



Corporations (Fees) Act 2001

Act No. 52 of 2001 as amended

This compilation was prepared on 1 January 2012
taking into account amendments up to Act No. 144 of 2011

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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An Act to impose, as taxes, fees for things done under the *Corporations Act 2001*, and for related matters

1 Short title [see Note 1]

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

2 Commencement [see Note 1]

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 the *Corporations Act 2001* 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;
 - (ja) the referral of a financial report under that Act to the Financial Reporting Panel;
 - (jb) the doing of any act by the Financial Reporting Panel in dealing with a referral 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 performance by ASIC of its functions in relation to the operator of a licensed market under Part 7.2A (Supervision of financial markets) of the *Corporations Act 2001*;
 - (n) the performance by ASIC of its functions in relation to a participant in a licensed market under Part 7.2A (Supervision of financial markets) of the *Corporations 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) Other expressions used in this Act that are defined in the *Corporations Act 2001* have the same meanings as they have in that Act.

5 Imposition of fees for chargeable matters

- (1) Subject to sections 6 and 6A, 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 for electronic compliance in relation to a chargeable matter

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

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 \$10,000) 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 \$50,000, 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 \$100,000 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 \$100,000 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.
- (6) This section does not apply in relation to a chargeable matter referred to in paragraph (m) or (n) of the definition of ***chargeable matter*** in subsection 4(1).

6A Matters relating to amount of fees for market supervision

- (1) The regulations may prescribe a fee for a chargeable matter referred to in paragraph (m) or (n) of the definition of ***chargeable matter*** in subsection 4(1):
 - (a) by specifying an amount as the fee; or
 - (b) by specifying a method for calculating the amount of the fee.
- (2) The fee prescribed under subsection (1) need not bear any relationship to the cost of providing any service that forms part of, or is related to, the chargeable matter.

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 operator of a licensed market; and
 - (ii) time liability incurred—the time or times determined in accordance with the regulations;
 - (n) for a chargeable matter referred to in paragraph (n) of that definition:
 - (i) person liable—the participant in a licensed market; and
 - (ii) time liability incurred—the time or times determined in accordance with the regulations.
- (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 6A.

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.

Table of Acts**Notes to the *Corporations (Fees) Act 2001*****Note 1**

The *Corporations (Fees) Act 2001* as shown in this compilation comprises Act No. 52, 2001 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Corporations (Fees) Act 2001</i>	52, 2001	28 June 2001	15 July 2001 (see s. 2 and <i>Gazette</i> 2001, No. S285)	
<i>Corporations (Fees) Amendment Act 2001</i>	107, 2001	17 Sept 2001	11 Mar 2002 (see s. 2 and <i>Gazette</i> 2001, No. GN42)	—
<i>Corporations (Fees) Amendment Act 2003</i>	22, 2003	11 Apr 2003	1 July 2003	—
<i>Corporations (Fees) Amendment Act (No. 1) 2004</i>	98, 2004	29 June 2004	1 July 2004	—
<i>Corporations (Fees) Amendment Act 2007</i>	102, 2007	28 June 2007	Schedule 1: 28 June 2007 (see s. 2(1)) Remainder: Royal Assent	—
<i>Corporations (Fees) Amendment Act 2010</i>	27, 2010	25 Mar 2010	Schedule 1: 1 Aug 2010 (see s. 2(1)) Remainder: Royal Assent	—
<i>Corporations (Fees) Amendment Act 2011</i>	144, 2011	29 Nov 2011	Schedule 1: 1 Jan 2012 Remainder: Royal Assent	—

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 4	am. No. 107, 2001; No. 98, 2004; No. 102, 2007; No. 27, 2010; No. 144, 2011
S. 5	am. No. 27, 2010
S. 5A	ad. No. 22, 2003
S. 6	am. No. 107, 2001; No. 22, 2003; No. 27, 2010; No. 144, 2011
S. 6A	ad. No. 27, 2010 am. No. 144, 2011
S. 7	am. No. 107, 2001; No. 27, 2010; No. 144, 2011
S. 8	am. No. 22, 2003; No. 27, 2010