



# **Corporations and Australian Securities and Investments Commission Amendment Regulation 2013 (No. 1)**

## **Select Legislative Instrument No. 192, 2013**

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I, Quentin Bryce AC CVO, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation under the *Australian Securities and Investments Commission Act 2001* and the *Corporations Act 2001*.

Dated 25 July 2013

Quentin Bryce  
Governor-General

By Her Excellency's Command

Bernie Ripoll  
Parliamentary Secretary to the Treasurer

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## **1 Name of regulation**

This regulation is the *Corporations and Australian Securities and Investments Commission Amendment Regulation 2013 (No. 1)*.

## **2 Commencement**

This regulation commences on the day after it is registered.

## **3 Authority**

This regulation is made under:

- (a) the *Australian Securities and Investments Commission Act 2001*; and
- (b) the *Corporations Act 2001*.

## **4 Schedule(s)**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## Schedule 1—Amendments

### *Australian Securities and Investments Commission Regulations 2001*

#### 1 After regulation 8A

Insert:

#### 8AAA Annual reports

- (1) For subsection 136(2A) of the Act, a report under subsection 136(1) of the Act for a financial year (the *report year*) must include the following information:
  - (a) the number of times in the report year that ASIC used an information gathering power prescribed in subregulation (2) (a *prescribed power*);
  - (b) for a particular use of a prescribed power in the report year—the provision of the Act, or another law, which conferred the prescribed power;
  - (c) the number of times in the financial year before the report year that ASIC used an information gathering power that was a prescribed power for this regulation at the time the power was used.
- (2) For subsection 136(2A) of the Act, each information gathering power set out in a provision of an Act mentioned in the following table is prescribed.

<b>Information gathering powers</b>		
<b>Item</b>	<b>Provisions in which powers appear</b>	<b>General description of provision (for information only)</b>
1	Subsection 12GY(2) of the Act	Powers relating to substantiation of a claim
2	Section 19 of the Act	Powers relating to requiring a person to attend for examination
3	Section 30 of the Act	Powers relating to the production of books

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<b>Information gathering powers</b>		
<b>Item</b>	<b>Provisions in which powers appear</b>	<b>General description of provision (for information only)</b>
4	Section 30A of the Act	Powers relating to requesting information
5	Section 31 of the Act	Powers relating to the production of books
6	Section 32A of the Act	Powers relating to the production of books
7	Section 33 of the Act	Powers relating to the production of books
8	Subsection 49(3) of the Act	Powers relating to requiring a person to give assistance
9	Section 58 of the Act	Powers relating to: (a) summoning a witness; and (b) taking evidence
10	Section 601FF of the <i>Corporations Act 2001</i>	Powers relating to conducting surveillance on, or monitoring, a managed investment scheme
11	Section 601HD of the <i>Corporations Act 2001</i>	Powers relating to a request for information
12	Section 672A of the <i>Corporations Act 2001</i>	Powers relating to requiring the disclosure of interests
13	Section 672B of the <i>Corporations Act 2001</i>	Powers relating to requiring the disclosure of interests
14	Section 792D of the <i>Corporations Act 2001</i>	Powers relating to requiring a person to give assistance
15	Section 912C of the <i>Corporations Act 2001</i>	Powers relating to requiring a person to give assistance
16	Section 912E of the <i>Corporations Act 2001</i>	Powers relating to: (a) requiring a person to give assistance; and (b) requiring the disclosure of documents and information
17	Section 1317R of the <i>Corporations Act 2001</i>	Powers relating to requiring a person to give assistance

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## Schedule 1 Amendments

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<b>Information gathering powers</b>		
<b>Item</b>	<b>Provisions in which powers appear</b>	<b>General description of provision (for information only)</b>
18	Section 3E of the <i>Crimes Act 1914</i>	Powers relating to search warrants
19	Subsection 10(2) of the <i>Mutual Assistance in Business Regulation Act 1992</i>	Powers relating to: (a) requiring a person to give information; and (b) requiring a person to give documents; and (c) requiring a person to attend to give evidence and produce documents
20	Subsection 37(4) of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to requesting information
21	Subsection 49(1) of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to requesting information
22	Section 51 of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to requiring a person to give assistance
23	Section 253 of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to requiring a person to give assistance
24	Section 266 of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to the production of books
25	Section 267 of the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to the production of books
26	Item 17 of Schedule 2 to the <i>National Consumer Credit Protection Act 2009</i>	Powers relating to requesting information

## 2 Paragraph 21(2)(b)

Omit “relates; and”, substitute “relates.”.

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**3 Paragraph 21(2)(c)**

Repeal the paragraph.

**4 At the end of subregulation 37(2)**

Add:

- (3) The President may permit a member of the Panel, a party to the proceedings or a person who may attend a conference to attend the conference by:
  - (a) telephone; or
  - (b) video conference; or
  - (c) any other means of communication approved by the President.
- (4) A conference for which permission has been given under subregulation (3) may be held at 2 or more places at the same time.
- (5) A person mentioned in subregulation (3) who attends a conference in accordance with a permission under that subregulation is taken to be present at the place where, and the time when, the conference is convened, as determined by the President for paragraph (2)(a).

**5 Subregulation 38(3)**

Omit “must make”, substitute “may make”.

***Corporations Regulations 2001*****6 After subregulation 2M.3.03(3B)**

Insert:

- (3C) Items 17 to 24 of the table in subregulation (1) apply in relation to a directors’ report for a financial year commencing on or after 1 July 2013.