Commonwealth of Australia Gazette
MDP02/26, Wednesday, 15 July 2026 Published by ASIC

ASIC Gazette

Contents

Markets Disciplinary Panel: Infringement Notice

Recipient: WealthHub Securities Limited

The recipient has complied with the infringement notice. Compliance is not an admission of guilt or liability; and the recipient is not taken to have contravened subsection 798H(1) of the *Corporations Act 2001*

ISSN 1445-6060 (Online version)
ISSN 1445-6079 (CD-ROM version)

Available from **www.asic.gov.au**
Email **gazette.publisher@asic.gov.au**

PART 7.2A OF THE CORPORATIONS REGULATIONS 2001
INFRINGEMENT NOTICE

To: WealthHub Securities Limited
ACN 089 718 249
Level 28, 395 Bourke Street
MELBOURNE VIC 3000

Matter: MDP 1223/25

Date given: 16 June 2026

TAKE NOTICE: The Australian Securities and Investments Commission (***ASIC***) gives this infringement notice to WealthHub Securities Limited ACN 089 718 249 (***WealthHub***) under regulation 7.2A.04 of the *Corporations Regulations 2001* (***Regulations***), which is made for the purposes of section 798K of the *Corporations Act 2001* (***Corporations Act***).

To comply with this notice, WealthHub must pay a penalty to ASIC, on behalf of the Commonwealth, in the sum of **$1,055,000**.

The importance of Regulatory Data for ASIC

1. From 28 July 2014, Rule 5A.2.1 of the *ASIC Market Integrity Rules (Competition in Exchange Markets) 2011* (**Competition Rules**) required market participants to provide Regulatory Data to the Market operator in an Order transmitted to an Order Book of that Market operator and in Trade Reports made to that Market operator. From 7 May 2018, these obligations were replaced by an equivalent obligation in Rule 7.4.2 of the *ASIC Market Integrity Rules (Securities Markets) 2017* (**Rules**).

2. ASIC published Regulatory Guide 223: *Guidance on ASIC market integrity rules for competition in exchange markets* in May 2015. This document was superseded by ASIC Regulatory Guide 265: *Guidance on ASIC Market Integrity Rules for Participants of Securities Markets* (**Regulatory Guide 265**).

3. Regulatory Guide 265 relevantly provides at RG265.436:

   ‘*The data provided by market participants to market operators and ASIC will help us to carry out our function of supervising and ensuring the integrity of Australia’s licensed financial markets, including:*

   (a) detecting market abuse;
   (b) monitoring market orderliness and integrity; and
   (c) analysing market structure, trends and quality’.

4. On the importance of the Intermediary ID, Regulatory Guide 256 at 265.475 provides:

> *'Where an order originates from the client of an AFS licensee that acts as an intermediary for its own clients and that has a specific arrangement with the market participant for access to the market (typically known as an online 'white label' broking arrangement), the market participant must take all reasonable steps to identify the AFS licence number of the intermediary on orders and the relevant buy and/or sell side of trade reports: see item 4 of the table in Rule 7.4.4.'*

5. For specific arrangements such as those adopted by WealthHub, Regulatory Guide 265 at 265.476 provides:

> *'The 'specific arrangement with the market participant for access to the market' includes, for example, an arrangement where a participant provides an AFS licensee (indirect market participant) with a platform under which the licensee may enter orders on behalf of its clients into the participant's trading system. The participant may provide a website containing the licensee's branding—however, the licensee's clients will have a share trading agreement with the participant, who provides execution services for those clients. In this scenario, a participant must provide the licence number of the AFS licensee in the intermediary ID field.'*

6. In September 2021, ASIC published the Market Integrity Update – Issue 130, reminding market participants of their obligations to provide accurate and complete Regulatory Data and noted:

   (a) the data is used for market surveillance;

   (b) that the data is also used to calculate levies to be paid by securities dealers and an incorrect intermediary ID may impact the levies paid by clients;

   (c) to check that data provided is accurate and any errors relating to the intermediary ID should be reported to ASIC;

   (d) a number of infringement notices had been issued by the MDP to address non-compliance with regulatory obligations; and

   (e) failure to comply can attract a penalty (at that time) of up to $3.15 million.

Background

7. At all relevant times, WealthHub was a Market Participant and Trading Participant of the ASX Market and the Cboe Market.

8. WealthHub is a wholly owned subsidiary of National Australia Bank Limited (**NAB**). WealthHub provides execution, clearing and settlement services via its two business units:

   (a) nabtrade. Six AFS licence intermediary clients use the nabtrade trade and investment platform; and

   (b) Its private wealth business JBWere Ltd (**JBWere**).

9. On 18 April 2019, ASIC sent a letter to WealthHub outlining the obligation to accurately report Regulatory Data, including specific reference to the Intermediary ID. ASIC requested that WealthHub conduct a review of its arrangements to provide Regulatory Data to a Market operator and advise ASIC of the findings of its review. In addition, ASIC asked for details of any inaccuracies in Regulatory Data provided from 1 July 2018.

10. On 7 June 2019, WealthHub responded, informing ASIC that between 1 July 2018 and 9 May 2019, it had not populated the correct Intermediary ID field for orders placed by two AOP clients in relation to trades totalling more than $6 million. WealthHub noted that the issue was remediated on 9 May 2019.

11. Between 1 October 2019 and 23 October 2019, ASIC corresponded with WealthHub regarding discrepancies in industry funding based on Regulatory Data submitted by WealthHub. WealthHub informed ASIC that it had reviewed Intermediary IDs on accounts trading on behalf of NAB (i.e. NAB Investment Services and FIG Credit Trading) between 1 January 2019 and 3 October 2019. As a result of that review WealthHub did not consider there were any deficiencies in its reporting arrangements that would affect industry funding but that '*there are inconsistent applications of some regulatory data details that we are seeking to standardise.*'

12. Between 15 October 2020 and 29 October 2020, ASIC again wrote to WealthHub regarding discrepancies in its Regulatory Data. WealthHub confirmed after several requests for clarification that incorrect details were provided in relation to 93 AFS licence holders during financial year 2019/20.

13. On 9 April 2021, ASIC issued a notice to WealthHub requesting a copy of an internal memorandum regarding Regulatory Data. In response, on 23 April 2021, WealthHub provided a memorandum titled 'Regulatory Data and Industry Funding – JBWere orders' dated 24 November 2020 (**November 2020 Memorandum**), which included the following information:

    (a) WealthHub, following discussions with ASIC, identified that JBWere Orders did not include the AFS licence number of JBWere in the Intermediary ID field from July 2014;

    (b) it was determined that this was caused by an incorrect analysis and understanding of the regulatory change introduced in 2014 which resulted in the incorrect design of the automated system and a failure to report the Intermediary ID;

    (c) in 2019, a further review of the Intermediary ID data put in place another incorrectly designed reporting system. This resulted in the AFS licence of JBWere business partners, rather than AFS licence of JBWere, being entered in the Intermediary ID field; and

    (d) the number of orders impacted by having incorrect Intermediary ID was estimated to be a multiple of the 1 million trade confirmations issued for JBWere and that work was being undertaken to identify this number.

14. On 24 November 2021, ASIC wrote to WealthHub regarding its failures to meet its

Regulatory Data reporting obligations in the 2019/20 financial year, including to correctly input the Intermediary ID for 153 securities dealers. This caused significant manual administrative work for ASIC to amend the industry funding calculations for the affected securities dealers and advise the affected securities dealers of the changes of their industry funding levy. ASIC's letter reminded WealthHub of its breach reporting obligations and stated that it was not a 'no-action letter' under Regulatory Guide 108.

15. On 8 July 2022, ASIC sent an email to WealthHub which requested WealthHub to provide any amendments to its Regulatory Data for Intermediary IDs for the financial year 2021/22 and on 15 July 2022, WealthHub provided a 'preliminary assessment' in response.

16. On 12 January 2023, WealthHub submitted a reportable situation to ASIC advising that it had failed to comply with Rule 7.4.2 of the Rules. WealthHub had determined the breach to constitute a significant breach within the meaning of s912D(1)(a) of the Corporations Act (**January 2023 Reportable Situation**).

17. WealthHub identified in its January 2023 Reportable Situation that there were 61,881 breaches of Rule 7.4.2 flowing from three Regulatory Data discrepancies where on-market transactions traded in financial year 2021/22:

    (a) transactions for a number of "INSTO and JBWere house accounts", with a total traded value of $440,165,807 did not have JBWere's AFS licence number included in the Intermediary ID (**Regulatory Data Issue 1**);

    (b) transactions with a total traded value of $10,729,494 included Godfrey Pembroke Group Pty Ltd's (**Godfrey Pembroke**) AFS licence number (instead of JBWere's AFS licence number (**Regulatory Data Issue 2**); and

    (c) transactions with a total traded value of $29,974,910 included the GWM Adviser Services Ltd (**GWMAS**) AFS licence instead of the correct new broker AFS licence following the de-merger of NAB and MLC (**Regulatory Data Issue 3**).

18. The MDP noted that both Godfrey Pembroke and GWMAS were related parties to WealthHub until the de-merger of NAB and MLC in mid-2021.

19. The January 2023 Reportable Situation confirmed that the cause of the JBWere breaches in Regulatory Data Issue 1 extended back to November 2020 and WealthHub would need to clarify the impacted number of transactions during the earlier period. This is despite the November 2020 Memorandum identifying that the JBWere AFS licence number was not being provided from 2014.

20. On 30 May 2023, WealthHub submitted a reportable situation to ASIC providing an update to their investigation into issues identified in the January 2023 Reportable Situation (**May 2023 Reportable Situation**). WealthHub advised that the total number of impacted orders was 19,070 parent orders (the number of child orders, which are Orders as defined in the Rules, submitted to the Market operator was not provided). WealthHub also stated that it had remediated all of the Intermediary ID issues and were assessing monitoring solutions to identify any Regulatory Data issues as they arise.

21. On 4 July 2023, ASIC issued a notice seeking information regarding WealthHub's Regulatory Data breaches, including whether it had conducted any reviews to ensure compliance with Rule 5A.2.1 of the Competition Rules or Rule 7.4.2 of the Rules. On 31 July 2023, WealthHub responded to ASIC's notice and provided further details regarding WealthHub's Regulatory Data issues and remediation undertaken.

22. WealthHub's response also confirmed that in December 2016 and January 2021, NAB's Internal Audit team conducted audits but the scope did not specifically extend to review its management of Rule 5A.2.1 of the Competition Rules and Rule 7.4.2 of the Rules.

23. On 18 January 2024, WealthHub submitted a reportable situation to ASIC, providing an update on its May 2023 Reportable Situation (**January 2024 Reportable Situation**). WealthHub confirmed that additional investigations into their May 2023 Reportable Situation resulted in their impacted orders being revised to 94,150 orders (previously reported as 19,070 parent orders) that were submitted with the incorrect Intermediary IDs.

24. On 24 September 2024, WealthHub wrote to ASIC advising that there was a discrepancy of $580,128 between ASIC's data and JBWere's reconciliation.

25. On 28 April 2025, WealthHub submitted a reportable situation to ASIC providing an update on its January 2024 Reportable Situation confirming that the root cause of the breaches was 'Staff-Negligence/error'.

Alleged Contraventions – Regulatory Data

26. Rule 7.4.2 of the Rules provides:

    (1) A Participant must provide Regulatory Data to a Market operator in an Order transmitted to an Order Book of that Market operator.

    (2) A Participant must provide Regulatory Data to a Market operator in a Trade Report made to that Market operator, for each side of the transaction for which the Participant acted as agent on behalf of a client, or as Principal.

27. Regulatory Data is defined in Rule 7.4.4 and includes in relation to Intermediary ID:

    For each side (buy and/or sell) of the order or transaction on which:

    (a) the Participant acts as agent for an AOP Client that is an AFSL holder; and

    (b) the Participant has an arrangement with the AFSL holder under which the AFSL holder is permitted to submit Trading Messages into the Participant's system as intermediary for its own clients,

    the AFSL number of the AFSL holder.

28. Prior to 7 May 2018, these obligations were operative under Rule 5A.2.1 of the Completion Rules.

29. The MDP considered that it has reasonable grounds to believe that WealthHub breached Rule 5A.2.1(1) of the Competition Rules and Rule 7.4.2(1) of the Rules due to Orders

transmitted to an Order Book not providing the correct, or any, Intermediary ID information set out in Regulatory Data Issues 1 to 4 below.

30. The MDP also considered that it has reasonable grounds to believe that WealthHub breached Rule 5A.2.1(2) of the Competition Rules and Rule 7.4.2(2) of the Rules due to Trade Reports made to the Market operator containing the same errors.

31. WealthHub has not contested these alleged contraventions.

Regulatory Data Issue 1 - Intermediary ID not provided for JBWere Orders

32. Following a meeting with ASIC in October 2020, WealthHub identified an error in its assessment and implementation of the process for populating the Intermediary ID field for orders placed by JBWere, on behalf of JBWere's clients through WealthHub's AOP system.

33. WealthHub's subsequent investigation identified that:

(a) a persistent data error had occurred since 28 July 2014, where each JBWere order was sent to the Market operator with a blank Intermediary ID;

(b) the issue was caused by a failure to correctly interpret and implement a regulatory change in 2014, resulting in the incorrect design of WealthHub's AOP system; and

(c) the issue was not wholly addressed at the time of a previous review conducted in 2019.

34. WealthHub advised that the duration of Regulatory Issue 1 extended from July 2014, and despite the technology change being released into production on 29 November 2020, errors carried over to 29 November 2022.

35. ASIC analysis identified the issue continued beyond this point and that the error occurred on 9,586,169 occasions in total between 28 July 2014 and 31 October 2024 (inclusive).

36. The MDP considered it had reasonable grounds to believe that WealthHub breached Rule 5A.2.1(1) of the Competition Rules from 28 July 2014 to 7 May 2018 and Rule 7.4.2(1) of the Rules from 8 May 2018 to 31 October 2024. This is because WealthHub failed to populate the Intermediary ID field for some Orders from JBWere with JBWere's AFS licence number and instead left it blank on 9,586,169 occasions.

37. ASIC also identified that Intermediary ID did not include JBWere's AFS licence number for 322 Trade Reports during the period 28 July 2014 to 31 October 2024.

38. The MDP considered it had reasonable grounds to believe that WealthHub also breached Rule 5A.2.1(2) of the Competition Rules from 28 July 2014 to 7 May 2018 and Rule 7.4.2(2) of the Rules from 8 May 2018 to 31 October 2024. This is because WealthHub failed to populate the Intermediary ID field for some Trade Reports with JBWere's AFS licence number and instead left it blank on 322 occasions.

Regulatory data Issue 4 – Incorrect Intermediary ID entries for JBWere accounts

39. On its review and analysis of the matter, ASIC identified further instances where WealthHub failed to populate the Intermediary ID field for Orders from JBWere with the correct AFS licence number and instead provided either an AFS licence number relating to a different AFS licence holder, the AFS licence number of Godfrey Pembroke, or was left blank.

40. ASIC identified 44,791 further individual instances between 18 April 2018 and 29 February 2024 (inclusive).

41. The MDP considered it had reasonable grounds to believe that WealthHub further breached Rule 5A.2.1(1) of the Competition Rules from 18 April 2018 to 7 May 2018 and Rule 7.4.2(1) of the Rules from 8 May 2018 to 29 February 2024 by incorrectly or not populating the AFS licence number of JBWere on 44,791 occasions.

42. The MDP considered that Regulatory Data Issues 1 and 4 should be treated as a single course of conduct from 28 July 2014 to 31 October 2024.

Regulatory Data issue 2 - Godfrey Pembroke's AFS licence number provided in the intermediary field for JBWere orders

43. WealthHub's back office team incorrectly changed the AFS licence number on some JBWere accounts from the JBWere AFS licence number to the Godfrey Pembroke AFS licence number.

44. This issue was identified by WealthHub following ASIC's request on 8 July 2022 to WealthHub to provide any amendments for intermediary Regulatory Data.

45. ASIC identified 1,173 instances of this error from 31 August 2021 to 12 August 2022.

46. The MDP considered it had reasonable grounds to believe that WealthHub breached Rule 7.4.2(1) of the Rules by incorrectly changing the AFS licence number on some accounts from JBWere on 1,173 instances from 31 August 2021 to 12 August 2022.

Regulatory Data Issue 3 – Incorrectly recording AFS licence

47. WealthHub advised ASIC that transactions executed on-market after 1 June 2021, when GWMAS had ceased financial services, continued to display the AFS licence number of GWMAS in the Intermediary ID field instead of the AFS licence number of new intermediaries. This followed GWMAS ceasing to provide financial services following the NAB/MLC demerger.

48. This issue was also identified by WealthHub following ASIC's request on 8 July 2022 to WealthHub to provide any amendments for intermediary Regulatory Data.

49. WealthHub advised that the duration of the issue was from May 2021 to June 2022. However, ASIC's data analysis identified that this issue persisted from 5 January 2021 to 7 July 2022 (inclusive), where WealthHub incorrectly populated the Intermediary ID

field with GWMAS's AFS licence number instead of the correct intermediaries on 5,143 individual occasions.

50. The MDP considered it had reasonable grounds to believe that WealthHub breached Rule 7.4.2(1) of the Rules by populating the incorrect AFS licence number of GWMAS on 5,143 instances from 5 January 2021 to 7 July 2022.

51. The MDP considered that Regulatory Data Issues 2 and 3 should be treated as a single course of conduct from 5 January 2021 to 12 August 2022.

Alleged Contraventions – Organisational and Technical Resources

52. Rule 5.5.2 of the Rules provides:

A Trading Participant must have and maintain the necessary organisational and technical resources to ensure that:

....

(b) *the Trading Participant complies at all times with these Rules and the operating rules of all Markets of which it is a Trading Participant.*

53. Prior to 7 May 2018, these obligations were operative under Rule 5.5.2 of the *ASIC Market Integrity Rules (ASX Market) 2010* (**ASX Market Rules**).

54. Organisational and technical resources are the combined human, financial and technological assets of and available to WealthHub that are dedicated to the task of ensuring it complies with the relevant rules. The establishment, maintenance, monitoring and regular review of technology systems, by people with the appropriate expertise, is a fundamental responsibility of a Market Participant.

55. While WealthHub may have had resources including human resources, and had access to resources from the wider NAB Group, the MDP considered that they lacked the capacity and capability to identify and rectify the breaches in a timely and effective manner.

56. WealthHub misinterpreted the Regulatory Data obligations regarding its understanding of the need to include JBWere, a separate entity and holder of a separate AFS licence, into the Intermediary ID field, regardless of whether it was a related entity. This error led to inadequate design specification for the automated system which provided incorrect Regulatory Data to the Market operator from 28 July 2014, when the regulatory requirement came into effect.

57. WealthHub's error continued undetected for a long time. WealthHub should have had the necessary resources to review its systems including reviewing and testing the assumptions that have been made underpinning those systems. The MDP are concerned that WealthHub did not apply the necessary resources to undertake such a review.

58. Further, NAB's Internal Audit function conducted audits in December 2016 and January 2021, separate to ASIC's request for a review of the four Regulatory Data issues.

However, the scope of NAB's audits did not include any review of WealthHub's compliance with Competition Rule 5A.2.1 or Rule 7.4.2 and therefore failed to identify any Regulatory Data issues.

59. When it became aware of the errors, WealthHub did not apply appropriate resources capable of getting a complete understanding of the root cause of the failure and to address the problem promptly.

60. The MDP considered it had reasonable grounds to believe that WealthHub breached Rule 5.5.2 of the ASX Market Rules from 28 July 2014 to 7 May 2018 and Rule 5.5.2 of the Rules from 8 May 2018 to 31 October 2024.

The determination of penalty

61. In determining the appropriate penalty for each alleged contravention, the MDP considered the four key factors set out in *ASIC Regulatory Guide 216: Markets Disciplinary Panel* (***RG 216***), namely:

(a) the character of the conduct;

(b) the consequences of the conduct;

(c) the participant's compliance culture; and

(d) remedial steps taken by the participant.

Character of the conduct

62. Providing Regulatory Data is a core obligation of Market Participants. It is used by ASIC to help it carry out its function of supervising and ensuring integrity of the market. The Intermediary ID field is important for ASIC's market surveillance and monitoring to effectively identify those Orders placed by AFS licensees, such as securities dealers, via Market Participants. It is also used to calculate the industry funding levies paid by securities dealers.

63. Regulatory Data Issue 1 was initially caused by a failure to interpret the Competition Rules correctly when introduced to ensure the Intermediary ID field identified the individual AFS licence details for orders placed through related entities within the NAB Group.

64. The Regulatory Data Issues 2 to 4 and the perpetuation of Regulatory Data Issue 1 was caused by a combinations of incorrect system design, implementation and testing, technology systems governance and testing deficiencies, inadequate staff training, poor project planning and failure to allocate sufficient organisational resources to projects and ineffective remediation by the failure to have competent and capable organisational and technical resources. Further, WealthHub's internal review and audit processes failed to identify the misreporting.

65. The failure to provide accurate Regulatory Data continued for approximately 10 years,

although the MDP notes that, for Regulatory Data Issues 2 and 3, there were fewer breaches and they were over a shorter period. The MDP also noted that the number of breaches overall reduced substantially after 2022 with a small number in the 2023 and 2024 period being caused by other factors.

66. The MDP considers that WealthHub should have been aware of the deficiencies in its processes. Further, on becoming aware, while WealthHub made attempts to fix the errors, it was unable to do so comprehensively for an extended period.

67. The MDP considered the contraventions to be careless.

Consequences of the conduct

68. The MDP considered the consequences of the alleged contravention were less significant.

69. The MDP noted that providing accurate Regulatory Data is a core obligation of Market Participants and is also critical to market integrity because ASIC relies upon such data to conduct surveillances. However, in this instance it did not directly impact the outcome of ASIC's surveillance.

70. Similarly, the MDP noted that while the incorrect Regulatory Data would impact the levies imposed on intermediary entities, it is not clear if it had significant or any reduction on the total levies paid by the NAB Group.

71. The MDP also noted that the breaches had no impact on clients and there was no benefit to WealthHub, or the NAB Group, as a result.

72. The MDP considered this factor to be neutral.

Compliance culture

73. The MDP considered that there were indications that WealthHub had a good compliance culture and was responsive to ASIC's concerns. It appeared to make efforts to provide timely responses to ASIC although these were not always fulsome responses, which may have been due to the lack of capability and a lack of priority given to resolving the issue.

74. The MDP also noted WealthHub's good compliance record as it has not been issued with any infringement notices by the MDP previously.

75. However, the MDP noted that WealthHub's failure to pro-actively test its controls around Regulatory Data reflect poorly on its compliance culture. The MDP also noted that WealthHub had multiple opportunities to fully fix the errors. While it made efforts to do so, it did not review its systems nor controls effectiveness in enough depth and look at the root cause and take the necessary steps to fully understand the issue and ensure the problems were fully rectified. This also reflects poorly on compliance culture.

76. The MDP was also concerned that WealthHub did not submit a reportable situation to ASIC prior to January 2023 Reportable Situation. The MDP also considered this reflected poorly on WealthHub's compliance culture.

Remedial steps

77. The MDP were concerned about the adequacy of WealthHub's steps to remediate the breaches.

78. WealthHub first informed ASIC in June 2019 that it had not populated the correct Intermediary ID field for orders placed by two AOP Clients in relation to trades totalling more than $6 million and noted that the issue was remediated on 9 May 2019. This followed ASIC's letter in April 2019 requesting that WealthHub conduct a review of its arrangements to provide Regulatory Data and advise of details of any inaccuracies in Regulatory Data provided from 1 July 2018. However, the ASIC letter did not identify any specific errors by WealthHub.

79. Yet the breaches continued to occur for five years. Further breaches were detected by WealthHub and ASIC and WealthHub took several attempts to fix the problems, but inaccurate Regulatory Data continued to be provided over several years.

80. The MDP considers that WealthHub should have taken steps to understand why the errors continued to occur. This should have caused WealthHub to consider whether its organisational and technical resources had the capacity and capability to ensure WealthHub was complying with its Regulatory Data obligations.

81. The MDP also noted an external independent review of WealthHub's systems should have picked up the errors and identified steps to ensure the breaches would not continue.

82. The MDP considers that WealthHub's failure to adequately remediate the breaches and the underlying causes of the breaches in a timely manner to be aggravating.

Penalty

Regulatory Data

83. The MDP considered that Regulatory Data Issues 1 and 4 should be treated as a single course of conduct from 28 July 2014 to 31 October 2024 and the penalty should apply to the first contravention on 28 July 2014 with no penalty being specified for each subsequent contravention.

84. The maximum penalty for a single contravention for a breach of Rule 5A.2.1 of the Competition Rules for conduct on 28 July 2014 was $600,000.

85. Having regard to the circumstances, including the extent and duration of the breaches, the MDP considered a penalty in the mid-range of $200,000 to $400,000, and just below middle of that range, is appropriate. It decided to impose a penalty of **$250,000**.

86. The MDP considered that Regulatory Data Issues 2 and 3 should be treated as a single course of conduct from 5 January 2021 to 12 August 2022 and the penalty should apply to the first contravention on 5 January 2021 with no penalty being specified for each subsequent contravention.

87. The maximum penalty for a single contravention for a breach of Rule 7.4.2(1) of the Rules for conduct on 5 January 2021 was $3,330,000 (15,000 penalty units with a penalty unit of $222).

88. Having regard to the circumstances, noting the lower number of breaches and the period over which they occurred was shorter for Regulatory Data Issues 2 and 3, the MDP considered a penalty in the middle of the low-range of 0-5,000 penalty units was appropriate. It decided to impose a penalty of 2,500 penalty units being **$555,000**.

Organisational and Technical Resources

89. The MDP considered that failure to have and maintain the required organisational and technical resources should be treated as a single course of conduct from 28 July 2014 to 31 October 2024 and the penalty applicable on 28 July 2014 should apply.

90. The maximum penalty applicable for a breach of Rule 5.5.2 of the ASX Market Rules on 28 July 2014 was $600,000.

91. Having regard to the circumstances, the MDP considered a penalty in the mid-range of $200,000 to $400,000, and just below middle of that range, was appropriate. It decided to impose a penalty of **$250,000**.

Total Penalty

92. The total penalty for the alleged contraventions outlined above is **$1,055,000**.

93. When imposing the total penalty, the MDP considered the size of WealthHub as a Market Participant, and the NAB Group that WealthHub belonged to, and the need for the penalty to be an appropriate deterrent to WealthHub and other Market Participants.

Other information

Conduct before 13 March 2019

The maximum pecuniary penalty payable under an infringement notice in relation to an alleged contravention of subsection 798H(1) of the Act, by reason of contravening Rule 5A.2.1 of the Competition Rules, Rule 5.5.2 of the ASX Market Rules and Rules 7.4.2 and 5.5.2 of the Rules for conduct prior to 13 March 2019 is $600,000 for each contravention.

The maximum pecuniary penalty that a Court could order WealthHub to pay for contravening subsection 798H(1) of the Act, by reason of contravening Rule 5A.2.1 of the Competition Rules, Rule 5.5.2 of the ASX Market Rules and Rules 7.4.2 and 5.5.2 of the Rules, for conduct prior to 13 March 2019, is $1,000,000 for each contravention.

Conduct on or after 13 March 2019

The maximum pecuniary penalty payable under an infringement notice in relation to an alleged contravention of subsection 798H(1) of the Act, by reason of contravening Rules 7.4.2 and 5.5.2 of the Rules for conduct on or after 13 March 2019 is $3,150,000 for each contravention occurring between 13 March 2019 and 30 June 2020, $3,330,000 for each contravention occurring between 1 July 2020 and 31 December 2022, $4,125,000 for each contravention between 1 January 2023 and 30 June 2023 and $4,695,000 for each contravention between 1 July 2023 and 6 November 2024.

Note: The maximum pecuniary penalty is 15,000 penalty units for a body corporate: see subsection 798K(2) of the Act. The amount of a penalty unit was $210 between 13 March 2019 and 30 June 2020, $222 between 1 July 2020 and 31 December 2022, $275 between 1 January 2022 and 30 June 2023 and $313 between 1 July 2023 and 6 November 2024: see subsection 4AA(1) of the Crimes Act 1914.

The maximum pecuniary penalty that a Court could order WealthHub to pay for contravening subsection 798H(1) of the Act (a civil penalty provision), by reason of contravening Rules 7.4.2 and 5.5.2 of the Rules, is determined by section 1317G of the Act.

Note: Under subsections 1317G(2) and (4), the maximum pecuniary penalty per contravention is the greatest of:

(a) 50,000 penalty units; and

(b) if the Court can determine the benefit derived and detriment avoided because of the contravention—that amount multiplied by 3; and

(c) either:

(i) 10% of the annual turnover of the body corporate for the 12-month period ending at the end of the month in which the body corporate contravened, or began to contravene, the civil penalty provision; or

(ii) if the amount worked out under subparagraph (i) is greater than an amount equal to 2.5 million penalty units—2.5 million penalty units.

Compliance with the Notice

To comply with this infringement notice, WealthHub must pay the penalty within the compliance period. The compliance period starts on the day on which this notice is given to WealthHub and ends 27 days after the day on which it is given. This penalty can be paid using the method detailed in the email by which this notice is given.

The effects of compliance with this infringement notice are:

(a) any liability of WealthHub to the Commonwealth for the alleged contraventions of subsection 798H(1) of the Act is discharged; and

(b) no civil or criminal proceedings may be brought or continued by the Commonwealth against WealthHub for the conduct specified in the infringement notice as being the conduct that made up the alleged contraventions of subsection 798H(1) of the Act; and

(c) no administrative action may be taken by ASIC under sections 914A, 915B, 915C or 920A of the Act against WealthHub for the conduct specified in the infringement notice as being the conduct that made up the alleged contraventions of subsection 798H(1) of the Act; and

(d) WealthHub is not taken to have admitted guilt or liability in relation to the alleged contraventions; and

(e) WealthHub is not taken to have contravened subsection 798H(1) of the Act.

WealthHub may choose not to comply with this infringement notice, but if WealthHub does not comply, civil proceedings may be brought against it in relation to the alleged contravention.

WealthHub may apply to ASIC for withdrawal of this infringement notice under regulation 7.2A.11 of the Regulations and for an extension of time to comply under regulation 7.2A.09 of the Regulations.

ASIC may publish details of this notice under regulation 7.2A.15 of the Regulations.

The unique code for this notice is MDP 1223/25.

Phillip Mines

Phillip Mines
Markets Disciplinary Panel Secretariat
with the authority of a Division of the Australian Securities and Investments Commission

Note: Members of the Markets Disciplinary Panel constitute a Division of ASIC as delegates of the members of the Division for the purposes of considering the allegations covered by this notice.