
| 47A | Market Regulation Services Inc. | Canada |
| 48 | Mid American Commodity Exchange | United States of America |
| 49 | NASDAQ Stock Market (also known as ‘NASDAQ’) | United States of America |
| 50 | New York Futures Exchange | United States of America |
| 50A | New York Mercantile Exchange Inc (also known as ‘NYMEX’) | United States of America |
| 51 | New York Stock Exchange Inc (also known as ‘NYSE’) | United States of America |
| 52 | New Zealand Futures & Options Exchange Ltd (also known as ‘NZFOE’) | New Zealand |
| 53 | New Zealand Stock Exchange | New Zealand |
| 54 | OM Stockholm Exchange AB (also known as ‘OMS’) | Sweden |
| 55 | Osaka Securities Exchange (also known as ‘OSE’) | Japan |
| 56 | Oslo Stock Exchange (also known as ‘OLSO’) | Norway |
| 57 | Paris Bourse SBF SA | France |
| 58 | Philippines Stock Exchange | The Philippines |
| 59 | Port Moresby Stock Exchange | Papua New Guinea |
| 59A | Reuters Transaction Services Limited | United Kingdom |
| 60 | Shanghai Stock Exchange | Peoples’ Republic of China |
| 61 | Shenzen Stock Exchange | Peoples’ Republic of China |
| 62 | Singapore Exchange Ltd (also known as ‘SGX’) | Singapore |
| 63 | Société de la Bourse de Luxembourg SA | Luxembourg |
| 64 | South African Futures Exchange (also known as ‘SAFEX’) | South Africa |
| 65 | Spanish Financial Derivatives Exchange (also known as ‘MEFF’) | Spain |
| 66 | Suva Stock Exchange | Fiji |
| 67 | Swiss Exchange (also known as ‘SWX’) | Switzerland |
| 68 | Taiwan Stock Exchange | Taiwan |
| 69 | Tel Aviv Stock Exchange | Israel |
| 69A | The London Metal Exchange Limited | United Kingdom |
| 70 | The Stock Exchange of Thailand | Thailand |
| 71 | Tokyo International Futures Exchange (also known as ‘TIFFE’) | Japan |
| 72 | Tokyo Stock Exchange (also known as ‘TSE’) | Japan |
| 73 | Toronto Futures Exchange (also known as ‘TFE’) | Canada |
| 74 | Toronto Stock Exchange (also known as ‘TSE’) | Canada |
| 75 | Warsaw Stock Exchange | Poland |
| 76 | Wiener Börse AG | Austria |

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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in 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

| Number and year | FRLI registration or gazettal | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| 192, 2001 | 13 July 2001 | 15 July 2001 (gaz 2001, No S285) |  |
| 317, 2001 | 15 Oct 2001 | 11 Mar 2002 (r 2 and gaz 2001, No GN42) | — |
| 39, 2002 | 7 Mar 2002 | 11 Mar 2002 (r 2) | — |
| 124, 2002 | 14 June 2002 | 11 Mar 2002 (r 2) | — |
| 107, 2003 | 4 June 2003 | 4 June 2003 (r 2) | — |
| 102, 2004 | 28 May 2004 | 28 May 2004 (r 2) | — |
| 210, 2004 | 9 July 2004 | 9 July 2004 (r 2) | — |
| 397, 2004 | 23 Dec 2004 | r 1–3 and Sch 1: 23 Dec 2004 (r 2) Remainder: 1 Jan 2005 | — |
| 101, 2006 | 10 May 2006 (F2006L01443) | 11 May 2006 (r 2) | — |
| 119, 2007 | 14 May 2007 (F2007L01269) | 15 May 2007 (r 2) | — |
| 321, 2007 | 28 Sept 2007 (F2007L03800) | 29 Sept 2007 (r 2) | — |
| 322, 2007 | 28 Sept 2007 (F2007L03845) | 31 Dec 2007 (r 2) | — |
| 86, 2010 | 6 May 2010 (F2010L01096) | 6 May 2010 (r 2) | — |
| 87, 2010 | 10 May 2010 (F2010L01197) | 1 Jan 2011 (r 2) | — |
| 183, 2010 | 30 June 2010 (F2010L01801) | 28 June 2010 (r 2) | — |
| 278, 2010 | 18 Nov 2010 (F2010L03015) | 1 Jan 2011 (r 2) | — |
| 331, 2010 | 10 Dec 2010 (F2010L03187) | 13 Dec 2010 (r 2 and F2010L03188) | — |
| 193, 2011 | 21 Oct 2011 (F2011L02103) | 31 Oct 2011 (r 2) | — |
| 69, 2012 | 11 May 2012 (F2012L01026) | 12 May 2012 (s 2) | — |
| 247, 2012 | 30 Oct 2012 (F2012L02102) | 1 Nov 2012 (s 2) | — |
| 25, 2013 | 1 Mar 2013 (F2013L00385) | 1 Mar 2013 (s 2) | — |
| 152, 2013 | 28 June 2013 (F2013L01264) | Sch 1 (items 1–4): 1 July 2013 (s 2) | — |
| 192, 2013 | 25 July 2013 (F2013L01431) | Sch 1 (items 1–5): 26 July 2013 (s 2) | — |
| 33, 2014 | 14 Mar 2014 (F2014L00261) | Sch 1 (item 1) and Sch 3 (item 1): 15 Mar 2014  (s 2) | — |
| 88, 2014 | 13 June 2014 (F2014L00711) | Sch 3 (items 1, 2): 14 June 2014 (s 2) | — |
| 185, 2014 | 1 Dec 2014 (F2014L01612) | Sch 1 (item 1): 1 Dec 2014 (s 2 item 2) | — |
| 92, 2015 | 18 June 2015 (F2015L00841) | Sch 1 (item 1): 19 June 2015 (s 2(1) item 1) | — |
| 134, 2015 | 12 Aug 2015 (F2015L01262) | Sch 1 (item 1): 13 Aug 2015 (s 2(1) item 1) | — |

| Name | Registration | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- |
| Treasury Laws Amendment (2016 Measures No. 1) Regulation 2016 | 26 Feb 2016 (F2016L00156) | Sch 2 (items 1–8): 27 Feb 2016 (s 2(1) item 1) | — |
| Corporations and Other Legislation Amendment (Insolvency Law Reform) Regulation 2016 | 13 Dec 2016 (F2016L01926) | Sch 1 (items 5–7): 1 Mar 2017 (s 2(1) item 2) | — |
| Treasury Laws Amendment (Professional Standards Schemes) Regulations 2017 | 24 May 2017 (F2017L00595) | Sch 1 (items 1–11): 25 May 2017 (s 2(1) item 1) | — |
| Treasury Laws Amendment (Professional Standards Schemes) Regulations 2018 | 9 Feb 2018 (F2018L00096) | Sch 1 (items 1–3): 10 Feb 2018 (s 2(1) item 1) | — |
| Corporations Amendment (Asia Region Funds Passport) Regulations 2018 | 20 Aug 2018 (F2018L01144) | Sch 2 (items 13, 14): 18 Sept 2018 (s 2(1) item 2) | — |
| Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2018 | 2 Oct 2018 (F2018L01393) | Sch 1 (items 1–6): 3 Oct 2018 (s 2(1) item 1) | — |
| Treasury Laws Amendment (Professional Standards Schemes) Regulations 2019 | 25 Mar 2019 (F2019L00368) | Sch 1 (items 1–7): 26 Mar 2019 (s 2(1) item 1) | — |
| Treasury Laws Amendment (Professional Standards Schemes No. 2) Regulations 2019 | 21 Oct 2019 (F2019L01351) | Sch 1 (items 1–11): 22 Oct 2019 (s 2(1) item 1) | — |
| Australian Securities and Investments Commission Amendment (First Home Loan Deposit Scheme Guarantees) Regulations 2019 | 16 Dec 2019 (F2019L01625) | 17 Dec 2019 (s 2(1) item 1) | — |
| Treasury Laws Amendment (Miscellaneous Amendments) Regulations 2019 | 17 Dec 2019 (F2019L01641) | Sch 1 (item 1): 18 Dec 2019 (s 2(1) item 2) | — |
| Treasury Laws Amendment (Professional Standards Schemes) Regulations 2020 | 12 June 2020 (F2020L00699) | Sch 1 (items 1–5): 1 July 2020 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Note about numbering | rep F2019L01641 |
| **Part 1** |  |
| r 1A | rep LA s 48D |
| r 2 | am No 69, 2012 |
| r 2A | ad No 317, 2001 |
| r 2AC | ad No 210, 2004 |
|  | am No 152, 2013 |
| r 2B | ad No 317, 2001 |
| r 2BA | ad No 87, 2010 |
| r 2BB | ad No 69, 2012 |
|  | (1) exp 1 July 2012 (r 2BB(2)) |
| r 2BC | ad No 33, 2014 |
| r 2BD | ad F2019L01625 |
| r 2C | ad No 107, 2003 |
|  | rs No 331, 2010 |
| r 2D | ad No 86, 2010 |
| r 2E | ad No 278, 2010 |
| r 2F | ad No 278, 2010 |
| **Part 2** |  |
| r 3A | ad No 101, 2006 |
|  | am No 247, 2012; No 25, 2013; No 33, 2014; No 88, 2014 |
|  | rs No 185, 2014 |
|  | am No 92, 2015; No 134, 2015; F2016L00156; F2017L00595; F2018L00096; F2018L01393; F2019L00368; F2019L01351; F2020L00699 |
| r 3 | am No 317, 2001; No 69, 2012 |
| r 5 | am No 317, 2001 |
| r 8AA | ad No 322, 2007 |
|  | am No 152, 2013 |
|  | rs F2016L01926 |
| r 8AAA | ad No 192, 2013 |
|  | am F2016L01926; F2018L01144 |
| r 8B | ad No 183, 2010 |
| **Part 3** |  |
| **Division 1** |  |
| r 15 | am No 317, 2001 |
| **Division 3** |  |
| r 21 | am No 192, 2013 |
| **Division 5** |  |
| r 37 | am No 192, 2013 |
| r 38 | am No 192, 2013 |
| Part 4 | rep LA s 48C |
| r 44 | rep LA s 48C |
| **Part 5** |  |
| Part 5 | ad No 317, 2001 |
| r 45 | ad No 317, 2001 |
|  | am No 69, 2012; F2018L01144 |
| r 46 | ad No 317, 2001 |
|  | am No 124, 2002; No 321, 2007 |
| r 47 | ad No 317, 2001 |
| Part 6 | ad No 397, 2004 |
|  | rep No 152, 2013 |
| r 48 | ad No 397, 2004 |
|  | rep No 152, 2013 |
| **Schedule 1** |  |
| Form 2 | am No 317, 2001 |
| Form 3 | am No 317, 2001; F2016L01926 |
| Form 4 | ad No 397, 2004 |
|  | rep No 152, 2013 |
| **Schedule 3** |  |
| Schedule 3 | am No 317, 2001; No 39, 2002; No 102, 2004; No 397, 2004; No 119, 2007; No 321, 2007; No 193, 2011 |