



Summary of feedback to CS 38 and ASIC's response

In Simple Consultation 38 *Proposed relief for disclosure of private debt arrangements* ([CS 38](#)), we sought feedback on our proposal to grant class order relief to superannuation trustees from certain portfolio holdings disclosure requirements.

For fixed income assets (which includes private debt assets) that are internally managed, Schedule 8D of the *Corporations Regulations 2001* requires disclosure of the total values and weighting aggregated by the issuer or counterparty for the asset (rather than on an asset-by-asset basis). Where trustees have only one private debt transaction with a counterparty or issuer, the value of the transaction will be publicly known. This risk does not arise for externally managed private debt assets because value disclosure is aggregated by fund manager.

ASIC proposed to make class order relief in relation to private debt assets because the existing policy settings could distort investment decisions, incentivising trustees to interpose an entity or outsource the management of their private debt assets to avoid compromising disclosure.

We received one confidential and five non-confidential submissions. Feedback expressed broad support for the proposed class order relief, which will:

- apply to all superannuation trustees
- allow trustees to disclose only the total aggregated value and weighting of internally managed private debt
- protect commercially sensitive transactions and maintain confidentiality of private arrangements, and
- continue to ensure members have access to meaningful information about the fund's investment strategy, asset allocation and risk profile.

Based on feedback received, we have decided to make the class order relief instrument as proposed, commencing from 1 April 2027.

We have summarised key feedback on the proposed class order relief: see the table on the following pages. This document is not intended to be a comprehensive summary of all feedback.

Note: non-confidential submissions are published on the landing page for [CS 38](#).

| Feedback | ASIC's response |
|--|---|
| <p>All respondents indicated support for the proposed relief. Feedback consistently reflected the view that the approach is appropriate and provides a sensible solution to promote commercial confidentiality and greater consistency between internally and externally managed debt structures.</p> | <p>ASIC acknowledges the strong support from all respondents for the proposed relief. The consistent endorsement reinforces the view that the measures are appropriate to bring consistency to how internally and externally managed private credit arrangements are disclosed.</p> |
| <p>One respondent submitted that implementation of the proposal will involve material operational effort, including system development, data integration, changes to reporting processes and updates to governance and control frameworks. This respondent submitted that adequate lead time and clear transitional guidance would be required for effective implementation.</p> | <p>To ensure industry has sufficient time to make any necessary adjustments to internal processes, ASIC will amend the class order relief so that it commences from 1 April 2027.</p> |
| <p>One respondent supported the proposed changes but recommended expanding them further. They submitted that private credit disclosures should mirror the approach used in derivatives by removing all borrower or counterparty names and instead relying on aggregated reporting supported by standardised, non-identifying descriptors such as sector, seniority, security, credit quality, geographic and maturity.</p> | <p>ASIC notes the respondent's support for the proposal and their suggestion to adopt aggregated, non-identifying private credit disclosures. The proposed expansion falls outside the scope of the current review. ASIC does not propose to broaden the relief as suggested.</p> |
| <p>One respondent submitted that the relief should be broadened beyond internally managed private debt to all private credit and loan receivable assets. Their preferred approach is for private credit or loan receivables to be recognised as a prescribed category capable of aggregated disclosure.</p> | <p>ASIC notes that this proposal extends beyond the scope of the current review, which is focused on internally managed private debt. ASIC does not propose to broaden the relief as suggested.</p> |
| <p>A respondent recommended permanent legislative amendment be considered in addition to immediate relief.</p> | <p>ASIC acknowledges this feedback, and notes that changes to the legislation are a matter for the Australian Government.</p> |