

## ABA Member Feedback on ASIC RG183 Consultation

<b>General observations</b>	<ul style="list-style-type: none"> <li>• The ABA and its members are generally supportive of the proposed changes e.g. better alignment with legislative requirements such as the 5-year independent review cycle. Some specific comments for consideration are detailed below.</li> <li>• The ABA notes the proposed changes to Enforceable Code provisions and reiterates the issues we see with this regime as previously outlined by us in our <a href="#">application for Code approval</a>. ASIC should reconsider this feedback given the guidance specifically references pecuniary penalties (see <a href="#">proposed update RG183.24</a>) and reportable breaches (see <a href="#">proposed update RG 183.31</a>).</li> <li>• We also note that the draft makes references to other ASIC documents such INFO 151 and RG 78. These documents should also be amended to ensure they are aligned to the proposed updates e.g. updates relating to Enforceable Code provisions.</li> </ul>
<b>Reporting code breaches to ASIC</b>  <b>(RG183.30-31)</b>	<p>This section would benefit from more clarity and guidance on the practical implementation of any breach reporting to ASIC relating to Enforceable Code provision breaches. Specifically:</p> <ul style="list-style-type: none"> <li>• The Corporations Regulations (Regulations 7.6.02A) and the corresponding provisions for the NCCPA (Regulations 12A), remove the requirement to automatically report to ASIC breaches of enforceable code provisions which are 'deemed significant'.</li> <li>• To avoid any confusion, ASIC should clarify what it means by a 'significant' breach of an Enforceable Code provision. Paragraph RG 183.31 should provide clear guidance which outlines ASIC's consideration of what breaches it considers are significant for ASIC approved codes.</li> </ul>