



ASIC

Australian Securities & Investments Commission

REPORT 299

ASIC enforcement outcomes: January to June 2012

September 2012

About this report

This report outlines enforcement outcomes achieved by ASIC during the period 1 January 2012 to 30 June 2012. The report identifies categories of gatekeeper against whom enforcement action was taken and highlights examples of conduct targeted during this period.

About ASIC regulatory documents

In administering legislation ASIC issues the following types of regulatory documents.

Consultation papers: seek feedback from stakeholders on matters ASIC is considering, such as proposed relief or proposed regulatory guidance.

Regulatory guides: give guidance to regulated entities by:

- explaining when and how ASIC will exercise specific powers under legislation;
- explaining how ASIC interprets the law;
- describing the principles underlying ASIC's approach;
- giving practical guidance (e.g. describing the steps of a process such as applying for a licence)

Information sheets: provide concise guidance on a specific process or compliance issue or an overview of detailed guidance.

Reports: describe ASIC compliance or relief activity or the results of a research project.

Previous reports on ASIC's enforcement outcomes

Report number	Report date
REP 281	March 2012

Disclaimer

This report does not constitute legal advice. We encourage you to seek your own professional advice to find out how the Corporations Act and other applicable laws apply to you, as it is your responsibility to determine your obligations.

Examples in this report are purely for illustration; they are not exhaustive and are not intended to impose or imply particular rules or requirements.

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Overview

Our enforcement powers

- 1 ASIC's agenda is based on three strategic priorities, around which we organise our business:
 - (a) confident and informed investors;
 - (b) fair and efficient markets; and
 - (c) efficient registration and licensing.
- 2 The key regulatory tools we use to achieve these priorities are:
 - (a) engagement with industry and stakeholders;
 - (b) surveillance;
 - (c) guidance;
 - (d) education;
 - (e) policy advice; and
 - (f) enforcement action.
- 3 This report focuses on one of these tools—enforcement action—which is used by us to deter misconduct.
- 4 As part of ASIC's commitment to improving the transparency of its enforcement approach and increasing public understanding of how and why we take enforcement action, ASIC has released a number of publications explaining our approach to enforcement.¹
- 5 This report is the second of ASIC's six-monthly enforcement reports. The first report is available at www.asic.gov.au/reports.

The role of gatekeepers

- 6 Gatekeepers perform an important role in the Australian financial system. Their work contributes to the confidence investors have in the financial system. Broadly, the term 'gatekeepers' includes advisers, auditors, directors, liquidators, custodians, product manufacturers and distributors, market operators and brokers.

¹ See Information Sheet 151 *ASIC's approach to enforcement* (INFO 151), Information Sheet 152 *Public comment* (INFO 152) and Regulatory Guide 100 *Enforceable undertakings* (RG 100).

- 7 Functions undertaken by gatekeepers include:
- (a) verification, certification, approval and recommendation of products and services offered to investors;
 - (b) monitoring of compliance by entities and their management through their privileged access to information; and
 - (c) performance of a private supervisory role through the detection and deterrence of misconduct.
- 8 By properly performing these functions, gatekeepers encourage sound investment practices, detect and prevent market failures, and promote market integrity.
- 9 Enforcement action against gatekeepers is consistent with community expectations that gatekeepers will act with honesty, diligence, competence and independence in the performance of these functions. The essential content of these principles is neither complicated nor technical: see paragraphs 10–14. Failing to live up to these expectations can have significant ramifications—including permanent banning from providing financial services or imprisonment.

Honesty

- 10 Put simply, in the context of financial markets, honesty means: do not lie or mislead, do not steal others' money, do not knowingly abuse your position or exploit the trust of the investing public. Behaviours identified by ASIC during the relevant period that breach this standard include knowingly issuing misleading statements, stealing from clients and falsifying documents,

[REDACTED]

Diligence

- 11 Participants in financial markets must exercise their duties with appropriate care and attentiveness. This means that advice, decisions or actions must be properly considered and appropriate in the circumstances.

[REDACTED]

Competence

- 12 All Australian financial services (AFS) and credit licensees must meet legislative and regulatory requirements for training, licensing, registration and conduct. Licensees are responsible for ensuring that they understand and comply with these requirements. An important part of ASIC's work in this area is removing unlicensed operators, [REDACTED]

Independence

- 13 AFS licensees and credit licensees must have adequate arrangements for managing conflicts of interest that may arise in relation to the provision of financial services or credit services by the licensee or its representatives. The conflicts management obligation generally involves controlling, avoiding and disclosing conflicts of interest.
- 14 Being seen to be independent is another key aspect of independence. Requirements in the *Corporations Act 2001* (Corporations Act) for the rotation of auditors help to uphold this principle, as in the case of Graham Abbott, who breached his obligations by playing a significant role in audits of a number of listed companies over successive financial years: see Example 19.

Purpose and scope of this report

- 15 The *Australian Securities and Investments Commission Act 2001* (ASIC Act) directs ASIC to 'take whatever action it can take, and is necessary, in order to enforce and give effect to the laws of the Commonwealth that confer functions and powers on it'.
- 16 This report summarises key enforcement outcomes achieved by ASIC from 1 January 2012 to 30 June 2012 under our legislative mandate.
- 17 The examples in this report highlight the kinds of behaviours we believe breach the core principles of honesty, diligence, competence and independence, as outlined above. In the case of directors in particular, they relate to a wide range of matters, from serious non-compliance with directors' duties to minor regulatory breaches, such as record-keeping type offences.
- 18 The report is organised according to ASIC's strategic priorities:
- (a) confident and informed investors (see Section A);
 - (b) fair and efficient markets (see Section B); and
 - (c) efficient registration and licensing (see Section C).

- 19 Appendix 1 of the report provides statistics about our enforcement outcomes and an explanation of the methodology for compiling this data. Appendix 2 provides a schedule of media releases that correspond to the enforcement outcomes in this report.
- 20 The total number of enforcement outcomes in this report is comparable to that reported in the previous period, while the number of pending outcomes is higher.² However, comparisons between the two reports have some limitations. This is because no two enforcement actions are the same. For example, there may be differences in the number of respondents or defendants or the level of cooperation shown by them, the complexity or seriousness of the allegations, the availability of evidence, the number of charges brought, the time taken to bring the proceeding to trial, or the length of the hearing period. In addition, this report does not include a range of less formal processes we undertake to enforce the law: see paragraph 60.

² See Report 281 *ASIC enforcement outcomes: July to December 2011* (REP 281).

Example 2: Stealing from clients

[Redacted text block]

Diligence

23 Financial advisers must have a reasonable basis for advice given. This requires advisers to properly consider the particular circumstances of their clients. This is not only good practice, but is their legal duty under the Corporations Act. The Corporations Act also requires advisers to give their clients certain information and documentation as part of the advice-giving process.

Example 3: Inappropriate advice

[Redacted text block]

[Redacted]

- 24 The law requires that specific documentation must be completed and information given to financial consumers when advice is sought from or given by a financial adviser. Licensees must have systems in place and resources committed to their supervision to ensure these obligations are met, so that consumers can be confident when dealing with advisers.

Example 4: Failure to meet obligations

[Redacted]

[Redacted]

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

[Redacted]

Competence

- 25 Individuals and businesses must not engage in financial services without holding an AFS licence, acting as an employee or representative of an AFS licensee or being exempt from the AFS licence requirement.
- 26 AFS licensees are responsible for ensuring that they continue to meet the obligations and standards required by their licence. Where necessary, additional conditions may be added to a licensee’s existing obligations to address concerns about the licensee’s conduct.

Example 5: Additional AFS licence conditions

[Redacted]



- 27 The activities of unlicensed financial advisers can result in the loss of hundreds of thousands of dollars to investors through investment fraud. Perpetrators of this kind of scam operate without an AFS licence and may use false addresses and phone numbers. Victims are frequently lured with promises of high returns and low risk. Often, this money cannot be recovered. This kind of behaviour breaches the competence requirements of the Corporations Act and is also dishonest.

Example 6: Unlicensed activities

ASIC obtained court orders against the operators of a Gold Coast-based unlicensed financial services business, preventing it from carrying on its activities. Our investigation so far has found the investment scam has resulted in 37 investors losing approximately \$680,000.

The Supreme Court of Queensland made declarations against West Trade Group Pty Ltd, West Trade Cars Pty Ltd, West Two Pty Ltd and its directors Tiffany Lea O'Donnell, Russell John Lewis and John Steven Pitcher, finding the companies had carried on an unlicensed financial services business.

We alleged that these companies used cold calling and a website to induce investors to deposit funds into a number of bank accounts with the promise that funds would be used to buy shares on behalf of investors and generate profits well above market returns. We believe it is unlikely the investors' funds will be recovered.

Insurance brokers

- 28 Consumers look to insurance brokers, like other financial services businesses, for help in securing products with which they may be unfamiliar. In doing so, they place significant trust in these professionals. Consumers should have confidence that these gatekeepers are fully complying with their legal obligations when dealing with their money.

Honesty

- 29 It is important that insurance brokers act with honesty and integrity. Having no insurance cover or inadequate insurance cover can have a devastating impact on consumers or small businesses if something goes wrong.

Example 7: Dishonest and deceptive conduct by insurance broker

ASIC has permanently banned former insurance broker Alan Charstone of Croydon South, Victoria, from providing financial services. Between August 2009 and July 2010, Mr Charstone was an authorised representative of Insurance Advisernet Australia Pty Ltd.

Our investigation found that Mr Charstone engaged in dishonest and deceptive conduct between August 2009 and July 2010 in relation to business and personal insurance. Specifically, Mr Charstone failed to place adequate insurance cover for clients and misappropriated client funds.

We banned Mr Charstone after finding that he had not complied with financial services laws and that there was reason to believe he would not comply with financial services law in the future.

- 30 A careful approach should always be taken when advertising financial products and services to consumers. Comparisons of the benefits offered by different products on the market should be accurate and balanced and have a reasonable basis. Any qualifications should be given sufficient prominence to effectively convey key information.

Example 8: Misleading advertising involving product comparisons

[Redacted text block containing multiple paragraphs of blacked-out content, likely representing a comparison table or detailed advertisement text.]

Competence

- 31 Licensees have a responsibility to properly monitor their compliance with their licence conditions and to notify ASIC if they are unable to meet or have breached these conditions. Licensees that fail to comply with these requirements may have their licence suspended.

Example 9: Breach of AFS licence conditions

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Responsible entities and their officers

Honesty

- 32 People that operate managed investment schemes should frankly disclose the nature and prospects of the scheme to prospective clients. Scheme operators risk criminal prosecution and imprisonment if they make false statements to investors or fail to act honestly as gatekeepers.

Example 10: Fraudulent investment scheme

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Competence

- 33 The licensing system allows us to monitor providers of collective investments to ensure they act within the law. New managed investment schemes must be registered with ASIC before they can operate. To register a scheme, the proposed responsible entity must be a registered Australian public company and hold an AFS licence authorising it to operate a managed investment scheme.

Example 11: Unregistered managed investment scheme

ASIC obtained orders in the Supreme Court of New South Wales to wind up an unregistered managed investment scheme, known as Master Fund, operated by Secured Bond Ltd. In proceedings on 28 May 2012, the Supreme Court of New South Wales also made final orders appointing a liquidator of the scheme.

We believe that Master Fund operated from October 2004 until December 2008, when we obtained orders restraining the operation of Master Fund. Approximately 40 investors who invested around \$3.6 million were involved in Master Fund. We are also taking civil penalty action in the NSW Supreme Court against the operators of Master Fund and 13 other schemes.

We have been assisted in this matter by the US Commodities Futures Trading Commission, the NZ Financial Markets Authority and the Securities and Futures Commission of Hong Kong.

Diligence

- 34 Establishing and maintaining compliance plan measures that ensure the responsible entity meets financial services laws are a condition of its AFS licence. Inadequate compliance plans are commonly associated with poor risk management practices, deficient disclosure to investors and non-compliance with financial requirements.

Example 12: Failure to act diligently

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



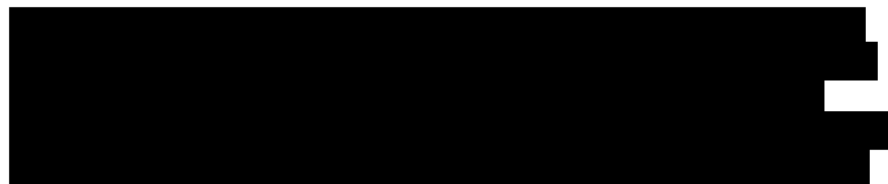
Credit licensees

- 35 The national credit regime is intended to protect consumers and ensure ethical and professional standards in the finance industry. Credit providers must comply with the provisions of Sch 1 of the *National Consumer Credit Protection Act 2009* (National Credit Code) and their obligations as a credit licensee.

Honesty

- 36 Falsification of documents is a serious breach of a credit licensee's obligations. Creating false documents that are used or relied on by another person, forging a client's signature or providing false information in a credit licence application are all examples of serious misconduct.

Example 13: False and misleading statements



- 37 Advertisements should give balanced information to ensure the overall effect creates realistic expectations about a product or service. Importantly, awards

should be adequately explained to ensure that they do not mislead consumers.

- 38 ASIC intervened on a number of occasions to require credit providers to remedy advertisements which we considered were misleading or likely to mislead.

Example 14: Misleading advertising of a credit product

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Competence

- 39 Individuals and businesses must not engage in credit activities without either holding a credit licence, acting as the representative of a credit licensee or being exempted from the credit licensing requirement. Engaging or using the services of unlicensed credit operators puts the public at risk.

Example 15: Unlicensed credit provider

[REDACTED]

[REDACTED]

- 40 Credit licensees and their officers, including a director, secretary or senior manager of a credit licensee who perform duties in relation to credit

activities, must ensure that they comply with their obligations under the credit licence.

- 41 Membership of an approved EDR scheme is an important requirement for credit licensees under the *National Consumer Credit Protection Act 2009* (National Credit Act). EDR gives consumers alternatives to legal proceedings for resolving complaints with their credit service providers. ASIC cancelled the licences of five credit licensees who failed to comply with this requirement.

Example 16: Failure to meet licence requirements

ASIC cancelled the credit licence of Sydney finance broking firm Nova Home Loans for failing to maintain its membership of an approved EDR scheme. Nova had been licensed to engage in credit activities related to credit contracts, consumer leases, related mortgages and guarantees and credit services.

Nova was expelled from membership of the Financial Ombudsman Service Limited (FOS), one of two EDR schemes approved by ASIC. Following Nova's expulsion from FOS, we became aware that Nova had failed to obtain membership of the other approved EDR scheme, the Credit Ombudsman Service Limited. We subsequently acted to cancel Nova's credit licence.

B Fair and efficient financial markets

Key points

This section reviews enforcement outcomes in relation to gatekeepers with a key role in ensuring our markets are fair and efficient.

Enforcement outcomes often relate to matters of corporate governance, including in the areas of directors' duties and external administration where there has been a failure to perform duties with sufficient honesty, diligence, competence or independence.

Insolvency practitioners

Diligence

- 42 Liquidators must faithfully perform their professional duties as a liquidator or receiver and adhere to relevant legal requirements. Our proactive program of compliance visits continues to identify insolvency practitioners who warrant further investigation in this respect.

Example 17: Failure to properly perform duties

In May this year, ASIC applied to the Federal Court to inquire into the conduct of Melbourne liquidator Andrew Leonard Dunner, concerning the performance of his duties as a registered and official liquidator and as a receiver or manager of 11 companies to which he has been appointed.

We sought orders that Mr Dunner be prohibited from holding the office of liquidator, provisional liquidator, voluntary administrator or administrator of a deed of company arrangement for such a period as the court saw fit, or alternatively, to declare there are grounds for the cancellation of Mr Dunner's registration as an official liquidator.

In July, the court ordered that:

- there be an inquiry into the conduct of Mr Dunner as a liquidator and receiver and manager in relation to the companies; and
- until the determination of the proceeding, or further court order, Mr Dunner report to ASIC each month with details of the remuneration he has received and the relevant approvals in relation to the companies to which he has been appointed, which are the subject of the application.

Auditors

- 43 We took action against a number of auditors in the relevant period as part of our program to lift standards in the financial services and professional services industry.

Diligence

- 44 Auditors must ensure each audit is planned and performed with an attitude of professional scepticism.

Example 18: Failure to perform duties as auditor



Independence

- 45 It is essential that auditors are fully aware of their independence obligations and work independently to carry out their audit activities.
- 46 Under the Corporations Act, an auditor generally cannot audit a listed company for five successive years without a two-year break. Auditor rotation is a key aspect of the independence provisions of the Corporations Act, aimed at enhancing the reliability and credibility of audit reports.

Example 19: Failure to meet auditor rotation requirements

ASIC accepted an enforceable undertaking from Graham Bruce Abbott after he breached the auditor rotation requirements in the Corporations Act. Our surveillance found that Mr Abbott breached these requirements by playing a significant role in audits of listed companies Central West Gold NL and Morning Star Gold NL for a number of successive financial years.

We were concerned that Mr Abbott showed a lack of understanding of the importance of the independence of his role as an auditor by breaching these requirements.

Under the enforceable undertaking, Mr Abbott has agreed not to practise as an auditor for a company or a registered scheme under the Corporations Act.

Directors and officers

- 47 Directors are the focal point for the governance of corporations. All decision making is devolved from them. As such, they play a fundamental role in maintaining the integrity of capital markets and ensuring investor confidence.
- 48 Actions against directors during the period fell into two categories. There were proceedings against nine directors (five criminal, three civil and one enforceable undertaking/negotiated outcome) relating to more serious breaches of the law. There were 196 proceedings against company officers for less serious summary offences, such as failure to keep proper books and records.

Honesty

- 49 Directors must not dishonestly use their position to gain an advantage for themselves or someone else.
- 50 Possible imprisonment is a salient reminder of just how seriously crimes involving dishonesty are viewed by Parliament, the courts, ASIC and the Australian community.

Example 20: Dishonest breach of directors' duties



Diligence

- 51 We expect directors to discharge their duties diligently and in accordance with the Corporations Act. Some recent cases have brought into sharp focus the content of this obligation on both executive officers and non-executive directors when making important decisions.

Example 21: Breach of directors' duties

[REDACTED]

Example 22: Breach of directors' duties

[REDACTED]

Markets

52 Participants in Australia's financial markets have a responsibility to uphold the integrity and fairness of local markets. We will target misconduct which has the potential to damage the integrity and reputation of the market

[REDACTED]

Diligence

- 53 Listed and unlisted disclosing entities must disclose material information on a timely basis and comply with any relevant listing rules. ASIC can issue infringement notices to address breaches of the continuous disclosure obligations.
- 54 Infringement notices can require the payment of a monetary penalty. Under the Corporations Act, compliance with the infringement notice is not an admission of guilt or liability and the disclosing entities are not taken to have contravened the provision(s) specified in the notice.

Example 23: Breach of continuous disclosure rules

[REDACTED]

[REDACTED]

[REDACTED]

Example 24: Breach of continuous disclosure rules

[REDACTED]

[REDACTED]

- 55 Market participants should review the entry of orders into the trading platform and prevent the entry of those that could result in a market that is not fair and orderly.

Example 25: Contravention of ASIC market integrity rules

[REDACTED]

C Efficient registration and licensing

Key points

This section reviews enforcement outcomes in the area of registration and licensing. Upon the registration of a company, various notification and record-keeping obligations apply.

Failure to meet these obligations may lead to prosecution by ASIC.

Officeholders of registered companies

Diligence

- 56 Conscientious and accurate record keeping is a fundamental responsibility of all companies registered with ASIC.
- 57 Financial reports, including directors' reports and auditors' reports, must be diligently prepared to ensure that consumers, investors and the public are properly informed.

Example 26: Failing to lodge reports

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Competence

- 58 ASIC continues to focus on ensuring that directors who are involved in numerous company failures are removed from positions of authority within companies. This disqualification action seeks to protect future creditors, investors and employees who may suffer losses at the hands of these individuals.

[REDACTED]

- 59 The number of directors disqualified by ASIC has increased over the past three years. We disqualified 25 directors from managing corporations following their involvement in two or more failed companies in the six-month period.

Appendix 1: Statistics

Table 1: Enforcement outcomes: 1 January 2012 to 30 June 2012*

Area of enforcement	Criminal	Civil	Administrative remedies	Enforceable undertakings/ negotiated outcomes	Public warning notice	Total
Market integrity			8	1		9
Market manipulation						
Continuous disclosure			6	1		7
Market integrity rules			2			2
Other market misconduct						
Corporate governance	5	3		4		12
Action against directors	5 [†]	2		1		8
Insolvency						
Action against liquidators		1		1		2
Action against auditors				2		2
Other corporate governance misconduct						
Financial services	4	7	26	19	1	57
Unlicensed conduct		1				1
Dishonest conduct, misleading statements, unconscionable conduct	3	4	6 [^]	3		16

Area of enforcement	Criminal	Civil	Administrative remedies	Enforceable undertakings/ negotiated outcomes	Public warning notice	Total
Misappropriation, theft, fraud	1	1	3**			5
Credit		1	12	3		16
Other financial services misconduct			5	13	1	19
Small business compliance and deterrence	200		25			225
Action against directors	196†		25			221
Efficient registration and licensing	4					4
Total	209	10	59	24	1	303

* Outcomes are presented per defendant

† Includes four outcomes that are currently under appeal

^ Includes one outcome currently under appeal

** Includes one outcome currently under appeal

‡ This figure comprises technical offences such as failure to keep proper books and records

Table 2: Pending matters

Area of enforcement	Criminal	Civil	Administrative remedies	MDP
Market integrity	15	2		8
Insider trading	8	1		
Market manipulation	4			
Continuous disclosure				
Market integrity rules				8
Other market misconduct	3	1		
Corporate governance	16	6	4	
Action against directors	12	4	2	
Insolvency	1		2	
Action against liquidators		1		
Action against auditors	1	1		
Other corporate governance misconduct	2			
Financial services	23	14	12	
Unlicensed conduct	2	2		
Dishonest conduct, misleading statements, unconscionable conduct	16	8	4	
Misappropriation, theft, fraud	5		2	
Credit		2	3	
Other financial services misconduct		2	3	
Small business compliance and deterrence	156		23	
Action against directors	156		23	
Efficient registration and licensing				
Total	210	22	39	8

Explanation

- 60 Table 1 lists enforcement outcomes achieved during the period 1 January 2012 to 30 June 2012. 'Enforcement outcome' refers to any formal action taken to secure compliance, about which ASIC has made a public announcement (with the exception of 'Small business compliance and deterrence' actions). This includes court action (criminal and civil), administrative remedies and the acceptance of enforceable undertakings. It also includes outcomes where a defendant has pleaded guilty or agreed to plead guilty to the charges against them but has yet to be sentenced. However, it does not include the many less formal processes we undertake to secure compliance with the law once a breach has occurred. For example, it does not include negotiating a change in compliance processes after receiving a breach notification from a licensee.
- 61 'Pending matters' in Table 2 refers to matters which have yet to result in a formal outcome (such as the imposition of an administrative remedy, court ordered penalty or sentence). These include, in the case of criminal matters, matters where charges have been laid or, for any other pending matter, where a hearing date has been announced. All of the matters in this table are pending as at 30 June 2012, although they may have arisen at any time prior to this date. A public announcement may not have been made about each of the matters in this table. This table provides a good indication of the number of matters that are being pursued by ASIC at any one time.

Appendix 2: Schedule of media releases

Table 3: Media releases for enforcement outcomes: 1 January 2012 to 30 June 2012

Media release (by area of enforcement)	Date	Link
Market integrity		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Leighton Holdings complies with three ASIC infringement notices for alleged continuous disclosure breaches and ASIC accepts compliance enforceable undertaking	18/03/2012	12-53MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Corporate governance		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Former ARP Growth Fund operator prevented from participating in financial services, managing companies	1/02/2012	12-15MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC accepts enforceable undertaking from auditor for breaching the rotation requirements	20/04/2012	12-75AD
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Media release (by area of enforcement)	Date	Link
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Financial services		
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC permanently bans former SA director	30/01/2012	12-10AD
ASIC obtains Supreme Court orders against fraudulent Gold Coast financial services business	3/02/2012	12-16AD
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC suspends AFS licence of 'Aussie Rob's' Lifestyle Investor Services	15/02/2012	12-25AD
[REDACTED]	[REDACTED]	[REDACTED]
ASIC cancels credit licence of Sydney finance broker	28/02/2012	12-33AD
ASIC permanently bans former Victorian company director and financial adviser	2/03/2012	12-37MR
ASIC permanently bans Sydney financial adviser	7/03/2012	12-39AD
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Provisional liquidators appointed to Your Trading Room Pty Ltd	12/04/2012	12-68AD
Lifestyle Trader Pty Ltd wound up on ASIC's application	16/04/2012	12-71AD

Media release (by area of enforcement)	Date	Link
ASIC suspends Australian Performance Financial Planning Pty Ltd licence	16/04/2012	12-70AD
ASIC permanently bans Victorian man from providing financial services	17/04/2012	12-72AD
[REDACTED]	[REDACTED]	[REDACTED]
ASIC permanently bans former Melbourne CFD dealer	20/04/2012	12-74MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC permanently bans former Commonwealth Financial Planning adviser	30/04/2012	12-81MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
Investors warned about dealing with Dellingworth Pty Ltd	17/05/2012	12-95MR
[REDACTED]	[REDACTED]	[REDACTED]
ASIC obtains court orders against Sydney financial adviser	21/05/2012	12-99MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC issues warning about Connaught Investment Group	8/06/2012	12-121MR
ASIC bans Melbourne man from providing financial services	12/06/2012	12-125MR
[REDACTED]	[REDACTED]	[REDACTED]
ASIC winds up \$3.6 million scheme	14/06/2012	12-129MR
[REDACTED]	[REDACTED]	[REDACTED]

Media release (by area of enforcement)	Date	Link
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
ASIC acts to wind up Australia AFT Finance Market	26/06/2012	12-138MR
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Note 1: Where ASIC has issued more than one media release in relation to a matter, the most recent or relevant release is listed. Media releases may list outcomes in relation to multiple defendants.

Note 2: Not all outcomes will be announced in a media release, particularly 'Small business compliance and deterrence' outcomes.

Key terms

Term	Meaning in this document
AAT	Administrative Appeals Tribunal
AFS licence	An Australian financial services licence under s913B of the Corporations Act that authorises a person who carries out a financial services business to provide financial services. Note: this is a definition contained in s761A of the Corporations Act.
AFS licensee	A person who holds an Australian financial services licence under s913B of the Corporations Act Note: This is a definition contained in s761A of the Corporations Act
ASIC Act	<i>Australian Securities and Investments Commission Act 2001</i>
Corporations Act	<i>Corporations Act 2001</i> , including regulations made for the purpose of that Act
credit activity (or credit activities)	Has the meaning given in s6 of the National Credit Act
credit licensee	A person who holds an Australian credit licence under s35 of the National Credit Act
EDR	External dispute resolution
EDR scheme (or scheme)	An external dispute resolution scheme approved by ASIC under the Corporations Act (see s912A(2)(b) and 1017G(2)(b)) and/or the National Credit Act (see s11(1)(a)) in accordance with our requirements in RG 139
enforcement outcome	Any formal action to secure compliance, about which ASIC has made a public announcement.
financial service	Has the meaning given in Div 4 of Pt 7.1 of the Corporations Act
INFO 151 (for example)	An ASIC information sheet (in this example numbered 151)
market integrity rules	Rules made by ASIC, under s798G of the Corporations Act, for trading on domestic licensed markets
MDP (Markets Disciplinary Panel)	ASIC's Markets Disciplinary Panel, through which ASIC exercises its power to issue infringement notices and to accept enforceable undertakings in relation to breaches of the market integrity rules
National Credit Act	<i>National Consumer Credit Protection Act 2009</i>
National Credit Code	National Credit Code at Sch 1 of the National Credit Act

Term	Meaning in this document
relevant period	1 January to 30 June 2012
REP 281 (for example)	An ASIC report (in this example numbered 281)
RG 100 (for example)	An ASIC regulatory guide (in this example numbered 100)
s798G (for example)	A section of the Corporations Act (in this example numbered 798G), unless otherwise specified
SOA (Statement of Advice)	<p>A document that must be given to a retail client for the provision of personal advice under Subdivs C and D of Div 3 of Pt 7.7 of the Corporations Act</p> <p>Note: See s761A for the exact definition.</p>

Related information

Headnotes

ASIC's strategic priorities, banning, competence, credit activity, diligence, enforceable undertaking, enforcement outcome, financial service, gatekeepers, honesty, independence, infringement notice

Regulatory guides

RG 100 *Enforceable undertakings*

RG 139 *Approval of external complaints resolution schemes*

Legislation

Corporations Act, Div 4 of Pt 7.1, s180(a), 761A, 798G

Crimes Act 1900 (NSW)

National Credit Act, Sch 1 (National Credit Code), s6, 11(1)(a), 35

Reports

REP 281 *ASIC enforcement outcomes: July to December 2011*

Information sheets

INFO 151 *ASIC's approach to enforcement*

INFO 152 *Public comment*