



FinTech Australia

**Submission: ASIC Report 813
Regulatory Simplification**

October 2025



About this Submission

This document was created by FinTech Australia in consultation with its members.

In developing this Submission, interested members participated in roundtables to discuss key issues and provided feedback to inform our response to the consultation paper.

FinTech Australia would like to recognise the support of its Policy Partner, King & Wood Malleons, who assisted in the development of this submission.

About FinTech Australia

FinTech Australia is the peak industry body representing the Australian fintech sector, with a membership of more than 400 companies and startups nationwide. Our members span the full breadth of the fintech ecosystem, including payments, consumer and business lending, artificial intelligence, wealthtech, regtech, neobanking, open banking, cryptocurrency, blockchain, DeFi, and Web3. The fintech industry delivers a wide range of business-to-business and business-to-consumer financial products and services that support the smooth operation of the Australian economy.

Our vision is to position Australia as one of the world's leading markets for fintech innovation and investment. This submission has been compiled by FinTech Australia and its members in an effort to advance public debate and drive cultural, policy and regulatory change toward realising this vision, for the benefit of the Australian public.

FinTech Australia would like to recognise the support of our Policy Partners, who assist in the development of our submissions:

- Allens;
- Ashurst
- DLA Piper;
- Gadens;
- King & Wood Malleons; and
- K&L Gates.



FinTech Australia's comments

Introduction

Fintech Australia would like to thank ASIC for allowing us the opportunity to provide feedback on ASIC's Report 813, *Regulatory Simplification* ([REP 813](#)).

We welcome ASIC's ongoing work to simplify financial, markets and corporate regulation. Our members are broadly supportive of the initiatives outlined in REP 813.

Why this matters

We view REP 813 and other initiatives aimed at simplifying the nature and application of regulation as essential to fostering growth and innovation in the fintech industry. **Failing to progress these reforms** risks entrenching regulatory complexity which:

- stifles growth;
- deters new market entrants and the development of new products and services that can enhance the competitive landscape and boost consumer choice;
- makes capital raising more difficult;
- decreases confidence in decision-making, which depresses business activity; and
- imposes unnecessary economic costs associated with compliance.

Overview of our feedback

Our submission focusses on seven key areas:

- 1 **Portal structure.** Streamlining access to ASIC services through a single, centralised portal, with access and credentialling that reflects the practical needs of organisations. Further details are set out in our response to Question 1.



- 2 **Streamlined ASIC engagement procedures and workflows.** Examining current procedural steps that require inordinate time and complexity, and expanding self-service workflows (eg for reporting) and engagement channels. Further details are set out in our response to Question 11.
- 3 **Stronger routine engagement with ASIC.** Establishing more regular industry engagement with ASIC and opportunities to comment on final reform drafts before they are settled. Further details are set out in our response to Question 15.
- 4 **Pragmatic and enabling approach to licensing applications.** Streamlining the licensing application process by enhancing resources and applying a pragmatic, risk-based assessment that prioritises material issues over granular, box-ticking checks which create unnecessary delays. Further details are set out in our response to Question 15.
- 5 **Clarity and navigability of regulatory instruments.** Simplifying, consolidating and modernising regulatory instruments on a principles-based, technology-neutral footing with clear cross-regime coordination. Further details are set out in our response to Question 10.
- 6 **Recognition of alternate compliance pathways.** Permitting compliance through functionally equivalent controls and standards. Further details are set out in our response to Question 10.
- 7 **Recognition of digital client communication pathways.** Ensuring that regulatory requirements for client disclosures and other communications are appropriately attuned to how digital businesses operate and the way in which effective communications can occur in that environment. Further details are set out in our response to Question 17.

We have organised our responses by reference to the most pertinent topic and question in REP 813.

Improving access to regulatory information

Question 1. Has our new website improved searchability and access to useful information for you? Do you have any suggestions for further improvement?

Yes. Our members report that the new website has improved searchability and accessibility of information. However, members raised the point that there remains significant scope to reduce the



administrative burden associated with user navigation of the website. Currently, users must navigate multiple portals, each with distinct credentialing requirements, interface conventions and navigation logic. This fragmentation creates unnecessary complexity, heightens the risk of user error and imposes a significant administrative burden upon users. Members also noted that current portal access requirements could be improved to assuage key person risk.

Against the backdrop of these practical challenges, our members strongly advocate for the following:

- **Practical Suggestion 1 (single portal):** the implementation of a single, centralised portal through which all regulatory tasks can be managed. A unified login, dropdown access to different functions, and consistent user experience across functions would materially improve efficiency, usability and compliance outcomes. This suggestion also ties into our comments in response to Question 11.
- **Practical Suggestion 2 (configurable access structure):** an access structure for individual users of a given organisation that reflects the need for multiple users with potentially different levels of access (eg read, write, submit etc). This would support both business continuity and governance arrangements. In this vein, we would also invite ASIC to consider if access could extend to external advisors with appropriate authority and credentialling.

Members pointed to more streamlined, one-stop-shop models in other jurisdictions as effective comparators such as the United Arab Emirates Financial Services Regulatory Authority portal and the Hong Kong Securities and Futures Commission portal.

Making it easier to interact with ASIC

Question 11. With respect to interacting with ASIC, other than the work we've outlined, is there anything else we should prioritise?

Our members support initiatives to streamline user interactions with ASIC to ensure they are efficient for all parties. Beyond the work already outlined, we recommend the following:

- **Practical Suggestion 1 (streamlining procedural steps):** prioritising improvements to procedural steps that currently require direct contact with ASIC, particularly where self-service



should be feasible. Members report that routine actions, such as adding an authorised representative in ASIC Connect, is at times perceived as unnecessarily complex and time-consuming. In that example, one member noted that the process required multiple steps and the use of a unique code that needed to be requested from ASIC and was not visible in the portal, creating avoidable delays. Members have also experienced call wait times of up to two hours to obtain the code, followed by further processing delays. We expect this suggestion would benefit from process flows across several routine procedures, as well as considering whether the challenges could be assuaged through our single portal suggestion in response to Question 1.

- **Practical Suggestion 2 (self-reporting workflow):** members would value a simple self-reporting workflow to assist them to determine if something is reportable to ASIC. The current ASIC guidance on “Reportable situations for AFS and credit licensees”¹ is valuable, but is at a very high level.

Question 15. How would you prefer to interact with ASIC more generally? What can we improve?

Overall, our members’ interactions with ASIC are constructive and collaborative. To build on this positive foundation, members would greatly value the following:

- **Practical Suggestion 1 (regular meetings):** More regular, structured engagement and clearer opportunities to contribute to regulatory reforms. In particular, bi-monthly or quarterly sector-specific updates, frequent open forums with dynamic question-and-answer sessions and opportunities to review proposals prior to finalisation would support more timely and practical industry input. Regularising these touchpoints and allowing adequate time for considered submissions would help ensure policy settings are both effective and readily implementable in practice. We are aware of the ASIC’s Corporate Finance Liaison meetings,² Licensing Liaison meetings³ and Market Liaison meetings.⁴ For example, a monthly “Fintech Liaison meeting”, “Digital Assets / Payments Liaison meeting” or similar could be valuable for the next 2-3 years while reforms are underway.

¹ Available at <https://www.asic.gov.au/regulatory-resources/financial-services/reportable-situations-for-afs-and-credit-licensees/>.

² As described at <https://www.asic.gov.au/about-asic/what-we-do/how-we-operate/stakeholder-liaison/corporate-finance-liaison-meetings/>.

³ As described at <https://www.asic.gov.au/about-asic/what-we-do/how-we-operate/stakeholder-liaison/licensing-liaison-meetings/>.

⁴ As described at <https://www.asic.gov.au/about-asic/what-we-do/how-we-operate/stakeholder-liaison/market-liaison-meetings/>.



- **Practical Suggestion 2 (more time for complex consultations):** For complex reforms, consultation periods of two to three months would typically enable more meaningful, representative feedback across diverse stakeholders. We appreciate that certain reforms and therefore reform timetables are *not* led by ASIC, such as the Australian Treasury's recent consultations in relation to digital asset platforms and tokenised custody platforms⁵ and payments.⁶ However, we would welcome anything that ASIC can do to support meaningful consultation timelines in relation to areas affecting the corporate, financial services and digital asset sectors.
- **Practical Suggestion 3 (additional "last look" feedback loop):** Once consultation is complete, a final "last look" or "fatal flaw" engagement cycle. For example, FinTech Australia notes the in-depth valuable consultation by ASIC with industry stakeholders on Information Sheet 225 (**INFO 225**).⁷ The refreshed INFO 225 has now been published. However, we consider a final round of consultation on the penultimate draft of INFO 225 would have been valuable.
- **Practical Suggestion 4 (pragmatic approach to licensing):** Current timeframes for obtaining or varying an Australian financial services licence reflect significant resourcing constraints, with outcomes often hinging on the assigned case manager. To support a more efficient approach, we suggest the following:
 - First, additional deployment of experienced personnel may be of material benefit. We understand that hiring new personnel can be costly and time consuming, but we expect it to deliver the most immediate benefit for the expediency of review.
 - More fundamentally, we consider efficiencies could be gained by adopting a substance-over-form assessment of licensing applications that prioritises understanding the applicant's business model and proposed activities, rather than the current granular approach that tends to focus on procedural formalities.
 - Practically speaking, we also suggest that interviews with the key personnel of licensing applicants by experienced ASIC case officers can also support a swift and effective licensing

⁵ Available at <https://consult.treasury.gov.au/c2025-701519>.

⁶ Available at <https://consult.treasury.gov.au/c2025-700532>.

⁷ <https://www.asic.gov.au/regulatory-resources/find-a-document/consultations/cp-381-updates-to-info-225-digital-assets-financial-products-and-services/>.



approach. These can swiftly flush out substantive issues and check genuine readiness, to make the overall process swifter and substantively-focused.

Given the scale of ongoing regulatory reform, and the likely expansion in the range of industry participants requiring licences, there is a material risk that current backlogs and wait times will otherwise worsen.

Reducing complexity in regulatory instruments

Question 10. Are there other ASIC relief or categories of instruments you consider should be simplified or consolidated? If consolidation were to occur, would it be most valuable for this to be organised by industry sector, topic or Corporations Act chapter?

Members support simplifying and consolidating ASIC relief and legislative instruments. Our members expressed concern towards the current structure of legislative instruments, perceiving them as fragmented and difficult to navigate, with thematically related content dispersed across multiple instruments. For example, requirements for retail and wholesale clients are dispersed across multiple instruments, which creates ambiguity and inconsistency in application. Further, several instruments often need to be read together, making the process of understanding what should be simple statutory principles unduly complex and therefore also regularly reliant on external advisors.

Our members have a strong preference to implement the recommendations from the Australian Law Reform Commission Final Report, *Confronting Complexity: Reforming Corporations and Financial Services Legislation* ([RP 141](#)) in order to establish an intuitive, thematically organised structure aligned to how obligations are applied in practice. Recommendations in RP 141 included a “coherent and principled legislative model for the regulation of financial services”, including, in summary:

- Primary legislation containing the key regulatory provisions.
- A single, consolidated legislative instrument that adjusts the scope of the primary legislation.



- Thematic rulebooks that contain detail that gives effect to different aspects of the regulatory regime in different circumstances.⁸

Our members had several ideas relevant to this area, albeit recognising that further discussion may be valuable to identify the most substantively transformative or at least functionally accretive pathway.

- **Practical Suggestion 1 (periodic roll-up):** A periodic reconciliation or “roll-up” of instruments of a statutory nature that affect primary legislation. For example, where a given provision in primary legislation contemplates that further exemptions or designations may be prescribed, and that has occurred, the periodic roll-up process could operate to embed the content into the primary legislation to enable quick and easy reference.
- **Practical Suggestion 2 (thematic cross-agency rulebooks):** A topic-based consolidation in thematic rulebooks on a cross-agency basis, supported by a clear taxonomy that maps each topic to relevant laws and regulatory requirements, plus industry-specific materials. If consolidation by topic is adopted, we recommend the following design features to maximise usability and certainty:
 - A single source of truth for each topic that consolidates all current ASIC legislative instruments, class orders, relief, and relevant guidance, with version control and effective dates clearly shown.
 - Embedded cross-references to the Corporations Act, regulations and other regimes, such as the anti-money laundering and counter-terrorist financing framework administered by the Australian Transaction Reports and Analysis Centre (**AUSTRAC**), to make the interaction of obligations clear.
 - Stakeholder-specific annexures where necessary (for example, market operators, custodians, responsible entities, digital asset service providers) so that industry nuances are addressed without fragmenting the core framework. Such annexures could also address our [Practical Suggestion 3] below by explaining how certain general requirements apply to a given stakeholder.

⁸ See particularly, Chapter 6 of RP 141.



- A consistent structure across topics: for example scope, core obligations, relief/conditions, safe harbours, supervisory expectations, examples, etc.
- A clear early warning system for changes that may affect the areas covered by the rulebook. For example, if a given consultation by ASIC, AUSTRAC, Treasury etc may affect the topic areas covered by a given rulebook, users who indicate an interest in being notified are able to clearly understand how this may effect the framework affecting their business.
- **Practical Suggestion 3 (calibration):** Periodically calibrating regulatory requirements to address novel scenarios in the fintech industry, including by providing specific examples. However, this should be coupled with maintaining a principles and outcomes-based framework so that obligations remain practical and enforceable in a continually evolving environment. In this respect, members expressed concerns regarding overlapping, conflicting and highly prescriptive obligations that make compliance operationally difficult across diverse and evolving business models. In particular, it was noted that several rules derived from traditional markets are not well calibrated to the emerging fintech sector such as digital asset-based businesses. To address this, members recommend:
 - Stakeholder-specific guidance – see [Practical Suggestion 2] above.
 - Formal coordination mechanisms and joint guidance where ASIC-administered obligations intersect with other regimes (for example, the AUSTRAC-administered AML/CTF regime), to reduce duplication and resolve conflicting expectations.
 - Clear articulation of thresholds and benchmarks that materially affect operational planning, such as any explicit ASIC expectations for training/competency standards.
 - In general, focussing on a principles-based, outcomes-focused rules that allow entities to meet the objectives of the rules through functionally equivalent controls and standards. On this point, please also refer to [Practical Suggestion 4].
- **Practical Suggestion 4 (technological neutrality and substantive compliance):** Articulating clear and overarching support for technological neutrality across statutory and regulatory materials, and respecting the ability for firms to interpret and adapt requirements to meet the exigencies of a given scenario. More specifically, we welcome guidance that articulates



regulators' position on certain issues, including how statutory principles can be applied in a manner that satisfies ASIC's expectations of good conduct. We consider this could be bolstered by:

- clear *overarching* regulatory guidance that specifies ASIC's technology-neutral approach, akin to statements made in various materials and fora;⁹ and
- express *overarching* recognition that where any examples or prescriptive regulatory requirements are included, firms should be able to take a different approach and demonstrate compliance by documenting a reasonable rationale that evidences that their approach is at least as effective as the prescribed method at addressing minimum statutory requirements. This will help address the fact that certain innovative products, services and solutions can result in a vastly different operational structure and risks that are *different* or even *lower* overall.

Simplification through law reform

Question 17. Are there any other regulatory reform ideas within ASIC's remit that could simplify the application of the law, or otherwise make it easier for individuals and businesses to meet their compliance obligations?

Members support ASIC's ongoing efforts to promote digital disclosure, viewing it as a crucial step in aligning compliance with disclosure and other statutory obligations (such as seeking consents and providing notices) with standard digital customer interactions. In this regard, we support ASIC's consultation to remake two legislative instruments that provide relief to facilitate electronic delivery of disclosures and make updates to Regulatory Guide 221: *Facilitating digital financial services disclosures*. We also consider this could be bolstered in the following ways:

- **Practical Suggestion 1 (expanding ASIC's digital disclosure framework):** Expanding ASIC's digital disclosure framework to include other regulatory frameworks that it oversees, including the credit regime administered under the *National Consumer Credit Protection Act 2009* (Cth). Specifically, we advocate for the use of the 'Publish and Notify Method' (ie making disclosures

⁹ For example, in certain guidance materials such as [Information Sheet 215](https://www.asic.gov.au/about-asic/news-centre/speeches/ai-a-blueprint-for-better-banking/) and [Regulatory Guide 255](https://www.asic.gov.au/about-asic/news-centre/speeches/an-australian-regulator-s-view-on-financial-technology/), and in prior speeches of senior ASIC executives such as <https://www.asic.gov.au/about-asic/news-centre/speeches/ai-a-blueprint-for-better-banking/>, <https://www.asic.gov.au/about-asic/news-centre/speeches/an-australian-regulator-s-view-on-financial-technology/>, <https://www.asic.gov.au/about-asic/news-centre/speeches/asic-s-approach-to-innovation/>.



available digitally and notifying the client that the disclosure is available) to ensure regulated entities can effectively deliver notices and other disclosures to customers through digital platforms and applications that customers regularly engage with.

- **Practical Suggestion 2 (technologically neutral disclosure methods):** Consistent with [Practical Suggestion 4] discussed above, we recommend digital disclosure methods be as technology neutral as possible. This means avoiding the mandate of specific digital disclosure or consent methods, allowing for flexibility in response to the evolving nature of digital interactions with customers.

Next steps

FinTech Australia appreciates the opportunity to contribute to this consultation and looks forward to continued engagement with ASIC. We would welcome the opportunity to meet with you or your team to discuss regulatory simplification in more detail and explore how we can work together to achieve this objective.

To arrange a meeting, please contact [REDACTED], Director of Policy at policy@fintechaustralia.org.au.