

Australian Securities and Investments Commission – Table of regulatory documents

Documents released during November 2022

New regulatory guides

Title	Release Date	Details	Media release and related documents
No new regulatory guides issued in November 2022.			

Amended or reissued regulatory guides

Title	Release Date	Details	Media release and related documents
RG 8 Administrative hearings: Principles and conduct	17/11/2022	<p>This guide is for persons who are the subject of ASIC’s administrative hearings.</p> <p>This guide sets out the principles and procedures adopted in the conduct of ASIC’s administrative hearings.</p> <p>Technical updates to ensure currency.</p> <p>NOTE: Title has changed from ‘Hearings practice manual’</p>	RG 98
RG 98 ASIC’s powers to suspend, cancel and vary AFS licences and make banning orders	17/11/2022	<p>This guide is for AFS licensees, their representatives, and advisers.</p> <p>It describes the administrative powers available to ASIC to enforce compliance with the Corporations Act, including the financial services licensing provisions, by suspending, cancelling and varying AFS licences and making banning orders. It also indicates the matters ASIC generally takes into account when exercising these powers.</p> <p>Technical updates to ensure currency.</p>	RG 8

Legislative instruments

Title	Dates	Details	Media release and related documents
ASIC (Supervisory Cost Recovery Levy—Regulatory Costs) Instrument 2022/889	<p><i>Issued 7/11/2022</i></p> <p><i>Registered 10/11/2022: F2022L01443</i></p> <p><i>Effective 11/11/2022: see also Section 2(2)</i></p>	<p><i>ASIC (Supervisory Cost Recovery Levy—Regulatory Costs) Instrument 2022/889</i> specifies the Australian Securities and Investments Commission's regulatory costs and their attribution to each industry sub-sector for the 2021-22 financial year.</p>	No MR
ASIC (Supervisory Cost Recovery Levy—Annual Determination) Instrument 2022/890	<p><i>Issued 7/11/2022</i></p> <p><i>Registered 10/11/2022: F2022L01444</i></p> <p><i>Effective 11/11/2022: see also Section 2(2)</i></p>	<p><i>ASIC (Supervisory Cost Recovery Levy—Annual Determination) Instrument 2022/890</i> specifies certain matters about the size and composition of the Australian Securities and Investments Commission's regulated population and of the metrics that apply to each industry sub-sector within that regulated population for the 2021-22 financial year.</p>	No MR

Title	Dates	Details	Media release and related documents
ASIC Corporations (Amendment) Instrument 2022/0940	<p><i>Issued 11/11/2022</i></p> <p><i>Registered 14/11/2022: F2022L01459</i></p> <p><i>Effective 15/11/2022 (day after registration)</i></p>	<p><i>ASIC Corporations (Amendment) Instrument 2022/0940 amends:</i></p> <ul style="list-style-type: none"> • <i>ASIC Corporations (Application Form Requirements) Instrument 2017/241</i> • <i>ASIC Corporations (Changing Scheme Constitutions) Instrument 2019/700</i> • <i>ASIC Corporations (Chapter 5C—Miscellaneous Provisions) Instrument 2017/125</i> • <i>ASIC Corporations (Exposure Period) Instrument 2016/74</i> • <i>ASIC Corporations (Externally-Administered Bodies) Instrument 2015/251</i> • <i>ASIC Corporations (Foreign Scrip Bids) Instrument 2015/357</i> • <i>ASIC Corporations (Registered Schemes—Differential Fees) Instrument 2017/40</i> • <i>ASIC Corporations (Removing Barriers to Electronic Disclosure) Instrument 2015/649</i> • <i>ASIC Corporations (Sale Offers: Securities Issued on Conversion of Convertible Notes) Instrument 2016/82</i> • <i>ASIC Corporations (Share and Interest Purchase Plans) Instrument 2019/547</i> • <i>ASIC Corporations (Shorter PDS and Delivery of Accessible Financial Products Disclosure by Platform Operators and Superannuation Trustees) Instrument 2022/497</i> • <i>ASIC Corporations (Top-up Product Disclosure Statements Relief) Instrument 2016/1054</i> • <i>ASIC Class Order [CO 13/656] Equality of treatment impacting on the acquisition of interests</i> • <i>ASIC Class Order [CO 13/721] Relief to facilitate quotation of exchange traded funds on the AQUA Market</i> • <i>ASIC Class Order [CO 13/1200] Periodic statements relief for AQUA quoted and listed managed investment scheme manager</i> 	No MR

Title	Dates	Details	Media release and related documents
ASIC Corporations (Financial Services Guides) Instrument 2022/910	<i>Issued 24/11/2022</i> <i>Registered 28/11/2022: F2022L01530</i> <i>Effective 29/11/2022 (day after registration)</i>	<i>ASIC Corporations (Financial Services Guides) Instrument 2022/910</i> exempts an authorised representative of a financial services licensee (the licensee) from the requirement to give a Financial Services Guide to a person as a retail client for the authorised representative providing a financial service on behalf of the licensee, subject to conditions.	No MR

Notifiable instruments

No notifiable instruments issued in November 2022			
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Consultation papers

Title	Release Date	Details	Media release and related documents
CP 365 Remaking ASIC class orders on takeovers, compulsory acquisitions and relevant interests	30/11/2022	<p>This consultation paper sets out ASIC’s proposals to remake a number of our class orders on takeovers, compulsory acquisitions and relevant interests into ASIC instruments. Under the <i>Legislation Act 2003</i>, these class orders will expire (‘sunset’) if not remade.</p> <p>We are seeking feedback from law firms, industry and other interested parties on our proposals to remake, without significant changes, these class orders into instruments.</p> <p>On 23 November 2022, the Government introduced the first tranche of legislation to move nominal modifications of the law currently in legislative instruments made by ASIC directly into the primary Acts and regulations. As those instruments approach their end dates, Treasury and ASIC will progressively review the instruments to determine whether the structure and navigability of the law would be improved if the instruments were instead contained in the primary law or regulations. We are seeking feedback on our proposals to remake these instruments if they are not incorporated into the primary law as part of a future incorporation process before they are due to expire.</p> <p>Note: The draft ASIC instruments are available on our website at www.asic.gov.au/cp under CP Error! Unknown document property name..</p>	<p>MR 22-331</p> <p>Attachments 1 to 9 (Draft legislative instruments)</p>

Reports

Title	Release Date	Details	Media release and related documents
REP 750 Response to submissions on CP 356 ETP naming conventions: Updates to INFO 230	24/11/2022	<p>This report highlights the key issues that arose out of the submissions received on Consultation Paper 356 <i>ETP naming conventions: Updates to INFO 230</i> (CP 356) and details our responses to those issues.</p>	<p>MR 22-325</p> <p>INFO 230</p>

New rules

Title	Dates	Details	Media release and related documents
No rules issued in November 2022			

Registered waivers

Title	Dates	Details	Media release and related documents
ASIC Market Integrity Rules (Securities Markets) NSXA and SSX Markets (Operators and Participants) Class Waiver 2022/881	<i>Issued 14/11/2022</i> <i>Registered 15/11/2022: F2022L01460</i> <i>Effective 17/11/2022 (later of day after registration or 17 November 2022)</i>	<i>ASIC Market Integrity Rules (Securities Markets) NSXA and SSX Markets (Operators and Participants) Class Waiver 2022/881 remakes the ASIC Market Integrity Rules (Securities Markets) Class Waiver 2018/258, ASIC Waiver 18/260 and ASIC Waiver 18/261, consolidates them into a single legislative instrument, and extends the operation of the relief granted under them to 17 November 2024.</i>	No MR

Determinations

Title	Dates	Details	Media release and related documents
No determinations issued in November 2022			

Orders

Title	Dates	Details	MR and related documents
No orders issued in November 2022			

Information sheets

Title	Status	Release Date	Comments	Media release and related documents
INFO 230 Exchange traded products: Admission guidelines	23/11/2022	Reissued	<p>Updated guidance on naming conventions for licensed Australian exchanges that admit exchange traded products (ETPs), dividing the naming conventions into two levels of labelling:</p> <ul style="list-style-type: none"> • primary labels ('ETF' and 'Structured Product') based on product type; and • secondary labels ('Active' and 'Complex') for products with specific risks or strategies. 	<p>MR 22-325 REP 750</p>

Other documents

Title	Release Date	Details	MR and related documents
Letter to insurers about severe weather events (PDF 321 KB)	7/11/2022	ASIC has written to general insurers about insurance claims and severe weather events.	News item