



ASIC
Australian Securities &
Investments Commission

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

I, James Shipton, Chairperson of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 1 May 2019

James Shipton

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Part 1—Preliminary

1 Name of legislative instrument

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

2 Commencement

This instrument commences on the later of:

- (a) 1 July 2019; and
- (b) the day after it is registered on the Federal Register of Legislation.

Note: The register may be accessed at www.legislation.gov.au.

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:

- (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;
 - (ii) Chief Financial Officer;
 - (iii) Chief Information 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.