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Corporations (Fees) Regulations 2001

Statutory Rules 2001 No. 1

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I, PETER JOHN HOLLINGWORTH, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Corporations (Fees) Act 2001*.

Dated 12 JUL 2001 2001

Peter Hollingworth.
Governor-General

By His Excellency's Command

JOE HOCKEY
Minister for Financial Services and Regulation

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Note about numbering

These Regulations are made under the *Corporations (Fees) Act 2001*. To assist users of these Regulations, the structure and numbering of these Regulations follow, as far as possible, the pattern of the *Corporations (Fees) Regulations 1990* that were made under the *Corporations Act 1989*. However, these Regulations have an additional provision about commencement and the inclusion of a definition that were not in the *Corporations (Fees) Regulations 1990*.

1 Name of Regulations

These Regulations are the *Corporations (Fees) Regulations 2001*.

1A Commencement

These Regulations commence on the same day as the *Corporations (Fees) Act 2001*.

1B Definition

In these Regulations:

Act means the *Corporations Act 2001*.

2 Interpretation (Schedule 1)

In Schedule 1, a reference to a chapter, part, division, section, subsection, paragraph or subparagraph, without reference to an enactment, is a reference to that chapter, part, division, section, subsection, paragraph or subparagraph of the Act.

2A Definitions for item 7 of Schedule 1

In item 7 in Schedule 1:

small transferring financial institution means a transferring financial institution of a State or Territory:

- (a) which is required, under section 345 of the Act, to lodge its annual return by:
 - (i) 31 January 2000, or 31 January in a later year; or
 - (ii) a different date agreed to by ASIC and the institution; and
- (b) for which any of the following circumstances exists on 1 July immediately before that date:
 - (i) a levy under the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998* or the *Life Insurance Supervisory Levy Imposition Act 1998* is not payable;
 - (ii) the minimum levy amount determined under subsection 7 (3) of the *Authorised Deposit-taking Institutions Supervisory Levy Imposition Act 1998* is payable;
 - (iii) the minimum levy amount determined under subsection 7 (3) of the *Life Insurance Supervisory Levy Imposition Act 1998* is payable.

special purpose company means:

- (a) a company holding a licence that is continued in force by section 151 of the Act and allows the company to omit 'Limited' from its name; or

- (b) in the case of a company limited by guarantee, or by both shares and guarantee, that was registered immediately before the commencement of this item — if the constitution of the company states that the company:
 - (i) is formed for the purpose of providing recreation or amusement or promoting commerce, industry, art, science, religion, charity, patriotism pension or superannuation schemes or any other object useful to the community; and
 - (ii) applies its profits (if any) or other income in promoting its purpose; and
 - (iii) prohibits the distribution of its income or property to its members; or
- (c) a company that, under subsection 150 (1) of the Act, is registered without 'Limited' in its name; or
- (d) a company the constitution of which:
 - (i) requires the company to pursue charitable purposes only and to apply its income in promoting those purposes; and
 - (ii) prohibits the company making distributions to its members and paying fees to its directors; and
 - (iii) requires its directors to approve all other payments the company makes to them; or
- (e) a proprietary company, except a company to which item 7A or 7B in Schedule 1 applies, if:
 - (i) the company is the proprietor of land on which a building divided into separate residential areas and areas for common use is erected; and
 - (ii) the members of the company are entitled, because of the shares they hold in the company, to the exclusive occupation of 1 or more of the residential areas and to the use of the common areas; and
 - (iii) the company only operates to facilitate and enforce the rights of company members in relation to exclusive occupation of the residential areas and to maintain the common areas; or

- (f) a company not mentioned in a preceding paragraph of this definition, if:
- (i) the constitution of the company prohibits distribution of the company's income or property to its members; and
 - (ii) the sole purpose of the company is to act as the trustee of a regulated superannuation fund within the meaning of section 19 of the *Superannuation Industry (Supervision) Act 1993*.

transferring financial institution of a State or Territory has the meaning given by clause 1 of Schedule 4 to the Act.

3 Prescribed fees

The fee prescribed for sections 5 and 6 of the *Corporations (Fees) Act 2001* for a chargeable matter set out in Schedule 1 is the fee specified in Schedule 1 for that matter.

4 Repeal of old Corporations (Fees) Regulations

The following Statutory Rules are repealed:

- 1990 No. 456
- 1992 No. 236
- 1993 No. 242
- 1994 Nos. 34, 199, 303 and 422
- 1995 Nos. 124 and 346
- 1996 No. 251
- 1997 No. 130
- 1998 Nos. 184 and 295
- 2000 Nos. 12, 38 and 97.

Note The *Corporations (Fees) Regulations 1990* were made under the old Corporations Law, but are continued in effect by section 1380 of the *Corporations Act 2001*.

Schedule 1 Fees

(regulation 3)

Column 1 Item	Column 2 Matter	Column 3 Fee
	<i>Occupational licensing</i>	
1	On application under subsection 782 (1) for a dealers licence or an investment advisers licence or under subsection 1144 (1) for a futures brokers licence or a futures advisers licence:	
	(a) a body corporate	\$480
	(b) by a natural person	\$300
1A	On application for variation of a dealers licence to authorise the licensee to operate a managed investment scheme or managed investment schemes of a particular kind	\$240
2	On lodging a statement under section 791 or 1157 (1):	
	(a) by a body corporate that holds a dealers licence, an investment advisers licence, a futures brokers licence or a futures advisers licence	\$300
	(b) by a natural person who holds a dealers licence, an investment advisers licence, a futures brokers licence or a futures advisers licence	\$120
3	On application under Part 9.2 for registration as:	
	(a) an auditor	\$300
	(b) an official liquidator	\$300
	(c) a liquidator, except a liquidator referred to in paragraph (d)	\$300
	(d) a liquidator of a specified body corporate	\$60
4	On lodging a statement under section 1288	\$120

Column 1 Item	Column 2 Matter	Column 3 Fee
	<i>Incorporation and registration of companies and other bodies</i>	
5	On application for:	
	(a) registration of a company under section 118:	
	(i) if the company has a share capital	\$720
	(ii) if the company does not have a share capital	\$300
	(b) registration of a company under section 601BD:	
	(i) if, at the time of lodging the application, the body corporate was registered under Division 2 of Part 5B.2	\$300
	(ii) in any other case	\$720
	(c) transfer of the registration of a company under section 119A	\$750
6	On lodging the documents under Part 5B.2 for the registration of:	
	(a) a registrable Australian corporation:	
	(i) if, in its place of origin, it is incorporated or registered under a law dealing with the incorporation of associations	\$300
	(ii) if, in its place of origin, it is incorporated or registered under a law except a law dealing with the incorporation of associations	\$720
	(b) a foreign company	\$720
6A	On application under section 601EA for registration of a managed investment scheme:	\$1 800
	<i>Annual returns and accounts</i>	
7	On lodging the annual return, except a return to which item 7A or 7B applies, of:	
	(a) a public company, except a special purpose company or a small transferring financial institution	\$900

Column 1 Item	Column 2 Matter	Column 3 Fee
	(b) a proprietary company, except a special purpose company	\$200
	(c) a special purpose company	\$36
	(d) a registered scheme	\$900
	(e) a small transferring financial institution, except a special purpose company	\$200
7A	On lodging the annual return of a proprietary company that was registered during the period commencing on 1 July and ending at the end of 31 December in a year, if the annual return is for the calendar year in which the company was registered	no fee
7B	On lodging the annual return of a proprietary company if:	
	(a) the company was registered during the period commencing on 1 January 1995 and ending at the end of 30 June 1995; and	
	(b) the first financial year of the company ends after 30 June 1995; and	
	(c) the annual return is for the calendar year in which the company was registered	no fee
8	On lodging the first annual return of a company registered under section 118 after the company has ceased to act solely as the trustee of a regulated superannuation fund within the meaning of section 19 of the <i>Superannuation Industry (Supervision) Act 1993</i> , in addition to the fee payable under paragraph 7 (a) or 7 (b):	
	(a) if the application to register the company was lodged on or after 11 March 1994 and before 1 April 1995	\$600
	(b) in any other case	no fee
9	On lodging an annual return or balance sheet and profit and loss account of a registered foreign company under section 601CK	\$900
8	<i>Corporations (Fees) Regulations 2001</i>	2001,

Column 1 Item	Column 2 Matter	Column 3 Fee
	<i>Fund raising</i>	
9A	On lodging a report under section 319:	
	(a) by a disclosing entity, except a company or registered scheme	\$900
9B	On lodging a report under section 320	no fee
10	On lodging, under section 718, a disclosure document that is:	
	(a) a prospectus	\$1 800
	(b) a profile statement	\$1 800
	(c) an offer information statement	\$1 800
10A	On lodging, under section 719, a supplementary or replacement document	no fee
	<i>Charges</i>	
13	On lodging a notice under section 263 or 264	\$120
14	On lodging a notice under section 268 or a memorandum under subsection 269 (2)	\$60
	<i>Futures and Securities Industry bodies</i>	
15	On application for:	
	(a) a declaration under subsection 771 (1) by the Minister that a specified stock market is an exempt stock market; or	
	(b) a declaration under subsection 1127 (1) by the Minister that a specified futures market, or a futures market included in a specified class of futures markets, is an exempt futures market	\$1 200
16	On lodging an application for approval of a body corporate as:	
	(a) a stock exchange; or	
	(aa) a securities clearing house; or	
	(b) an approved securities organisation; or	
	(c) a futures exchange; or	

Column 1 Item	Column 2 Matter	Column 3 Fee
	(d) a futures clearing house; or	
	(e) a futures association	\$1 200
16A	On lodging an application for approval of a section 770A stock market	\$1 200
17	On giving notice:	
	(aaa) under paragraph 774 (1) (a), as applied by subregulation 7.3.17 (2) of the Corporations Regulations, of an amendment, or amendments, to the business rules of a management company in relation to unquoted prescribed interests; or	
	(a) under subsection 774 (1) of an amendment, or amendments, of the business rules or listing rules of a securities exchange; or	
	(aa) under subsection 779C (1), of an amendment, or amendments, of the business rules of a securities clearing house; or	
	(b) under subsection 928 (1) of an amendment, or amendments, of the business rules of a body corporate in relation to which a nomination as the Securities Exchange Guarantee Corporation is in force under subsection 925A (1); or	
	(c) under subsection 1136 (1) of an amendment, or amendments, of the business rules of a futures exchange, futures clearing house or futures association	\$120
	<i>Acquisition of shares</i>	
17A	On lodging, by a securities exchange, a statement referred to in subsection 776 (2A) relating to contraventions of the exchange's business rules or listing rules, or of the Act	no fee
18	On lodging, under subsection 633 (1), a copy of the bidder's statement, and of the offer document, for an off-market bid	\$1 800
19	On lodging, under paragraph 650D (1) (b), a notice	\$900
10	<i>Corporations (Fees) Regulations 2001</i>	2001,

Column 1 Item	Column 2 Matter	Column 3 Fee
20	On lodging, under section 635, a copy of the bidder's statement for a market bid	\$900
21	On lodging, under paragraph 647 (3) (a), a supplementary statement	no fee
	<i>Other applications</i>	
22	On lodging an application: (a) for the consent of the Minister under subsection 147 (2) or 601DC (2) to the use of a name by a corporation or proposed corporation; or (b) under section 601QA, 283GA, 655A, 669, 673 or 741	\$300
23	On lodging an application: (a) for ASIC to exercise a power under section 601AE or 601AF; or (b) under Chapter 6, 6A, 6B or 6C for which a fee is not provided by any other item	\$210
24	On application: (a) under section 111AT, paragraph 157 (1) (b) or section 340; or (b) for the exercise by ASIC of its power under subsection 150 (1)	\$120
25	On application: (a) under subsection 163 (1); or (b) under Chapter 2L, 5C or 6D for which a fee is not provided by any other item	\$60
26	On lodging an application for the reservation of a name or for the extension of a reservation of a name	\$36
27	On lodging an application for which a fee is not provided by any other item	\$30
2001,	<i>Corporations (Fees) Regulations 2001</i>	11

Column 1 Item	Column 2 Matter	Column 3 Fee
	<i>Late lodgment</i>	
28	On the late lodgment of a document (in addition to any fee provided by any other item for the lodgment of that document):	
	(a) if lodged within one month after the prescribed time	\$60
	(b) if lodged more than one month after the prescribed time	\$240
	<i>Supply of information and documents</i>	
29	For a document issued or displayed by ASIC containing information relating to a single corporation or registered scheme, if the information is retrieved using a computer system:	
	(a) if requested by or on behalf of the Australian Broadcasting Corporation, the Special Broadcasting Service, the Australian Bureau of Statistics, the holder of a licence for a commercial broadcasting or television station or the proprietor or publisher of a newspaper generally available to the public otherwise than by subscription:	
	(i) if the document contains only current information	no fee
	(ii) if the document contains both current and non-current information	\$16
	(b) in any other case:	
	(i) if the document contains only current information	\$8
	(ii) if the document contains both current and non-current information	\$16

Column 1 Item	Column 2 Matter	Column 3 Fee
30	For inspecting, or an enquiry involving the inspection of, documents that are lodged by or in relation to a particular corporation or registered scheme:	
	(a) where the documents are reproduced using a computer system:	
	(i) for less than 10 pages	\$16
	(ii) for 10 pages or more	\$30
	(b) in any other case	\$16
30A	For an electronic transmission notifying a change in the information relating to an entity, in addition to any fee payable under item 29 or paragraph 30 (a)	\$8
31	For inspecting, or an enquiry involving an inspection of, the Register of Licence Holders, the Register of Futures Licensees, the Register of Auditors, the Register of Liquidators, or the Register of Official Liquidators:	
	(a) if requested by or on behalf of the Australian Broadcasting Corporation, the Special Broadcasting Service, the Australian Bureau of Statistics, the holder of a licence for a commercial broadcasting or television station or the proprietor or publisher of a newspaper generally available to the public otherwise than by subscription	no fee
	(b) in any other case	\$8
32	For inspecting, or an enquiry involving the inspection of, the Australian Register of Company Charges and documents lodged by a particular corporation and used by ASIC to compile or maintain that Register, where documents are reproduced using a computer system:	
	(a) for less than 10 pages	\$16
	(b) for 10 pages or more	\$30

Column 1 Item	Column 2 Matter	Column 3 Fee
33	For the issue of a document relating to recorded entries about a corporation or a registered scheme, or a director or secretary of a company, on all registers maintained using a computer system: (a) if requested by or on behalf of the Australian Broadcasting Corporation, the Special Broadcasting Service, the Australian Bureau of Statistics, the holder of a licence for a commercial broadcasting or television station or the proprietor or publisher of a newspaper generally available to the public otherwise than by subscription (b) in any other case	no fee \$30
34	For a certificate issued by ASIC, except a certificate issued under: (a) paragraph 118 (1) (c), section 160, subsection 164 (6), subsection 165 (5), paragraph 601BD (1) (c) or subsection 601CU (1), 1280 (5), 1282 (6) or 1283 (2); or (b) regulation 2A.1.04 of the Corporations Regulations	\$16
35	For supplying a certified copy of, or a certified copy of an extract from, a document filed or lodged with ASIC, in addition to the fee payable under item 30, 31 or 32	\$16
36	For the production by ASIC, pursuant to a subpoena, of a document in its custody	\$30
37	Where the inspection of a register or the issue or display of a document occurs at a Business Centre of ASIC, in addition to the fee payable under item 29, 30, 31, 32 or 33	\$2
14	<i>Corporations (Fees) Regulations 2001</i>	2001,

Column 1 Item	Column 2 Matter	Column 3 Fee
	<i>Other matters</i>	
39	On lodging any document under Chapter 2L, 5C, 6D, 7 or 8 if no fee is prescribed in relation to the document in any other item, except where <i>no fee</i> appears in column 3 of an item in relation to the document	\$30
40	For any act that ASIC is required or authorised to do on the request of a person, if no fee is prescribed in relation to the act, except: <ul style="list-style-type: none"> (a) an act under section 601AE or 601AF; or (b) where <i>no fee</i> appears in column 3 of an item in relation to the act 	\$30
41	For the preparation by ASIC of the statement referred to in paragraph 411 (17) (b)	\$120
42	On submitting a proposed statement under subsection 412 (1) to ASIC for examination	\$600
43	On lodging, by an unlisted disclosing entity, a document referred to in subsection 1001B (1) relating to price sensitive information	no fee

Note

1. Notified in the *Commonwealth of Australia Gazette* on *L* 2001. *13 July*