

Australian Securities and Investments Commission – Table of regulatory documents

Documents released during October 2021

New regulatory guides

Title	Release Date	Details	Media release and related documents
No new regulatory guides issued in October 2021			

Amended or reissued regulatory guides

Title	Release Date	Details	Media release and related documents
RG 174 Relief for externally administered companies and registered schemes being wound up	6/10/2021	<p>This guide is for registered liquidators and other persons who are externally administering the affairs of companies and winding up registered managed investment schemes (registered schemes).</p> <p>It explains when we will grant relief relating to:</p> <ul style="list-style-type: none"> • the financial reporting obligations of the Corporations Act • the Australian financial services (AFS) licensee financial reporting obligations (for companies and responsible entities that are or have been AFS licensees) • the compliance plan audit obligations (for registered schemes), and • the requirement to hold an annual general meeting (for public companies). <p>Updated to reflect new conditional relief provided to companies in external administration by:</p> <ul style="list-style-type: none"> • extending the time by which a company is required to prepare and lodge financial reports for a minimum period of six months and a maximum period of up to 24 months (deferral relief), and • extending the time by which a public company is required to hold an AGM until two months after the deferral relief ends. 	MR 21-263 SLI 21/506 REP 703

Title	Release Date	Details	Media release and related documents
RG 21 How ASIC charges fees for relief applications	8/10/2021	<p>This guide is for applicants for relief and their advisers.</p> <p>It explains how we calculate the fees we charge when we receive applications to exercise our discretionary powers. It also describes:</p> <ul style="list-style-type: none"> • when we charge fees for relief applications; • how we calculate those fees; and • the fees we charge for standard applications. <p>Technical updates to reflect recent legislative changes relating to insurance.</p> <p>NOTE: Updated – issue date unchanged</p>	<p>No MR</p> <p>RG 51</p> <p>RG 234</p> <p>RG 275</p> <p>INFO 82</p> <p>INFO 198</p>
RG 51 Applications for relief	8/10/2021	<p>This guide is for applicants and advisers who are applying to ASIC for relief (i.e. by exemption or declaration (to omit, vary or modify)) under:</p> <ul style="list-style-type: none"> • the Corporations Act 2001 • the <i>Superannuation Industry (Supervision) Act 1993</i> • the <i>National Consumer Credit Protection Act 2009</i> • the <i>National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009</i> • the <i>Australian Securities and Investments Commission Act 2001</i>, or • the Insurance Act 1973. <p>It sets out the types of applications that can be made, how to submit applications, our general approach to applications for relief, and the types of relief available.</p> <p>Technical updates to reflect recent legislative changes relating to insurance.</p> <p>NOTE: Updated – issue date unchanged</p>	<p>No MR</p> <p>RG 21</p> <p>RG 234</p> <p>RG 275</p> <p>INFO 82</p> <p>INFO 198</p>

Title	Release Date	Details	Media release and related documents
RG 234 Advertising financial products and services (including credit): Good practice guidance	8/10/2021	<p>This guide is for promoters of financial products, financial advice services, credit products and credit services, and publishers of advertising for these products and services.</p> <p>It contains good practice guidance to help promoters comply with their legal obligations not to make false or misleading statements or engage in misleading or deceptive conduct.</p> <p>Technical updates to reflect recent legislative changes relating to insurance.</p> <p>NOTE: Updated – issue date unchanged</p>	<p>No MR</p> <p>RG 21</p> <p>RG 51</p> <p>RG 275</p> <p>INFO 82</p> <p>INFO 198</p>
RG 275 The deferred sales model for add-on insurance	8/10/2021	<p>This guide is for issuers and distributors of add-on insurance.</p> <p>It provides guidance on the requirements that apply to providers of add-on insurance when complying with the deferred sales model, and how ASIC will approach applications for exemption from the deferred sales model.</p> <p>Technical updates to reflect recent legislative changes relating to insurance.</p> <p>NOTE: Updated – issue date unchanged</p>	<p>No MR</p> <p>RG 21</p> <p>RG 51</p> <p>RG 234</p> <p>INFO 82</p> <p>INFO 198</p>

Legislative instruments

Title	Dates	Details	Media release and related documents
ASIC Corporations (Amendment) Instrument 2021/506	<p><i>Issued 1/10/2021</i></p> <p><i>Registered 5/10/2021: F2021L01387</i></p> <p><i>Effective 6/10/2021</i></p>	<p><i>ASIC Corporations (Amendment) Instrument 2021/506 amends the ASIC Corporations (Externally-Administered Bodies) Instrument 2015/251 to provide conditional relief to companies in external administration in relation to annual general meetings and financial reporting</i></p>	<p>MR 21-263</p> <p>RG 174</p> <p>REP 703</p>
ASIC Corporations (Design and Distribution Obligations Interim Measures) Instrument 2021/784	<p><i>Issued 1/10/2021</i></p> <p><i>Registered 1/10/2021: F2021L01382</i></p> <p><i>Effective 5/10/2021 (later of 5 October 2021 or day after registration)</i></p>	<p><i>ASIC Corporations (Design and Distribution Obligations Interim Measures) Instrument 2021/784, together with ASIC Corporations (Amendment) Instrument 2021/785, puts in place interim measures to provide certainty on the application of the design and distribution obligations regime consistent with the Government's publicly stated policy intention, using ASIC's modification and exemption powers.</i></p>	<p>SLI 21/785</p> <p>INFO 264</p>
ASIC Corporations (Amendment) Instrument 2021/785	<p><i>Issued 1/10/2021</i></p> <p><i>Registered 1/10/2021: F2021L01382</i></p> <p><i>Effective 5/10/2021 (later of 5 October 2021 or day after registration)</i></p>	<p><i>ASIC Corporations (Amendment) Instrument 2021/785 amends the ASIC Corporations (Basic Deposit and General Insurance Product Distribution) Instrument 2015/682 and ASIC Class Order [CO 14/1262] Relief for 31 day notice term deposits to put in place interim measures to provide certainty on the application of the design and distribution obligations regime.</i></p>	<p>SLI 21/784</p> <p>INFO 264</p>
ASIC Corporations (Amendment) Instrument 2021/848	<p><i>Issued 13/10/2021</i></p> <p><i>Registered 13/10/2021: F2021L01425</i></p> <p><i>Effective 14/10/2021 (later of 14 October 2021 or day after registration)</i></p>	<p><i>ASIC Corporations (Amendment) Instrument 2021/848 amends ASIC Corporations (COVID-19—Advice-related Relief) Instrument 2021/268 to extend two temporary relief measures that facilitate access to timely and affordable personal advice for existing clients of providing entities that is in connection with the adverse economic effects of COVID-19.</i></p>	<p>MR 21-269</p> <p>INFO 262</p>

Title	Dates	Details	Media release and related documents
ASIC Corporations (Amendment) Instrument 2021/868	<p><i>Issued 27/10/2021</i></p> <p><i>Registered 28/10/2021: F2021L01472</i></p> <p><i>Effective 29/10/2021 (later of 14 October 2021 or day after registration)</i></p>	<p><i>ASIC Corporations (Amendment) Instrument 2021/868 amends multiple instruments to update references and correct drafting errors:</i></p> <ul style="list-style-type: none"> • <i>ASIC Corporations (Non-Reporting Entities) Instrument 2015/841</i> • <i>ASIC Corporations (Audit Relief) Instrument 2016/784</i> • <i>ASIC Corporations (Wholly-owned Companies) Instrument 2016/785</i> • <i>ASIC Corporations (Qualified Accountant) Instrument 2016/786</i> • <i>ASIC Corporations (Extended Reporting and Lodgment Deadlines—Unlisted Entities) Instrument 2020/395</i> 	No MR

Notifiable instruments

Title	Dates	Details	Media release and related documents
No notifiable instruments issued in October 2021			

Consultation papers

Title	Release Date	Details	Media release and related documents
CP 348 Extension of the CFD Product Intervention Order	18/10/2021	<p>This paper summarises ASIC's analysis to date of the impact of its product intervention order imposing conditions on the issue and distribution of contracts for difference to retail clients.</p> <p>The paper also sets out ASIC's proposal to extend the order so that it will remain in force until it is revoked. The proposal is subject to consultation, further analysis of the effectiveness of the order and Ministerial approval.</p>	MR 21-274

Reports

Title	Release Date	Details	Media release and related documents
REP 703 Response to submissions on CP 337 Externally administered companies: Extending financial reporting and AGM relief	6/10/2021	This report highlights the key issues that arose out of the submissions received on Consultation Paper 337 <i>Externally administered companies: Extending financial reporting and AGM relief</i> (CP 337) and details our responses to those issues.	MR 21-263 LI 21/506 RG 174
REP 704 ASIC quarterly update: July to September 2021	27/10/2021	This report provides an update on ASIC's work undertaken between 1 July and 30 September 2021.	MR 21-283
REP 705 Response to submissions on CP 343 Crypto-assets as underlying assets for ETPs and other investment products	29/10/2021	This report highlights the key issues that arose out of the submissions received on Consultation Paper 343 <i>Crypto-assets as underlying assets for ETPs and other investment products</i> (CP 343) and details our responses to those issues.	MR 21-285 INFO 225 INFO 230

Rules

Title	Dates	Details	Media release and related documents
No rules issued in October 2021			

Class rule waivers

Title	Dates	Details	Media release and related documents
No class rule waivers issued in October 2021			

Determinations

Title	Dates	Details	Media release and related documents
No determinations issued in October 2021			

Notices

Title	Dates	Details	MR and related documents
No notices issued in October 2021			

Information sheets

Title	Status	Release Date	Comments	Media release and related documents
INFO 80 How to interpret ASIC insolvency statistics	Reissued	1/10/2021	Updated to reflect the introduction of weekly statistics in response to the COVID-19 pandemic.	No MR
INFO 264 FAQs: Design and distribution obligations for advice licensees and financial advisers	Reissued	6/10/2021	Updated to reflect interim relief provided by ASIC so that advice licensees and financial advisers are no longer required to report to issuers if they have received nil complaints during the reporting period (ahead of the Australian Government's stated policy intent to make this change in the legislation	No MR LI 21/784 SLI 21/785
INFO 82 Apply for relief	Updated	8/10/2021	Technical updates to reflect recent legislative changes relating to insurance. NOTE: Updated – issue date unchanged	No MR RG 21 RG 51 RG 234 RG 275 INFO 198
INFO 198 Extended warranties	Updated	8/10/2021	Technical updates to reflect recent legislative changes relating to insurance. NOTE: Updated – issue date unchanged	No MR RG 21 RG 51 RG 234 RG 275 INFO 82
INFO 152 Public comment on ASIC's regulatory activities	Reissued	11/10/2021	Miscellaneous updates to incorporate further guidance on ASIC's approach to public comment including details about its communication activities and when ASIC may name entities in public reports.	No MR

Title	Status	Release Date	Comments	Media release and related documents
INFO 261 ASIC orders about creditor-defeating dispositions	New	11/10/2021	Sets out how liquidators can ask ASIC to make an order to undo a disposition of company property that prevents, hinders or significantly delays that property becoming available for the benefit of creditors in the winding up of a company.	No MR
INFO 262 FAQs: COVID-19 information for advice licensees and financial advisers	New	14/10/2021	Contains answers to frequently asked questions (FAQs) about issues impacting the financial advice industry as a result of the COVID-19 pandemic.	MR 21-269 SLI 21-268
INFO 89 ASIC releases updated information about the distribution of superannuation products	Reissued	15/10/2021	Updated information for employers and trustees about changes affecting the distribution of superannuation products as a result of recent law reforms.	MR 21-272 INFO 241
INFO 241 Prohibition on influencing employer's superannuation fund choice	Reissued	15/10/2021	Updated information for employers and trustees about changes affecting the distribution of superannuation products as a result of recent law reforms.	MR 21-272 INFO 89
INFO 263 FAQs: Disclosure by listed entities about Jobkeeper payments	New	15/10/2021	Guidance to help listed entities comply with their new obligation to disclose information about Jobkeeper payments to the relevant market operator.	MR 21-271 Jobkeeper notice
INFO 196 Audit quality – The role of directors and audit committees	Reissued	19/10/2021	Updated for changes made in developing the equivalent IOSCO guide , including a new section titled 'What features of audit committees support audit quality?'	No MR
INFO 265 Reports of suspicious activity in FICC markets	New	26/10/2021	Gives guidance to market intermediaries about reporting suspicious activity in fixed income, currencies and commodities (FICC) markets (FICC SARs) and how these reports can be lodged with ASIC.	No MR Suspicious activity report – FICC markets (FICC SAR)
INFO 225 Crypto-assets	Reissued	29/10/2021	Updated to include good-practice guidance for product issuers and market operators on how they can meet their regulatory obligations in relation to crypto-asset exchange traded products (ETPs) and other investment products.	MR 21-285 INFO 230 REP 705

Title	Status	Release Date	Comments	Media release and related documents
INFO 230 Exchange traded products: Admission guidelines	Reissued	29/10/2021	Updated to include good-practice guidance for product issuers and market operators on how they can meet their regulatory obligations in relation to crypto-asset exchange traded products (ETPs) and other investment products.	MR 21-285 INFO 225 REP 705

Other documents

Title	Date	Details	MR and related documents
Letter to CEOs regarding whistleblower policies (PDF 925 KB)	13/10/2021	ASIC's letter to CEOs <ul style="list-style-type: none"> reminds entities of their obligation to have a whistleblower policy that reflects the strengthened whistleblower protection regime that started on 1 July 2019 identifies where policies in our sample fell short, and highlights what entities can do to improve their policies. 	MR 21-267
Jobkeeper notice	15/10/2021	New Jobkeeper obligations commenced on 14 September 2021, requiring all listed entities that received Jobkeeper payments to give a notice to the relevant market operator outlining: <ul style="list-style-type: none"> the listed entity's name and ABN; the number of individuals for whom the entity or its subsidiaries received Jobkeeper payments each fortnight that ended in the financial year; the total amount of Jobkeeper payments the entity and its subsidiaries received in a Jobkeeper fortnight that ended in the financial year; and whether or not the entity or its subsidiaries made voluntary repayments of Jobkeeper payments, and the total amount of those repayments if they did. 	MR 21-271 INFO 263
ASIC Annual Report 2020–21	15/10/2021	Outlines the key measures ASIC took to achieve its goals in the 2020–21 financial year.	MR 21-273