

Corporations (Review Fees) Amendment Regulations 2004 (No. 1) 2004 No. 196

EXPLANATORY STATEMENT

Statutory Rules 2004 No. 196

Issued by the Authority of the Parliamentary Secretary to the Treasurer

Subject - *Corporations (Review Fees) Act 2003*

Corporations (Review Fees) Amendment Regulations 2004 (No. 1)

Under amendments to the *Corporations Act 2001* and the *Corporations (Fees) Act 2001* made by the *Corporations Legislation Amendment Act 2003* and the *Corporations (Fees) Amendment Act 2003*, annual returns lodged with the Australian Securities and Investments Commission (ASIC) by companies and registered managed investment schemes, amongst others, were replaced by a new information lodgement requirement to assist ASIC to maintain an accurate database in relation to the companies and schemes it regulates. The *Corporations (Review Fees) Act 2003* provides for a review fee, in place of annual return fees, with respect to the review date of a company or scheme (usually the anniversary of its registration with ASIC).

Section 8 of the *Corporations (Review Fees) Act 2003* (the Act) empowers the Governor-General to make regulations for the purposes of the Act.

Section 5 of the Act provides that the regulations may prescribe fees in relation to review dates for companies, registered schemes and certain natural persons and entities (the fees are imposed as taxes).

Section 6 of the Act allows review fees to be prescribed by specifying an amount of up to \$10,000, and provides that review fees need not bear any relation to the cost of providing any service.

The *Corporations (Review Fees) Regulations 2003* (the Principal Regulations) prescribe review fees in respect of review dates for the types of companies listed in Schedule 1 to those Regulations and for registered schemes.

The purpose of the Regulations is to increase the annual review fee for proprietary companies, mentioned in Schedule 1 to the Principal Regulations, from \$200 to \$212 per year. The fee increase was announced in the 2004-05 budget. The increase in the fee is intended to partially offset new funding of \$60.1 million over four years for ASIC.

The Ministerial Council for Corporations has been consulted about the Regulations as required by the Corporations Agreement. The approval of the Ministerial Council is not required for amendments to regulations relating to fees.

Details of the Regulations are in the [Attachment](#).

The Regulations commence on 1 July 2004.

Authority: Section 8 of the *Corporations (Review Fees) Act 2003*

ATTACHMENT

Details of the *Corporations (Review Fees) Amendment Regulations (No. 1)*

Regulation 1: Name of Regulations

Regulation 1 provides that the Regulations are known as the *Corporations (Review Fees) Amendment Regulations 2004 (No. 1)*.

Regulation 2: Commencement

Regulation 2 provides that the Regulations commence on 1 July 2004.

Regulation 3: Amendment of *Corporations (Review Fees) Regulations 2003*

Regulation 3 provides that Schedule 1 to the Regulations amends the *Corporations (Review Fees) Regulations 2003*.

Schedule 1: Amendment

Item 1 of Schedule 1 replaces the amount of 200 mentioned in Column 3 of Item 102 in Part 1 of Schedule 1 to the Principal Regulations, with an amount of 212, being the annual review fee prescribed in relation to review dates for a proprietary company.