

Mutual Assistance in Business (Regulation) Regulations (Amendment) 1998 No. 263

EXPLANATORY STATEMENT

STATUTORY RULES 1998 No. 263

Issued by the Authority of the Minister for Justice

Mutual Assistance in Business Regulation Act 1992

Mutual Assistance in Business (Regulation) Regulations (Amendment)

Section 23 of the *Mutual Assistance in Business Regulation Act 1992* (the Act) empowers the Governor-General to make regulations, not inconsistent with the Act, prescribing matters required or permitted to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The *Mutual Assistance in Business Regulation Act 1992* (the Act) provides a scheme by which Commonwealth regulators can render assistance to foreign regulators in their administration or enforcement of foreign business laws by obtaining from persons relevant information, documents and evidence and transmitting such information and evidence and copies of such documents to foreign regulators.

The Act defines a Commonwealth regulator as an authority of the Commonwealth that:

- (a) has functions relating to the administration or enforcement of a business law of the Commonwealth, a State or a Territory; and
- (b) is prescribed for the purposes of the definition (subsection 3(1)).

The amendments to the regulations are consequential to the Financial Sector Reform legislation which was recently enacted.

Consistent with the reforms included in that legislation, Regulation 3:

- * omits the reference to the Insurance and Superannuation Commissioner (a position which was abolished with effect from 1 July 1998) (Regulation 3.1);
- * changes the reference to the Australian Securities Commission, to refer instead to the Australian Securities and Investments Commission (the Australian Securities Commission's new name, since 1 July 1998) (Regulation 3.1);
- * inserts a reference to the Australian Prudential Regulation Authority (the body which, since 1 July 1998, has had responsibility for the prudential regulation of deposit-taking institutions, insurance companies and superannuation entities) (Regulation 3.1).

The Financial Sector Reform legislation is the Government's response to the report of the Financial System Inquiry (the Wallis Committee) and includes the *Australian Prudential*

Regulation Authority Act 1998, the Financial Sector Reform (Amendments and Transitional Provisions) Act 1998 and the Financial Sector Reform (Consequential Amendments) Act 1998.

The amendments commenced on gazettal (Regulation 1).