

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

**Contents**

[Part 1—Preliminary 3](#_Toc56528623)

[1 Name of legislative instrument 3](#_Toc56528624)

[2 Commencement and date of effect 3](#_Toc56528625)

[3 Authority 3](#_Toc56528626)

[4 Definitions 3](#_Toc56528627)

[Part 2—Determination 4](#_Toc56528628)

[5 Applicable financial year 4](#_Toc56528629)

[6 Sub-sector population 4](#_Toc56528630)

[7 Sub-sector metrics*—*basic levy component and graduated levy component 5](#_Toc56528631)

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](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 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](http://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** | **Column 2** | **Column 3** |
| --- | --- | --- |
| **Item** | **Sub-sectors** | **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 | 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 | 2,766 |
| 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 | 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 |
| 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** | |
| --- | --- | --- | --- |
| **Item** | **Sub-sectors** | **Sub-sector metric** | |
|  |  | 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)  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 |
| 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 |