



ASIC

Australian Securities & Investments Commission

ASIC (Supervisory Cost Recovery Levy— Annual Determination) Instrument 2018/1063

I, Grant Moodie, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 20 November 2018

Grant Moodie

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC (Supervisory Cost Recovery Levy—Annual Determination) Instrument 2018/1063*.

2 Commencement

This instrument takes effect as follows:

- (a) if subsection 11(3) of *ASIC Supervisory Cost Recovery Levy Act 2017* applies—the instrument takes effect on the day specified in paragraph 11(3)(a) of that Act;
- (b) if subsection 11(4) of *ASIC Supervisory Cost Recovery Levy Act 2017* applies—the remaining provisions of the instrument take effect on the day specified in paragraph 11(4)(a) of that Act.

Note 1: Section 11 of the *ASIC Supervisory Cost Recovery Levy Act 2017* contains special provisions dealing with the disallowance and taking effect of instruments of this kind.

Note 2: Subsection 9(9) of the *ASIC Supervisory Cost Recovery Levy Act 2017* has the effect that the instrument can have retrospective application before the day it is registered on the Federal Register of Legislation. The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under section 73 of the *ASIC Supervisory Cost Recovery Levy Regulations 2017*.

4 Definitions

In this instrument:

- (a) **Regulations** means the *ASIC Supervisory Cost Recovery Levy Regulations 2017*;
- (b) unless the contrary intention appears, an expression that:
 - (i) is used, but not defined, in this instrument; and
 - (ii) is defined in the Regulations;

has the same meaning in this instrument as in the Regulations.

Part 2—Determination

5 Applicable financial year

This determination applies to the 2017 – 2018 financial year.

6 Sub-sector population

For the purposes of the definition of *sub-sector population* in subsection 4(1) of the Regulations, the *sub-sector population* for the sub-sector specified in column 2 of the table for the financial year is specified in column 3 of the table.

Column 1 Item	Column 2 Sub-sectors	Column 3 Sub-sector population
1	Auditors of disclosing entities	123
2	Australian derivative trade repository operators	2
3	Corporate advisors	339
4	Credit intermediaries	5,124
5	Credit providers	1,155
6	Credit rating agencies	7
7	Custodians	1,023
8	Deposit product providers	244
9	Exempt CS facility operators	1
10	Exempt market operators	32
11	Insurance product distributors	3,043
12	Insurance product providers	105
13	Large futures exchange operators	1
14	Large futures exchange participants	41
15	Large proprietary companies	11,333
16	Large securities exchange operators	2
17	Large securities exchange participants	68
18	Licenseses that provide only general advice to retail clients or wholesale clients	1,014
19	Licenseses that provide personal advice on relevant financial products to retail clients	2,985
20	Licenseses that provide personal advice to only wholesale clients	1,511
21	Licenseses that provide personal advice to retail clients on only products that are not relevant financial products	649
22	Listed corporations	2,177
23	Managed discretionary account providers	198
24	Margin lenders	22
25	Operators of investor directed portfolio services	93
26	Overseas market operators	10
27	Over-the-counter traders	68
28	Payment product providers	652
29	Public companies (unlisted)	16,014
30	Registered company auditors	4,453
31	Registered liquidators	718
32	Responsible entities	471
33	Retail over-the-counter derivatives issuers	105
34	Risk management product providers	58
35	Securities dealers	886
36	Small amount credit providers	195
37	Small derivative market operators	6
38	Small futures exchange operators	1
39	Small securities exchange operators	2
40	Small securities exchange operators with self-listing	1

Column 1	Column 2	Column 3
Item	Sub-sectors	Sub-sector population
	function only	
41	Superannuation trustees	139
42	Tier 1 clearing and settlement facility operators	4
43	Tier 2 clearing and settlement facility operators	1
44	Tier 3 clearing and settlement facility operators	1
45	Tier 4 clearing and settlement facility operators	1
46	Traditional trustee company service providers	13
47	Wholesale electricity dealers	44
48	Wholesale trustees	1,626

7 Sub-sector metrics—basic levy component and graduated levy component

For the purposes of the definitions of:

- (a) *basic levy component* in subsection 9(1) of the Regulations; and
- (b) *graduated levy component* in subsection 10(1) of the Regulations;

the applicable *sub-sector metric* for the sub-sector specified in column 2 of the table for the financial year is specified in column 3 of the table.

Column 1	Column 2	Column 3	
Item	Sub-sectors	Sub-sector metric	
		Basic levy component (as applicable)	Graduated levy component (as applicable)
1	Auditors of disclosing entities	470,569,745	
2	Australian derivative trade repository operators	730	
3	Corporate advisors		3,865,259,609
4	Credit intermediaries		37,374
5	Credit providers		561,253,358,709
6	Credit rating agencies		1,095
7	Custodians	1,023	
8	Deposit product providers		2,263,038,282,872
9	Exempt CS facility operators	365	
10	Exempt market operators	10,148	
11	Insurance product distributors	3,043	
12	Insurance product providers		42,815,225,400
13	Large futures exchange operators	365	
14	Large futures exchange participants		194,675,925 (messages) 24,159,848 (transactions)
15	Large proprietary companies	11,333	
16	Large securities exchange operators	1,583,948,176,362	
17	Large securities exchange participants		3,391,845,789 (messages) 806,322,001 (transactions)
18	Licenses that provide only general advice to retail clients or wholesale clients	1,014	

Column 1	Column 2	Column 3	
Item	Sub-sectors	Sub-sector metric	
		Basic levy component (as applicable)	Graduated levy component (as applicable)
19	Licencees that provide personal advice on relevant financial products to retail clients		22,652
20	Licencees that provide personal advice to only wholesale clients	1,511	
21	Licencees that provide personal advice to retail clients on only products that are not relevant financial products	229,700	
22	Listed corporations		1,386,851,193,609
23	Managed discretionary account providers	69,269	
24	Margin lenders	7,835	
25	Operators of investor directed portfolio services		630,030,930
26	Overseas market operators	3,000	
27	Over-the-counter traders		2,510
28	Payment product providers	227,339	
29	Public companies (unlisted)	16,014	
30	Registered company auditors	4,453	
31	Registered liquidators		65,900
32	Responsible entities		1,194,276,323,558
33	Retail over-the-counter derivatives issuers	37,076	
34	Risk management product providers	20,074	
35	Securities dealers		89,900,391,621
36	Small amount credit providers	1,527,220,643	
37	Small derivative market operators	4,196	
38	Small futures exchange operators	0	
39	Small securities exchange operators	730	
40	Small securities exchange operators with self-listing function only	365	
41	Superannuation trustees		1,528,474,127,703
42	Tier 1 clearing and settlement facility operators	1,460	
43	Tier 2 clearing and settlement facility operators	365	
44	Tier 3 clearing and settlement facility operators	365	
45	Tier 4 clearing and settlement facility operators	365	
46	Traditional trustee company service providers	4,745	
47	Wholesale electricity dealers	44	
48	Wholesale trustees	570,254	

8 IT percentage—large futures exchange participants

For the purposes of the definition of *IT percentage* in subsection 64(5) of the Regulations, the percentage for the financial year is 25.02%, being the percentage that corresponds to the extent to which the *sub-sector regulatory costs* in relation to the *large futures exchange participants* sub-sector for the financial year are attributable to costs relating to information technology.

9 IT percentage—large securities exchange participants

For the purposes of the definition of *IT percentage* in subsection 65(5) of the Regulations, the percentage for the financial year is 28.38%, being the percentage that corresponds to the extent to which the *sub-sector regulatory costs* in relation to the *large securities exchange participants* sub-sector for the financial year are attributable to costs relating to information technology.