



Corporations (Fees) Amendment (Register of Relevant Providers) Regulation 2015

Select Legislative Instrument No. 4, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 12 February 2015

Peter Cosgrove
Governor-General

By His Excellency's Command

Josh Frydenberg
Assistant Treasurer

OPC60892 - B

Contents

1	Name	1
2	Commencement	1
3	Authority	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Corporations (Fees) Regulations 2001</i>	2

1 Name

This is the *Corporations (Fees) Amendment (Register of Relevant Providers) Regulation 2015*.

2 Commencement

Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information	
Column 1	Column 2
Provisions	Commencement
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.
2. Schedule 1	3 March 2015.

3 Authority

This instrument is made under the *Corporations (Fees) Act 2001*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

No. 4, 2015

*Corporations (Fees) Amendment (Register of Relevant Providers)
Regulation 2015*

1

OPC60892 - B

Schedule 1—Amendments

Corporations (Fees) Regulations 2001

1 Before regulation 1

Insert:

Part 1—Preliminary

2 Regulation 1B

Insert:

Corporations Regulations means the *Corporations Regulations 2001*.

3 After regulation 2

Insert:

Part 2—Prescribed fees

4 Subregulation 3(1) (note)

Omit “and 9”, substitute “, 9, 9A and 9B”.

5 After regulation 9

Insert:

9A Notices about authorised representatives and relevant providers—prescribed fees

(1) For section 5 of the Act, the fee in subregulation (2) is prescribed for lodging a notice with ASIC under any one or more of the following:

- (a) subsection 916F(1) or (3) of the Corporations Act;
- (b) subsection 922D(1) or 922H(1) of that Act.

Note: Schedule 8D to the Corporations Regulations notionally inserts sections 922C to 922P into the Corporations Act.

(2) The fee is:

Prescribed amount × $\frac{\text{The relevant number of persons}}{\text{to which the notice relates}}$

Note 1: For the definitions of **prescribed amount** and **relevant number of persons**, see subregulation (5).

Note 2: An additional fee may be charged if a notice is lodged late (see regulation 9B).

Where no fee is payable

- (3) For section 5 of the Act, no fee is prescribed for lodging a notice if:
- (a) the notice is lodged under subsection 922J(1) or 922K(1) of the Corporations Act; or
 - (b) for a notice lodged under subsection 916F(1) or 922D(1) of that Act—the notice is lodged within 10 business days of the date an Australian financial services licence takes effect.

Indexation

- (4) Subregulations 3(3) to (7) apply in relation to the prescribed amount in the same way as those subregulations apply in relation to a fee prescribed for a chargeable matter.

Definitions

- (5) In this regulation:

prescribed amount means:

- (a) for a notice lodged under subsection 916F(1) or 922D(1) of the Corporations Act, or both:
 - (i) if the notice is lodged electronically—\$43; or
 - (ii) if the notice is lodged in any other form—\$79; and
- (b) for a notice lodged under subsection 916F(3) or 922H(1) of that Act, or both:
 - (i) if the notice is lodged electronically—\$29; or
 - (ii) if the notice is lodged in any other form—\$50.

relevant number of persons to which a notice relates means the following:

- (a) for a notice lodged only under subsection 916F(1) or (3) of the Corporations Act—the number of authorised representatives to whom the notice relates;
- (b) for a notice lodged only under subsection 922D(1) or 922H(1) of that Act—the number of relevant providers to whom the notice relates;
- (c) for a notice lodged under subsections 916F(1) and 922D(1), or 916F(3) and 922H(1), of that Act—the total of the following:
 - (i) the number of authorised representatives to whom the notice relates;
 - (ii) the number of relevant providers who are not authorised representatives to whom the notice relates.

relevant provider has the meaning given by section 922C of the Corporations Act.

9B Late fees for notices about authorised representatives and relevant providers

- (1) For section 5 of the Act, the fee in subregulation (2) is prescribed (in addition to the fee (if any) prescribed by regulation 9A) if:
 - (a) a notice is lodged with ASIC under any one or more of the following:
 - (i) subsection 916F(1) or (3) of the Corporations Act;
 - (ii) subsection 922D(1), 922H(1), 922J(1) or 922K(1) of that Act; and
 - (b) the notice is not lodged in accordance with subsection 916F(1) or (3) or 922L(2) of that Act.

Note: Schedule 8D to the Corporations Regulations notionally inserts sections 922C to 922P into the Corporations Act.

- (2) The fee is:

$$\left(\begin{array}{l} \text{Lower} \\ \text{amount} \end{array} \times \begin{array}{l} \text{Relevant number} \\ \text{for the} \\ \text{lower amount} \end{array} \right) + \left(\begin{array}{l} \text{Higher} \\ \text{amount} \end{array} \times \begin{array}{l} \text{Relevant number} \\ \text{for the} \\ \text{higher amount} \end{array} \right)$$

Indexation

- (3) Subregulations 3(3) to (7) apply in relation to the lower amount and the higher amount in the same way as those subregulations apply in relation to a fee prescribed for a chargeable matter.

Relationship with item 28 of Schedule 1

- (4) Item 28 of Schedule 1 does not apply in relation to a notice referred to in paragraph (1)(a).

Definitions

- (5) In this regulation:

higher amount means \$308.

lower amount means \$74.

relevant number for the higher amount means the number of:

- (a) for a notice lodged only under subsection 916F(1) or (3) of the Corporations Act—authorised representatives; and
- (b) for a notice lodged only under subsection 922D(1), 922H(1), 922J(1) or 922K(1) of that Act—relevant providers; and
- (c) for a notice lodged under subsections 916F(1) and 922D(1), or 916F(3) and 922H(1), of that Act—authorised representatives, and relevant providers who are not authorised representatives;

in relation to whom the notice was lodged 1 month or more after the time required under subsection 916F(1) or (3) or subsection 922L(2) of that Act, as the case requires.

relevant number for the lower amount means the number of:

- (a) for a notice lodged only under subsection 916F(1) or (3) of the Corporations Act—authorised representatives; and
- (b) for a notice lodged only under subsection 922D(1), 922H(1), 922J(1) or 922K(1) of that Act—relevant providers; and
- (c) for a notice lodged under subsections 916F(1) and 922D(1), or 916F(3) and 922H(1), of that Act—authorised representatives, and relevant providers who are not authorised representatives;

in relation to whom the notice was lodged less than 1 month after the time required under subsection 916F(1) or (3) or subsection 922L(2) of that Act, as the case requires.

Part 3—Transitional matters

Division 1—Corporations (Fees) Amendment Regulation 2013 (No. 1)

6 Subregulation 10(1) (heading)

Repeal the heading.

7 Subregulation 10(1)

Omit “(1)”.

8 After regulation 10

Insert:

Division 2—Corporations (Fees) Amendment (Register of Relevant Providers) Regulation 2015

11 No fees in relation to certain notices lodged under the Corporations Act before 1 October 2015

- (1) Regulation 9A does not apply in relation to a notice if:
 - (a) the notice is lodged under:
 - (i) subsection 916F(3) of the Corporations Act; or
 - (ii) subsection 922D(1) of that Act as a result of regulation 10.20.07 of the Corporations Regulations; or
 - (iii) subsection 922H(1) of that Act; and
 - (b) the notice is lodged during the period:
 - (i) starting on 3 March 2015; and
 - (ii) ending on 30 September 2015.
- (2) Regulation 9B (except subregulation 9B(4)) does not apply in relation to a notice if:
 - (a) the notice is lodged under:
 - (i) subsection 916F(1) or (3) of the Corporations Act; or

- (ii) subsection 922D(1), 922H(1), 922J(1) or 922K(1) of that Act; and
- (b) the notice is lodged during the period:
 - (i) starting on 3 March 2015; and
 - (ii) ending on 30 September 2015.

Note: Subsections 922D(1), 922H(1), 922J(1) and 922K(1) of the Corporations Act are notionally inserted into that Act by Schedule 8D to the Corporations Regulations. That Schedule was inserted into those Regulations by the *Corporations Amendment (Register of Relevant Providers) Regulation 2015*.

12 Two fees chargeable during transition period

If a single notice is lodged under both subsections 916F(1) and 922D(1) of the Corporations Act during the period starting on 9 March 2015 and ending on 30 September 2015, regulation 9A applies as if the single notice were 2 notices given separately under subsection 916F(1) and subsection 922D(1) of that Act.

Note: Subsection 922D(1) of the Corporations Act is notionally inserted into that Act by Schedule 8D to the Corporations Regulations. That Schedule was inserted into those Regulations by the *Corporations Amendment (Register of Relevant Providers) Regulation 2015*.

9 Schedule 1 (table items 1B and 1C)

Repeal the items.

10 Schedule 1 (table item 31A)

Repeal the item, substitute:

- 31A For inspecting, or an inquiry involving an inspection or search (other than a search of information prescribed, on a register prescribed, for the purposes of subsections 1274(2), (3) and (4) of the Corporations Act) of:
- (a) the register in respect of financial services licensees mentioned in subsection 922A(2) of the Corporations Act; or
 - (b) the register in respect of authorised representatives of financial services licensees mentioned in subsection 922A(2) of that Act; or
 - (c) the register in respect of persons against whom a banning order or disqualification order is made mentioned in subsection 922A(2) of that Act; or
 - (d) the register of relevant providers established under

Schedule 1 Amendments

regulation 7.6.06B of the Corporations Regulations;	
by or on behalf of:	
(e) 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; or	no fee
(f) any other person	\$12