



ASIC
Australian Securities &
Investments Commission

ASIC (Supervisory Cost Recovery Levy— Annual Determination) Instrument 2023/778

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—Annual Determination) Instrument 2023/778*.

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 2022-23 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	127
2	Australian derivative trade repository operators	1
2A	Benchmark administrators	2
2B	Claims handling and settling services providers	329
3	Corporate advisors	326
4	Credit intermediaries	4,214
5	Credit providers	1,019
6	Credit rating agencies	7
7	Custodians	1,365
8	Deposit product providers	190
8A	Established specialised market operators	17
9	Exempt CS facility operators	4
10	Exempt market operators	4
11	Insurance product distributors	3,540
12	Insurance product providers	108
13	Large futures exchange operators	1
14	Large futures exchange participants	34
15	Large proprietary companies	10,184
16	Large securities exchange operators	2
17	Large securities exchange participants	65
18	Licenseses that provide only general advice to retail or wholesale clients	1,097
19	Licenseses that provide personal advice on relevant financial products to retail clients	2,766
20	Licenseses that provide personal advice to only wholesale clients	1,931
21	Licenseses that provide personal advice to retail clients on only products that are not relevant financial products	576
22	Listed corporations	2,155
23	Managed discretionary account providers	244
24	Margin lenders	24
24A	New specialised market operators	1
25	Operators of investor directed portfolio services	75
25A	Operators of notified foreign passport funds and regulated former notified funds	0
26	Overseas market operators	29
27	Over-the-counter traders	64
28	Payment product providers	655
29	Public companies (unlisted)	14,943
30	Registered company auditors	3,337
31	Registered liquidators	675
32	Responsible entities	426
33	Retail over-the-counter derivatives issuers	85
34	Risk management product providers	81

Column 1	Column 2	Column 3
Item	Sub-sectors	Sub-sector population
35	Securities dealers	1,173
36	Small and medium amount credit providers	195
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	87
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	44
48	Wholesale trustees	1,909

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	
		Sub-sector metric	
Item	Sub-sectors	Basic levy component (as applicable)	Graduated levy component (as applicable)
1	Auditors of disclosing entities	671,422,732	
2	Australian derivative trade repository operators	365	
2A	Benchmark administrators	730	
2B	Claims handling and settling services providers		6,596,359
3	Corporate advisors		3,183,267,721
4	Credit intermediaries		40,728
5	Credit providers		714,409,148,579
6	Credit rating agencies		1,095
7	Custodians	1,365	
8	Deposit product providers		2,961,345,734,368
8A	Established specialised market operators	8,395	
9	Exempt CS facility operators	841	
10	Exempt market operators	1,184	
11	Insurance product distributors	3,540	
12	Insurance product providers		56,112,307,830
13	Large futures exchange operators	365	
14	Large futures exchange participants		347,768,709 (messages)

Column 1	Column 2	Column 3	
Item	Sub-sectors	Sub-sector metric	
		Basic levy component (as applicable)	Graduated levy component (as applicable)
			312,671,840 (lots)
15	Large proprietary companies	10,184	
16	Large securities exchange operators		1,978,975,354,682
17	Large securities exchange participants		5,302,599,433 (messages) 955,764,505 (transactions)
18	Licensees that provide only general advice to retail or wholesale clients	1,097	
19	Licensees that provide personal advice on relevant financial products to retail clients		15,416
20	Licensees that provide personal advice to only wholesale clients	1,931	
21	Licensees that provide personal advice to retail clients on only products that are not relevant financial products	204,026	
22	Listed corporations		1,566,994,813,778
23	Managed discretionary account providers	86,043	
24	Margin lenders	8,692	
24A	New specialised market operators	51	
25	Operators of investor directed portfolio services		758,514,756
25A	Operators of notified foreign passport funds and regulated former notified funds		
26	Overseas market operators	10,239	
27	Over-the-counter traders		1,942
28	Payment product providers		4,474,355,025
29	Public companies (unlisted)	14,943	
30	Registered company auditors	3,337	
31	Registered liquidators		48,328
32	Responsible entities		1,472,788,193,319
33	Retail over-the-counter derivatives issuers	29,131	
34	Risk management product providers	27,137	
35	Securities dealers		162,422,484,644
36	Small and medium amount credit providers	1,473,734,072	
38	Small futures exchange operators	365	
39	Small securities exchange operators	730	
40	Small securities exchange operators with self-listing function only	365	
41	Superannuation trustees		2,205,973,506,916

Column 1	Column 2	Column 3	
Item	Sub-sectors	Sub-sector metric	
		Basic levy component (as applicable)	Graduated levy component (as applicable)
42	Tier 1 clearing and settlement facility operators	1,460	
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	44	
48	Wholesale trustees		867,003,115,407