



ASIC
Australian Securities &
Investments Commission

ASIC (Supervisory Cost Recovery Levy— Annual Determination) Instrument 2021/0936

I, Richard Goldman, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 15 November 2021

Richard Goldman

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC (Supervisory Cost Recovery Levy—Annual Determination) Instrument 2021/0936*.

2 Commencement and date of effect

- (1) This instrument commences on the day after it is registered on the Federal Register of Legislation.

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

- (2) This instrument takes effect as follows:
 - (a) if subsection 11(3) of *ASIC Supervisory Cost Recovery Levy Act 2017* applies—the instrument takes effect on the day specified in paragraph 11(3)(a) of that Act;
 - (b) if subsection 11(4) of *ASIC Supervisory Cost Recovery Levy Act 2017* applies—the remaining provisions of the instrument take effect on the day specified in paragraph 11(4)(a) of that Act.

Note 1: Section 11 of the *ASIC Supervisory Cost Recovery Levy Act 2017* contains special provisions dealing with the disallowance and taking effect of instruments of this kind.

Note 2: Subsection 9(9) of the *ASIC Supervisory Cost Recovery Levy Act 2017* has the effect that the instrument can have retrospective application before the day it is registered on the Federal Register of Legislation. The register may be accessed at www.legislation.gov.au.

3 Authority

This instrument is made under section 73 of the *ASIC Supervisory Cost Recovery Levy Regulations 2017*.

4 Definitions

In this instrument:

- (a) **Regulations** means the *ASIC Supervisory Cost Recovery Levy Regulations 2017*; and
- (b) unless the contrary intention appears, an expression that:
 - (i) is used, but not defined, in this instrument; and
 - (ii) is defined in the Regulations;

has the same meaning in this instrument as in the Regulations.

Part 2—Determination

5 Applicable financial year

This determination applies to the 2020-21 financial year.

6 Sub-sector population

For the purposes of the definition of *sub-sector population* in subsection 4(1) of the Regulations, the *sub-sector population* for the sub-sector specified in column 2 of the table for the financial year is specified in column 3 of the table.

| Column 1 Item | Column 2 Sub-sectors | Column 3 Sub-sector population |
|------------------|---|-----------------------------------|
| 1 | Auditors of disclosing entities | 123 |
| 2 | Australian derivative trade repository operators | 1 |
| 2A | Benchmark administrators | 2 |
| 3 | Corporate advisors | 344 |
| 4 | Credit intermediaries | 4,413 |
| 5 | Credit providers | 1,064 |
| 6 | Credit rating agencies | 6 |
| 7 | Custodians | 1,188 |
| 8 | Deposit product providers | 199 |
| 8A | Established specialised market operators | 20 |
| 9 | Exempt CS facility operators | 1 |
| 10 | Exempt market operators | 5 |
| 11 | Insurance product distributors | 3,345 |
| 12 | Insurance product providers | 94 |
| 13 | Large futures exchange operators | 1 |
| 14 | Large futures exchange participants | 37 |
| 15 | Large proprietary companies | 9,480 |
| 16 | Large securities exchange operators | 2 |
| 17 | Large securities exchange participants | 66 |
| 18 | Licenseses that provide only general advice to retail or wholesale clients | 1,031 |
| 19 | Licenseses that provide personal advice on relevant financial products to retail clients | 2,933 |
| 20 | Licenseses that provide personal advice to only wholesale clients | 1,707 |
| 21 | Licenseses that provide personal advice to retail clients on only products that are not relevant financial products | 612 |
| 22 | Listed corporations | 2,125 |
| 23 | Managed discretionary account providers | 250 |
| 24 | Margin lenders | 23 |
| 24A | New specialised market operators | 1 |
| 25 | Operators of investor directed portfolio services | 86 |
| 25A | Operators of notified foreign passport funds and regulated former notified funds | 0 |
| 26 | Overseas market operators | 26 |
| 27 | Over-the-counter traders | 77 |
| 28 | Payment product providers | 665 |
| 29 | Public companies (unlisted) | 15,006 |
| 30 | Registered company auditors | 3,657 |
| 31 | Registered liquidators | 664 |
| 32 | Responsible entities | 437 |
| 33 | Retail over-the-counter derivatives issuers | 98 |
| 34 | Risk management product providers | 69 |
| 35 | Securities dealers | 1,109 |

| Column 1 | Column 2 | Column 3 |
|----------|---|-----------------------|
| Item | Sub-sectors | Sub-sector population |
| 36 | Small and medium amount credit providers | 227 |
| 38 | Small futures exchange operators | 1 |
| 39 | Small securities exchange operators | 2 |
| 40 | Small securities exchange operators with self-listing function only | 1 |
| 41 | Superannuation trustees | 107 |
| 42 | Tier 1 clearing and settlement facility operators | 4 |
| 43 | Tier 2 clearing and settlement facility operators | 1 |
| 44 | Tier 3 clearing and settlement facility operators | 1 |
| 45 | Tier 4 clearing and settlement facility operators | 1 |
| 46 | Traditional trustee company service providers | 11 |
| 47 | Wholesale electricity dealers | 40 |
| 48 | Wholesale trustees | 1,742 |

7 Sub-sector metrics—basic levy component and graduated levy component

For the purposes of the definitions of:

- (a) *basic levy component* in subsection 9(1) of the Regulations; and
- (b) *graduated levy component* in subsection 10(1) of the Regulations;

the applicable *sub-sector metric* for the sub-sector specified in column 2 of the table for the financial year is specified in column 3 of the table.

| Column 1 | Column 2 | Column 3 | |
|----------|--|---|--|
| Item | Sub-sectors | Sub-sector metric | |
| | | Basic levy component (as applicable) | Graduated levy component (as applicable) |
| 1 | Auditors of disclosing entities | 576,192,544 | |
| 2 | Australian derivative trade repository operators | 365 | |
| 2A | Benchmark administrators | 676 | |
| 3 | Corporate advisors | | 3,233,983,688 |
| 4 | Credit intermediaries | | 37,703 |
| 5 | Credit providers | | 623,068,948,040 |
| 6 | Credit rating agencies | | 1,095 |
| 7 | Custodians | 1,188 | |
| 8 | Deposit product providers | | 2,548,583,726,882 |
| 8A | Established specialised market operators | 7,300 | |
| 9 | Exempt CS facility operators | 365 | |
| 10 | Exempt market operators | 1,261 | |
| 11 | Insurance product distributors | 3,345 | |
| 12 | Insurance product providers | | 45,595,553,852 |
| 13 | Large futures exchange operators | 365 | |
| 14 | Large futures exchange participants | | 234,329,737 (messages) 317,754,570 (lots) |
| 15 | Large proprietary companies | 9,480 | |

| Column 1 | Column 2 | Column 3 | |
|----------|---|---|--|
| Item | Sub-sectors | Sub-sector metric | |
| | | Basic levy component (as applicable) | Graduated levy component (as applicable) |
| 16 | Large securities exchange operators | 2,021,533,155,481 | |
| 17 | Large securities exchange participants | | 4,834,061,562 (messages) 1,004,880,152 (transactions) |
| 18 | Licenseses that provide only general advice to retail or wholesale clients | 1,031 | |
| 19 | Licenseses that provide personal advice on relevant financial products to retail clients | | 18,704 |
| 20 | Licenseses that provide personal advice to only wholesale clients | 1,707 | |
| 21 | Licenseses that provide personal advice to retail clients on only products that are not relevant financial products | 218,170 | |
| 22 | Listed corporations | | 1,629,279,991,760 |
| 23 | Managed discretionary account providers | 86,863 | |
| 24 | Margin lenders | 8,395 | |
| 24A | New specialised market operators | 365 | |
| 25 | Operators of investor directed portfolio services | | 611,308,368 |
| 25A | Operators of notified foreign passport funds and regulated former notified funds | 0 | |
| 26 | Overseas market operators | 9,150 | |
| 27 | Over-the-counter traders | | 2,264 |
| 28 | Payment product providers | | 4,365,727,343 |
| 29 | Public companies (unlisted) | 15,006 | |
| 30 | Registered company auditors | 3,657 | |
| 31 | Registered liquidators | | 46,123 |
| 32 | Responsible entities | | 1,511,123,077,175 |
| 33 | Retail over-the-counter derivatives issuers | 33,983 | |
| 34 | Risk management product providers | 22,666 | |
| 35 | Securities dealers | | 173,915,008,233 |
| 36 | Small and medium amount credit providers | 1,307,454,272 | |
| 38 | Small futures exchange operators | 97 | |
| 39 | Small securities exchange operators | 730 | |
| 40 | Small securities exchange operators with self-listing function only | 365 | |
| 41 | Superannuation trustees | | 2,028,928,734,004 |
| 42 | Tier 1 clearing and settlement facility operators | 1,460 | |

| Column 1 | Column 2 | Column 3 | |
|-----------------|---|---|---|
| Item | Sub-sectors | Sub-sector metric | |
| | | Basic levy component (as applicable) | Graduated levy component (as applicable) |
| 43 | Tier 2 clearing and settlement facility operators | 365 | |
| 44 | Tier 3 clearing and settlement facility operators | 365 | |
| 45 | Tier 4 clearing and settlement facility operators | 365 | |
| 46 | Traditional trustee company service providers | 4,015 | |
| 47 | Wholesale electricity dealers | 40 | |
| 48 | Wholesale trustees | | 725,380,530,657 |