

ASIC (Supervisory Cost Recovery Levy—Regulatory Costs) Instrument 2023/777

I, Peter Dunlop, delegate of the Australian Securities and Investments Commission, make the following legislative instrument.

Date 3 November 2023

Peter Dunlop

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Part 1—Preliminary

1 Name of legislative instrument

This is the *ASIC (Supervisory Cost Recovery Levy—Regulatory Costs) Instrument 2023/777.*

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](http://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 10(8) 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](http://www.legislation.gov.au).

3 Authority

This instrument is made under subsection 12A(6) of the *Australian Securities and Investments Commission Act 2001* for the purposes of subsection 10(2) of the *ASIC Supervisory Cost Recovery Levy Act 2017*.

4 Definitions

In this instrument:

(a) ***Act*** means the *ASIC Supervisory Cost Recovery Levy Act 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 Act;

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

Part 2—Determination

5 Applicable financial year

This determination applies to the 2022–23 financial year.

6 ASIC’s regulatory costs

ASIC’s ***regulatory costs*** for the financial year are $349,531,836.

7 Attribution of ASIC’s regulatory costs to each sub-sector

Column 3 of the table specifies the extent to which ASIC’s ***regulatory costs*** are attributable to the ***sub-sector*** specified in column 2 of the table.

| **Column 1** | **Column 2** | **Column 3** |
| --- | --- | --- |
| **Item** | **Sub-sectors** | **Extent to which regulatory costs are attributable to the sub-sector ($)** |
| 1 | Auditors of disclosing entities | 4,574,259 |
| 2 | Australian derivative trade repository operators  | 211,030 |
| 2A | Benchmark administrators | 134,362 |
| 2B | Claims handling and settling services providers | 5,544,973 |
| 3 | Corporate advisors | 2,606,419 |
| 4 | Credit intermediaries | 4,267,575 |
| 5 | Credit providers | 30,569,305 |
| 6 | Credit rating agencies | 74,804 |
| 7 | Custodians | 141,333 |
| 8 | Deposit product providers  | 9,793,089 |
| 8A | Established specialised market operators | 604,442 |
| 9 | Exempt CS facility operators | 28,795 |
| 10 | Exempt market operators | 12,888 |
| 11 | Insurance product distributors | 3,009,849 |
| 12 | Insurance product providers | 27,548,548 |
| 13 | Large futures exchange operators | 1,138,410 |
| 14 | Large futures exchange participants  | 5,829,105 |
| 15 | Large proprietary companies | 8,773,758 |
| 16 | Large securities exchange operators | 6,984,161 |
| 17 | Large securities exchange participants | 16,451,973 |
| 18 | Licensees that provide only general advice to retail clients or wholesale clients  | 2,252,926 |
| 19 | Licensees that provide personal advice on relevant financial products to retail clients  | 47,593,147 |
| 20 | Licensees that provide personal advice to only wholesale clients | 176,202 |
| 21 | Licensees that provide personal advice to retail clients on only products that are not relevant financial products  | 96,425 |
| 22 | Listed corporations | 42,999,175 |
| 23 | Managed discretionary account providers  | 367,979 |
| 24 | Margin lenders | 0 |
| 24A | New specialised market operators | 7,942 |
| 25 | Operators of investor directed portfolio services  | 0 |
| 25A | Operators of notified foreign passport funds and regulated former notified funds | 0 |
| 26 | Overseas market operators | 447,545 |
| 27 | Over-the-counter traders | 13,842,313 |
| 28 | Payment product providers | 4,144,878 |
| 29 | Public companies (unlisted) | 3,460,331 |
| 30 | Registered company auditors | 1,479,402 |
| 31 | Registered liquidators  | 5,063,018 |
| 32 | Responsible entities  | 35,008,557 |
| 33 | Retail over-the-counter derivatives issuers  | 12,534,371 |
| 34 | Risk management product providers | 367,809 |
| 35 | Securities dealers | 4,037,020 |
| 36 | Small and medium amount credit providers | 8,394,578 |
| 38 | Small futures exchange operators  | 51,354 |
| 39 | Small securities exchange operators  | 703,220 |
| 40 | Small securities exchange operators with self-listing function only | 0 |
| 41 | Superannuation trustees | 29,603,269 |
| 42 | Tier 1 clearing and settlement facility operators | 4,602,493 |
| 43 | Tier 2 clearing and settlement facility operators | 105,056 |
| 44 | Tier 3 clearing and settlement facility operators | 29,588 |
| 45 | Tier 4 clearing and settlement facility operators | 0 |
| 46 | Traditional trustee company service providers | 105,580 |
| 47 | Wholesale electricity dealers | 148,187 |
| 48 | Wholesale trustees | 3,610,393 |