

### CRIS: ASIC INDUSTRY FUNDING MODEL (2024-25)

This document is part of ASIC's 2024–25 CRIS. It should be read in conjunction with the other documents that make up the CRIS, including the key terms.

# Investment management, superannuation and related services sector

#### **Key points**

This document outlines:

- our work during 2024–25 to regulate the investment management, superannuation and related services sector—for our ongoing regulatory activities, see paragraphs 3–6, and for our strategic work, see Table 1;
- the estimated levies to recover our costs—for a summary of the estimated levies for each subsector, see Table 2; and
- more detailed breakdowns of estimated costs for each subsector—see paragraphs 11–18.

The estimated levies are a guide only. The final levies will be based on our actual cost of regulating each subsector in 2024–25.

# Overview of the investment management, superannuation and related services sector

- The investment management, superannuation and related services sector consists of Australian financial services (AFS) licensees with authorisations to:
  - (a) operate registered managed investment schemes (responsible entities);
  - (b) operate a notified foreign passport fund or a regulated former notified fund (operators of notified foreign passport funds and regulated former notified funds);

Note: There are currently no entities in this subsector.

- (c) issue or arrange for the issue of interests in a managed investment scheme to wholesale clients (wholesale trustees);
- (d) provide custodial and depository services (custodians);
- (e) issue interests in managed discretionary account services (MDA providers);
- (f) operate an investor directed portfolio service (IDPS operators);
- (g) provide traditional trustee company services (traditional trustee company service providers); and
- (h) provide a crowdfunding service (crowd-sourced funding (CSF) intermediaries).

Note: CSF intermediaries are not currently a separate subsector under the industry funding model. As a result, the regulatory costs for CSF intermediaries will be allocated proportionally across all subsectors as a statutory levy.

Registrable superannuation entity (RSE) licensees (within the meaning of the *Superannuation Industry (Supervision) Act 1993* (SIS Act)) also fall within the investment management, superannuation and related services sector (as 'superannuation trustees').

Note: Superannuation trustees are required to hold an AFS licence with authorisations to deal in superannuation and to provide a superannuation trustee service.

#### Our ongoing regulatory work

- We use the full suite of our regulatory tools (<u>ASIC Annual Report 2023–24</u>, <u>Chapter 2</u>) to promote integrity in this sector in order to bring about sound consumer and investor outcomes. This includes:
  - (a) assessing and responding to compliance and misconduct issues reported to ASIC, or otherwise identified by ASIC through proactive or reactive surveillances;
  - (b) where appropriate, taking enforcement action to address misconduct (such as fraud and misleading or deceptive conduct). This action may span several years; and
  - (c) communicating and consulting with ASIC's stakeholders, including professional bodies and associations, agencies and other regulators. We engage with stakeholders to ensure harms that threaten good investor and consumer outcomes are identified and addressed. Through our stakeholder engagement, we influence our regulated population to improve compliance and minimise consumer harm, while improving our understanding of issues and industry developments.

- We expend a large amount of regulatory effort within this sector because of the large number of interactions entities in this sector have with retail and institutional investors, and the potential harm to consumers, investors and markets.
- We work closely with the Australian Government and other regulatory agencies (particularly the Australian Prudential Regulation Authority (APRA)) to achieve a coordinated approach to regulation.
- We continue to support law reform and contribute to policy development.

  This includes the Australian Government's final response to the <u>Quality of Advice Review</u>, such as its <u>Delivering better financial outcomes</u> package.

#### Strategic work in this sector

- ASIC's <u>Corporate Plan 2024–25</u> outlines our strategic priorities for the next four years and our planned actions for 2024–25.
- Our strategic priorities also inform our <u>2025 enforcement priorities</u> which communicate our intent to industry and indicate where we will direct our enforcement resources and expertise.
- Table 1 sets out our strategic work in the investment management, superannuation and related services sector in 2024–25.

Note: In Table 1, the strategic work may apply to the listed relevant subsectors, depending on prevailing circumstances. Our key actions for some strategic work can apply to multiple sectors and subsectors, particularly for our strategic priorities. This means that there may be other relevant sectors and subsectors for this work outside the investment management, superannuation and related services sector.

Table 1: Strategic work in the investment management, superannuation and related services sector (2024–25)

Key activity	Key actions	Relevant subsector
Acting against member services failures in the superannuation sector	<ul> <li>Take action to target misconduct in the superannuation sector, with a particular focus on member experience, including superannuation trustees' provision of services to members, and harms arising from complaints handling and claims handling</li> </ul>	Superannuation trustees
Reviewing the growth in private markets	<ul> <li>Examine changes in public and private markets, including the significant growth of private markets and the implications for the integrity and efficiency of public markets</li> </ul>	Superannuation trustees, responsible entities, wholesale trustees

Key activity	Key actions	Relevant subsector
Sustainable finance practices	<ul> <li>Provide regulatory guidance to help entities comply with the Australian mandatory sustainability reporting obligations</li> </ul>	Superannuation trustees, responsible entities
	<ul> <li>Engage with industry and conduct targeted surveillance to promote enhanced sustainability- related disclosures and governance practices</li> </ul>	
	<ul> <li>Take action against misconduct, including greenwashing by entities</li> </ul>	
	Engage with peer domestic and international regulators (such as the Council of Financial Regulators Climate Working Group and the International Organization of Securities Commissions (IOSCO) Sustainable Finance Task Force) on sustainable finance developments	
Disrupting and deterring scams	Publish an open letter to superannuation trustees urging them to strengthen anti-scam practices	Responsible entities, wholesale trustees,
	<ul> <li>Support the Australian Government and Australian Competition and Consumer Commission (ACCC)'s National Anti-Scam Centre's anti-scams work, including to operationalise and implement the Scams Prevention Framework regime that commenced in February 2025</li> </ul>	superannuation trustees
	<ul> <li>Work with an external provider to identify and take down investment scams and phishing websites</li> </ul>	
	Work with other regulators and law enforcement agencies, both domestic and overseas, to coordinate investment scam disruption strategies	
	Develop communications to support consumers, including education and awareness resources and publishing alerts on <u>Moneysmart's Investor Alert List</u>	
	<ul> <li>Take enforcement action to deter scams and in relation to AFS licensees' failures to adequately protect customers from scams</li> </ul>	
Acting against misconduct resulting in the inappropriate erosion of superannuation	Take targeted enforcement action against cold-calling superannuation switching models that result in the inappropriate erosion of superannuation	Superannuation trustees
High-risk property schemes	Take enforcement action in relation to high-risk property schemes that expose investors to significant losses, by addressing mismanagement, including governance and responsible entity failures	Responsible entities, wholesale trustees

Key activity	Key actions	Relevant subsector
Addressing misconduct against vulnerable consumers and systemic non-compliance	<ul> <li>Address misconduct that has the potential to cause significant consumer harm, particularly conduct that targets vulnerable consumers</li> <li>Act against systemic non-compliance by large financial institutions that results in widespread consumer harm</li> </ul>	Responsible entities, wholesale trustees, superannuation trustees
Superannuation fund financial reporting and audit requirements	Monitor trustees' implementation of new obligations to file fund financial statements and audit reports with ASIC, and publish those documents on the fund's website	Superannuation trustees
Implementing the Financial Accountability Regime (FAR)	Work closely with APRA to implement the FAR by providing guidance, engaging with industry and developing effective registration and other processes	Superannuation trustees
Reviewing member services	<ul> <li>Continue our surveillance on death benefit claims handling. Where we identify poor conduct, we will take enforcement or other regulatory action</li> </ul>	Superannuation trustees
	Drive improvement in industry behaviour. See:	
	<ul> <li>our news item of 20 November 2024 'ASIC writes to superannuation trustees to drive improvement to death benefit claims handling'; and</li> </ul>	
	<ul> <li>Report 806 Taking ownership of death benefits:</li> <li>How trustees can deliver outcomes Australians deserve (REP 806)</li> </ul>	
	Continue our multi-year project reviewing industry compliance with laws relevant to contact centres and trustee administration practices	
Monitoring the use of offshore outsourcing arrangements	Review how investment managers manage the risks of using offshore service providers. In particular, we will look at how they manage risks related to technology, data sharing and privacy. We will also publish resources that will help licensees improve the security of client data when sending it offshore	Responsible entities
Supporting the Delivering Better Financial Outcomes (DBFO) law reform	<ul> <li>Support Treasury as they progress the DBFO law reform package, the Australian Government's response to the Quality of Advice Review</li> <li>Continue to provide input into the reforms, and help implement any changes through guidance, legislative instruments and other relevant ASIC documents</li> </ul>	Superannuation trustees
Design and distribution obligations	Take action against poor product design and distribution practices to reduce consumer harm and improve consumer outcomes	Responsible entities, superannuation trustees

Key activity	Key actions	Relevant subsector	
Cyber and operational resilience	Conduct targeted surveillances to monitor cyber and operational resilience among our regulated entities	Responsible entities, wholesale trustees,	
	<ul> <li>Engage with industry to promote good practices and support initiatives that enhance cyber resilience</li> </ul>	custodians, superannuation trustees	
	<ul> <li>Develop supervisory approaches for emerging operational risks, including artificial intelligence</li> </ul>		
	Partner with other regulators to harmonise regulatory approaches and action		
Implementing a supervisory cyber and operational resilience program	<ul> <li>Support regulated entities in enhancing cyber resilience, including their use of third-party providers, by reviewing cyber resilience in various industries and sending letters based on findings</li> </ul>	Responsible entities, wholesale trustees, custodians, superannuation	
p. og. s.m.	<ul> <li>Implement a self-deployed exercise for entities to improve cyber resilience. We will also work on information-sharing initiatives, design a single reporting portal and partner with the Australian Prudential Regulation Authority (APRA) for supervisory efforts. The expected timeframe for this activity is 3 years+</li> </ul>	trustees	
Driving consistency and transparency across markets and products	<ul> <li>Support ASIC's work to monitor and engage with regulated entities on digital assets, tokenisation and decentralised finance</li> </ul>	Responsible entities, custodians	
	<ul> <li>Support the updates to guidance on the regulatory perimeter and encourage preparation for the proposed regulation of digital asset platforms</li> </ul>		
	<ul> <li>Take enforcement action to protect consumers from harms associated with digital assets, including those that mimic traditional products but seek to circumvent regulation, and offerings within our jurisdiction that involve misleading promotion of high-risk investments or inadequate risk disclosures</li> </ul>		
Publishing internal dispute resolution (IDR) data	<ul> <li>Publish observations from the first year of IDR data reported by all firms and prepare to publish firm-level IDR data in 2025</li> </ul>	Superannuation trustees, responsible entities	
Monitoring the use of AI by licensees	<ul> <li>Review how retail financial services and credit entities use AI and advanced data analytics, and assess their risk management and governance processes. Publish Report 798 Beware the gap: Governance arrangements in the face of AI innovation (REP 798) which calls on licensees to act to ensure risk management and governance arrangements enable them to deploy AI safely, responsibly and in compliance with existing obligations</li> </ul>	Responsible entities, wholesale trustees, custodians, superannuation trustees	
	<ul> <li>Contribute to the Australian Government's development of Al-specific regulation</li> </ul>		

Key activity	Key actions	Relevant subsector
Sunsetting class orders	Update relief in sunsetting class orders	Wholesale trustees, responsible entities, custodians, IDPS operators
Administrative action	Engage with licensees that have failed to comply with lodgement, financial and other relevant requirements, to obtain compliance or cancel authorisations	Responsible entities, wholesale trustees, IDPS operators, MDA operators, custodians
Driving industry progress towards improving retirement outcomes	Continue to monitor trustees' implementation of the retirement income covenant. This will help drive compliance with regulatory obligations and improve retirement outcomes for superannuation members. Where we identify poor conduct or practices, we will take enforcement or other regulatory action as appropriate	Superannuation trustees
Ensuring the objectives of the reportable situations regime are met	Conduct a targeted surveillance of AFS and credit licensees that have not lodged any reportable situations or have low numbers of reportable situations (compared to peers) and, where appropriate, take compliance and enforcement action	Superannuation trustees, responsible entities
	<ul> <li>Develop a framework for the ongoing publication of reportable situations lodged</li> </ul>	
	<ul> <li>Prepare to publish firm-level reportable situations data in 2025</li> </ul>	
Acting against non- lodgement of financial reports	Take action, including enforcement action, against public companies, large proprietary companies, registrable superannuation entities and AFS licensees who do not comply with obligations to lodge financial reports	Superannuation trustees, responsible entities
The Regulatory Initiatives Grid (RIG)	Work with the Australian Government to support the introduction of the RIG. The RIG will provide industry with information, in a single location and from across multiple agencies, about upcoming reforms and regulatory actions that will materially affect the financial sector	Superannuation trustees, responsible entities

# Summary table of estimated industry funding levies for the investment management, superannuation and related services sector

Table 2: Estimated industry funding levies for the investment management, superannuation and related services sector

Subsector	Definition	Estimated cost recovery amount	Number of entities	Levy metric and description	Minimum levy	Graduated levy threshold	Estimated levy
Super- annuation trustees	Entities that are an RSE licensee (within the meaning of the SIS Act)	\$26.621m	68	Adjusted total assets  The total value of assets in all registrable superannuation entities operated by the entity at the end of the financial year, except any assets that are an interest in another registrable superannuation entity operated by the entity and any other assets that are employer sponsored receivables	\$18,000	\$250m	Minimum levy of \$18,000 plus \$10.37 per \$1m of assets above the \$250m threshold
Responsible entities	Entities that hold an AFS licence authorising them to operate a registered scheme	\$27.191m	416	Adjusted total assets  The total value of assets in all registered schemes operated by the entity at the end of the financial year, except any assets that are an interest in another registered scheme operated by the entity and, if the entity is also a wholesale trustee, any interest in an unregistered scheme issued by the entity	\$7,000	\$10m	Minimum levy of \$7,000 plus \$14.90 per \$1m of assets above the \$10m threshold

Subsector	Definition	Estimated cost recovery amount	Number of entities	Levy metric and description	Minimum levy	Graduated levy threshold	Estimated levy
Wholesale trustees	Entities that hold an AFS licence authorising them to deal in a financial product by issuing interests in, or arranging for the issue of interests in, a managed investment scheme to wholesale clients	\$6.042m	1,961	Adjusted total assets  The total value of assets in all unregistered schemes at the end of the financial year, except any assets that are an interest in another registered or unregistered scheme operated by the wholesale trustee or any assets that are an interest in a notified foreign passport fund issued by the entity if the entity forms part of the operators of a notified foreign passport funds subsector	\$1,000	Not applicable	Minimum levy of \$1,000 plus \$4.11 per \$1m of adjusted total assets
Operators of notified foreign passport funds and regulated former notified funds	Entities that, at any time in the financial year, are the operator of:  • a notified foreign passport fund; or  • a regulated former notified fund	\$0.019m	Nil	Australian assets  Total value of Australian assets in all notifiable foreign passport funds or regulated former notified funds operated by the entity, except any assets that are an interest in another notified foreign passport fund or regulated former notified fund operated by the entity and, if the entity forms part of the wholesale trustees subsector, any assets that are an interest in an unregistered scheme issued by the entity	\$1,000	Not applicable	Not applicable
Custodians	Entities that, at any time in the financial year, hold an AFS licence that authorises them to provide a custodial or depository service	\$2.252m	1,423	Flat levy	Not applicable	Not applicable	\$1,583

Subsector	Definition	Estimated cost recovery amount	Number of entities	Levy metric and description	Minimum levy	Graduated levy threshold	Estimated levy
IDPS operators	Entities that hold an AFS licence authorising them to	\$0.074m	76	Revenue from IDPS activity	um of: nue received rtaken under	No threshold	Minimum levy of \$10,000
5,5,4,5,5	operate an IDPS			<ul> <li>The levy metric will be the sum of:</li> <li>the amount of gross revenue received from IDPS activities undertaken under the entity's licence in the financial year; and</li> </ul>			
				<ul> <li>unless covered under the previous point, any amount paid or payable in the financial year from the IDPS for the performance of obligations imposed on the IDPS operator (even if those obligations are performed by another entity)</li> </ul>			
MDA providers	Entities that hold an AFS licence authorising them to deal in a financial product by issuing financial products in respect of:	e authorising them to  n a financial product  uing financial  The number of days in the financial yea  on which the entity holds the prescribed  AFS licence authorisation	The number of days in the financial year on which the entity holds the prescribed	Not applicable	Not applicable	\$2,993	
	<ul> <li>interests in managed investment schemes, limited to MDA services; or</li> </ul>						
	<ul> <li>miscellaneous financial investment products, limited to MDA services</li> </ul>						
Traditional	Entities that are AFS	\$0.798m	11	Number of days authorised	Not	Not applicable	\$72,329
trustee company service providers	licensees authorised to provide traditional trustee company services			The number of days in the financial year on which the entity holds the prescribed AFS licence authorisation	applicable		

### Detailed breakdown of estimated costs of regulating each subsector in the investment management, superannuation and related services sector

This section provides a breakdown of the costs for each subsector in the investment management, superannuation and related services sector. It also includes the cost of regulating the subsector in the previous year. For more information about the actual costs for 2023–24, see <u>our annual dashboard</u> and summary of variances documents on our website.

#### **Superannuation trustees**

ASIC's cost of regulating the subsector in 2023–24 was \$26.4 million. The estimated cost of regulating the subsector for 2024–25 is \$26.6 million: see Table 3.

Table 3: Estimated costs to regulate superannuation trustees

Expense	Estimated cost
Supervision and surveillance	\$7.414m
Enforcement	\$7.798m
Other regulatory activities	
Industry engagement	\$0.806m
Education	\$0.381m
Guidance	\$0.401m
Policy advice	\$0.572m
Indirect costs	
Commission, legal services and risk management	\$1.029m
Digital, data and technology	\$3.695m
Corporate support	\$1.676m
Property and accommodation services	\$2.196m
Total operating expenditure	\$25.969m
Allowance for capital expenditure	\$0.669m
Less costs funded by own-source revenue	(\$0.207m)
Adjustment for prior year under/(over) recovery	\$0.190m
Total levy to recover costs	\$26.621m

#### Responsible entities

ASIC's cost of regulating the subsector in 2023–24 was \$28.1 million. The estimated cost of regulating the subsector for 2024–25 is \$27.2 million: see Table 4.

Table 4: Estimated levies to recover costs to regulate responsible entities

Expense	Estimated cost
Supervision and surveillance	\$4.078m
Enforcement	\$12.888m
Other regulatory activities	
Industry engagement	\$0.449m
Education	\$0.339m
Guidance	\$0.489m
Policy advice	\$0.541m
Indirect costs	
Commission, legal services and risk management	\$0.971m
Digital, data and technology	\$3.473m
Corporate support	\$1.612m
Property and accommodation services	\$2.144m
Total operating expenditure	\$26.985m
Allowance for capital expenditure	\$0.720m
Less costs funded by own-source revenue	(\$0.614m)
Adjustment for prior year under/(over) recovery	\$0.101m
Total levy to recover costs	\$27.191m

#### Wholesale trustees

ASIC's cost of regulating the subsector in 2023–24 was \$1.8 million. The estimated cost of regulating the subsector for 2024–25 is \$6.0 million: see Table 5.

Table 5: Estimated levies to recover costs to regulate wholesale trustees

Expense	Estimated cost
Supervision and surveillance	\$1.048m
Enforcement	\$2.691m

13

Expense	Estimated cost
Other regulatory activities	
Industry engagement	\$0.251m
Education	\$0.086m
Guidance	\$0.065m
Policy advice	\$0.086m
Indirect costs	
Commission, legal services and risk management	\$0.273m
Digital, data and technology	\$0.993m
Corporate support	\$0.332m
Property and accommodation services	\$0.567m
Total operating expenditure	\$6.392m
Allowance for capital expenditure	\$0.174m
Less costs funded by own-source revenue	(\$0.556m)
Adjustment for prior year under/(over) recovery	\$0.031m
Total levy to recover costs	\$6.042m

## Operators of notified foreign passport funds and regulated former notified funds

ASIC's cost of regulating the subsector in 2023–24 was \$2,295. The estimated cost of regulating the subsector for 2024–25 is \$18,525: see Table 6.

Table 6: Estimated levies to recover costs to regulate operators of notified foreign passport funds and regulated former notified funds

Expense	Estimated cost
Supervision and surveillance	\$0.004m
Enforcement	\$0.001m
Other regulatory activities	
Industry engagement	\$0.001m
Education	\$0.000m
Guidance	\$0.001m
Policy advice	\$0.001m

Expense	Estimated cost
Indirect costs	
Commission, legal services and risk management	\$0.001m
Digital, data and technology	\$0.002m
Corporate support	\$0.001m
Property and accommodation services	\$0.001m
Total operating expenditure	\$0.012m
Allowance for capital expenditure	\$0.000m
Less costs funded by own-source revenue	(\$0.000m)
Adjustment for prior year under/(over) recovery	\$0.006m
Total levy to recover costs	\$0.019m

#### **Custodians**

ASIC's cost of regulating the subsector in 2023–24 was \$636,143. The estimated cost of regulating the subsector for 2024–25 is \$2.3 million: see Table 7.

Table 7: Estimated levies to recover costs to regulate custodians

Expense	Estimated cost
Supervision and surveillance	\$0.494m
Enforcement	\$0.422m
Other regulatory activities	
Industry engagement	\$0.085m
Education	\$0.040m
Guidance	\$0.162m
Policy advice	\$0.188m
Indirect costs	
Commission, legal services and risk management	\$0.096m
Digital, data and technology	\$0.367m
Corporate support	\$0.119m
Property and accommodation services	\$0.202m
Total operating expenditure	\$2.175m

Expense	Estimated cost
Allowance for capital expenditure	\$0.059m
Less costs funded by own-source revenue	(\$0.001m)
Adjustment for prior year under/(over) recovery	\$0.018m
Total levy to recover costs	\$2.252m

### **IDPS** operators

ASIC's cost of regulating the subsector in 2023–24 was \$131,556. The estimated cost of regulating the subsector for 2024–25 is \$73,633: see Table 8.

Table 8: Estimated levies to recover costs to regulate IDPS operators

Expense	Estimated cost
Supervision and surveillance	\$0.021m
Enforcement	\$0.007m
Other regulatory activities	
Industry engagement	\$0.003m
Education	\$0.001m
Guidance	\$0.004m
Policy advice	\$0.003m
Indirect costs	
Commission, legal services and risk management	\$0.003m
Digital, data and technology	\$0.012m
Corporate support	\$0.008m
Property and accommodation services	\$0.008m
Total operating expenditure	\$0.071m
Allowance for capital expenditure	\$0.003m
Less costs funded by own-source revenue	(\$0.000m)
Adjustment for prior year under/(over) recovery	Nil
Total levy to recover costs	\$0.074m

#### **MDA** providers

ASIC's cost of regulating the subsector in 2023–24 was \$961,795. The estimated cost of regulating the subsector for 2024–25 is \$707,522: see Table 9.

Table 9: Estimated levies to recover costs to regulate MDA providers

Expense	Estimated cost
Supervision and surveillance	\$0.054m
Enforcement	\$0.423m
Other regulatory activities	
Industry engagement	\$0.003m
Education	\$0.007m
Guidance	\$0.000m
Policy advice	\$0.006m
Indirect costs	
Commission, legal services and risk management	\$0.019m
Digital, data and technology	\$0.069m
Corporate support	\$0.030m
Property and accommodation services	\$0.041m
Total operating expenditure	\$0.652m
Allowance for capital expenditure	\$0.013m
Less costs funded by own-source revenue	(\$0.000m)
Adjustment for prior year under/(over) recovery	\$0.043m
Total levy to recover costs	\$0.708m

#### Traditional trustee company service providers

ASIC's cost of regulating the subsector in 2023–24 was \$491,685. The estimated cost of regulating the subsector for 2024–25 is \$797,803: see Table 10.

Table 10: Estimated levies to recover costs to regulate traditional trustee company service providers

Expense	Estimated cost
Supervision and surveillance	\$0.240m
Enforcement	\$0.044m

18

Expense	Estimated cost
Other regulatory activities	
Industry engagement	\$0.059m
Education	\$0.012m
Guidance	\$0.041m
Policy advice	\$0.025m
Indirect costs	
Commission, legal services and risk management	\$0.035m
Digital, data and technology	\$0.128m
Corporate support	\$0.111m
Property and accommodation services	\$0.078m
Total operating expenditure	\$0.774m
Allowance for capital expenditure	\$0.024m
Less costs funded by own-source revenue	(\$0.000m)
Adjustment for prior year under/(over) recovery	Nil
Total levy to recover costs	\$0.798m