



ASIC
Australian Securities &
Investments Commission

ASIC (Senior Staff Members—Determination) Instrument 2019/117

About this compilation

Compilation No. 2

This is a compilation of *ASIC (Senior Staff Members—Determination) Instrument 2019/117* as in force on 16 March 2021. It includes any commenced amendment affecting the legislative instrument to that date.

This compilation was prepared by the Australian Securities and Investments Commission.

The notes at the end of this compilation (the *endnotes*) include information about amending instruments and the amendment history of each amended provision.

Contents

Part 1—Preliminary	3
1 Name of legislative instrument	3
3 Authority	3
4 Definitions	3
Part 2—Determination	4
5 Senior staff members for all purposes	4
6 Senior staff members for limited purposes	4
Endnotes	6
Endnote 1—Instrument history	6
Endnote 2—Amendment history	6

Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC (Senior Staff Members—Determination) Instrument 2019/117*.

3 Authority

This instrument is made under section 122A of the *Australian Securities and Investments Commission Act 2001*.

4 Definitions

In this instrument:

ASIC Act means the *Australian Securities and Investments Commission Act 2001*.

Corporations Act means the *Corporations Act 2001*.

Credit Act means the *National Consumer Credit Protection Act 2009*.

Financial Services and Credit Panel means a panel of staff members who perform functions and exercise powers under:

- (a) Division 8 of Part 7.6 of the Corporations Act (which deals with banning persons from providing financial services); and
- (b) Division 2 of Part 2-4 of the Credit Act (which deals with banning persons from engaging in credit activities).

Markets Disciplinary Panel or **MDP** means a panel of staff members who perform functions and exercise powers in relation to alleged contraventions of the market integrity rules under Part 7.2A of the Corporations Act.

staff member has the meaning given by subsection 5(1) of the ASIC Act.

Part 2—Determination

5 Senior staff members for all purposes

A staff member who holds or acts in any of the following positions is a senior staff member:

- (aa) Chief Operating Officer;
- (a) Executive Director;
- (b) Senior Executive Leader;
- (c) Senior Executive Specialist;
- (d) without limiting anything in the paragraphs above and to avoid doubt:
 - (i) Chief of Staff;
 - (ia) Chief Accountant;
 - (ib) Chief Data and Analytics Officer;
 - (ii) Chief Financial Officer;
 - (iii) Chief Information Officer;
 - (iiia) Chief Risk Officer;
 - (iv) Chief Supervisory Officer;
 - (v) Commission Counsel;
 - (vi) General Counsel;
 - (vii) Special Counsel.

6 Senior staff members for limited purposes

Markets Disciplinary Panel

- (1) A staff member who holds or acts in a position of MDP Chair, MDP Deputy Chair or MDP Member is a senior staff member for the purposes of performing functions and exercising powers in relation to any matter referred to the Markets Disciplinary Panel.

Financial Services and Credit Panel

- (2) A staff member who holds or acts in a position of Hearing Delegate is a senior staff member for the purposes of performing functions and

exercising powers in relation to any matter referred to the Financial Services and Credit Panel.

Senior Managers in ASIC's People and Development Team

- (3) A staff member who holds or acts in a position of Senior Manager in ASIC's People and Development Team is a senior staff member for the purposes of performing functions and exercising powers in relation to the employment of staff (including the terms and conditions of employment) under section 120 of the ASIC Act.

Endnotes

Endnote 1—Instrument history

Instrument number	Date of FRL registration	Date of commencement	Application, saving or transitional provisions
2019/117	3/5/2019 (<i>see</i> F2019L00668)	1/7/2019	
2019/606	27/6/2019 (<i>see</i> F2019L00901)	1/7/2019	-
2021/0139	15/3/2021 (<i>see</i> F2021L00233)	16/3/2021	-

Endnote 2—Amendment history

ad. = added or inserted am. = amended LA = *Legislation Act 2003* rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Section 2	rep. s48D LA
Subpara 5(aa)	ad. 2021/0139
Sub-subpara 5(d)(ia)	ad. 2021/0139
Sub-subpara 5(d)(ib)	ad. 2021/0139
Sub-subpara 5(d)(iia)	ad. 2021/0139
Subsection 6(3)	ad. 2019/606