

CHAPTER 02

AGENCY OVERVIEW

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Who we are and what we do

ASIC is Australia's integrated corporate, markets, financial services and consumer credit regulator.

OUR VISION

A fair, strong and efficient financial system for all Australians

Our purpose is to monitor and promote market integrity and consumer protection in the Australian financial system

STATUTORY OBJECTIVES

Maintain, facilitate and improve the performance of the financial system and entities in it

Promote confident and informed participation in the financial system

Administer the law effectively and with minimal procedural requirements

Take whatever action we can, and which is necessary, to enforce and give effect to the law

Store, process and make available information we receive about companies and other bodies

We achieve this through our regulatory functions

REGULATORY ACTIVITIES

1

Pursue enforcement and compliance

2

Undertake supervision and surveillance

3

Provide guidance to industry

4

Assess licence and registration applications

5

Provide regulatory relief where appropriate

6

Engage with key stakeholders

7

Educate consumers

8

Maintain accessible registers

This work is underpinned by our people and technology

PEOPLE

Develop our people and capabilities

TECH

Invest in and develop technology to ensure ASIC is digitally enabled and data-informed

Our Commission



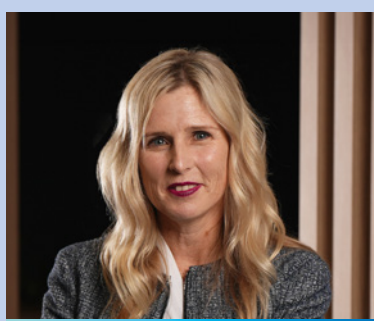
Joseph Longo
Chair

Commenced as ASIC Chair on
1 June 2021.



Sarah Court
Deputy Chair

Commenced as ASIC Deputy Chair
on 1 June 2021.



Simone Constant
Commissioner

Commenced as an ASIC Commissioner
on 20 November 2023.



Alan Kirkland
Commissioner

Commenced as an ASIC Commissioner
on 20 November 2023.



Kate O'Rourke
Commissioner

Commenced as an ASIC Commissioner
on 11 September 2023.



Karen Chester

Ceased as ASIC Deputy Chair on
27 January 2024.

Commenced as ASIC Deputy Chair on
28 January 2019.



Danielle Press

Ceased as an ASIC Commissioner on
16 September 2023.

Commenced as an ASIC Commissioner
on 17 September 2018.

The role of the Chair and the Commission

As the Accountable Authority under the *Public Governance, Performance and Accountability Act 2013*, the ASIC Chair governs ASIC and has sole executive management responsibility. Our Chair relies on and uses our key senior executives to carry out day-to-day management activities and deal with operational issues. The Chair delegates functions where they consider that this would benefit the executive management of ASIC.

The Commission acts as a strategic non-executive body, focusing on high-level regulatory and statutory decision making and stakeholder management. It provides support to the Chair on organisational oversight.

Several committees assist with the effective and efficient performance of the Commission's regulatory and governance roles. Commission meetings are held weekly and may be convened more regularly as required.

The Accountable Authority appoints and evaluates the performance of its Executive Directors and Senior Executive Leaders, and approves budgets and business plans for each team.

Commissioners are appointed by the Governor-General, on the nomination of the Treasurer. The Treasurer may nominate only those people who are qualified by knowledge of, or experience in, business, the administration of companies, financial markets, financial products

and financial services, law, economics or accounting. Commissioners are appointed on fixed terms that may be terminated only for the reasons set out in section 111 of the *Australian Securities and Investments Commission Act 2001* (ASIC Act). The Remuneration Tribunal sets Commissioners' remuneration, which is not linked to their performance. Under the ASIC Act, Commissioners are required to disclose to the Minister any direct or indirect pecuniary interests in corporations carrying on business or businesses in Australia; interests regulated by ASIC; or expectations, understandings, arrangements or agreements for future business relationships.

ASIC's Legal Services, led by Chris Savundra, General Counsel, is the primary source of legal advice to the Commission, providing legal counsel on governance and on major regulatory and enforcement matters. Other independent legal and accounting experts also advise on specific matters.

The Commission delegates various powers and functions to Executive Directors, Senior Executive Leaders, Regional Commissioners and employees reporting to them, to ensure that ASIC's business is carried out efficiently and effectively. Delegations are reviewed regularly, and the Commission requires its delegates to act in accordance with policies and procedures approved by the Commission.

See further information on ASIC's governance in Chapter 4 and Appendix 2.

Our role and responsibilities

ASIC was established under the ASIC Act 2001.

Our vision

Our vision is for a fair, strong and efficient financial system for all Australians.

Our regulatory purpose

Our purpose is to monitor and promote market integrity and consumer protection in the Australian financial system.

Our legislative responsibilities

The ASIC Act states that ASIC has the function of monitoring and promoting market integrity and consumer protection in relation to the Australian financial system and the payments system. It requires that ASIC must strive to:

- ◆ maintain, facilitate and improve the performance of the financial system and entities within it in the interests of commercial certainty, reducing business costs, and the efficiency and development of the economy
- ◆ promote confident and informed participation of investors and consumers in the financial system
- ◆ administer the law effectively and with minimal procedural requirements
- ◆ receive, process and store – efficiently and quickly – the information we receive
- ◆ make information about companies and other bodies available to the public as soon as practicable
- ◆ take whatever action we can, and which is necessary, to enforce and give effect to the law.

ASIC also has the function of monitoring and promoting market integrity and consumer protection in the payments system by promoting:

- ◆ the adoption of approved industry standards and codes of practice
- ◆ the protection of consumer interests
- ◆ community awareness of payments system issues
- ◆ sound customer–banker relationships.

We enforce the law and regulate companies, financial markets and financial services under the following key legislation:

- ◆ ASIC Act
- ◆ *Business Names Registration Act 2011*
- ◆ Corporations Act
- ◆ *Financial Accountability Regime Act 2023*
- ◆ *Insurance Contracts Act 1984*
- ◆ National Credit Act.

We also administer parts of the following legislation:

- ◆ *Banking Act 1959*
- ◆ *Life Insurance Act 1995*
- ◆ *Medical Indemnity (Prudential Supervision and Product Standards) Act 2003*
- ◆ *Retirement Savings Accounts Act 1997*
- ◆ *Superannuation Industry (Supervision) Act 1993 (SIS Act).*

Our regulatory approach

A fair, strong and efficient financial system is fundamental for every individual and business in Australia, and for Australia's reputation as a safe and attractive place to invest. ASIC has a crucial role in maintaining Australia's position as having one of the most stable and successful financial systems in the world.

We take a targeted, risk-based and flexible approach to our regulation and supervision role. This includes setting strategic priorities aimed at changing behaviours to drive good consumer and investor outcomes, and promoting the development of a strong and innovative financial system.

Our regulation and supervision functions detect, deter and act against misconduct with the aim of maintaining Australians' trust in the integrity of the financial system. These functions are closely related to the work of our enforcement and compliance teams.

We use a broad enforcement toolkit in a targeted and proportionate way to address misconduct, punish wrongdoers, and, importantly, reduce the risk of misconduct in the markets and sectors we regulate.

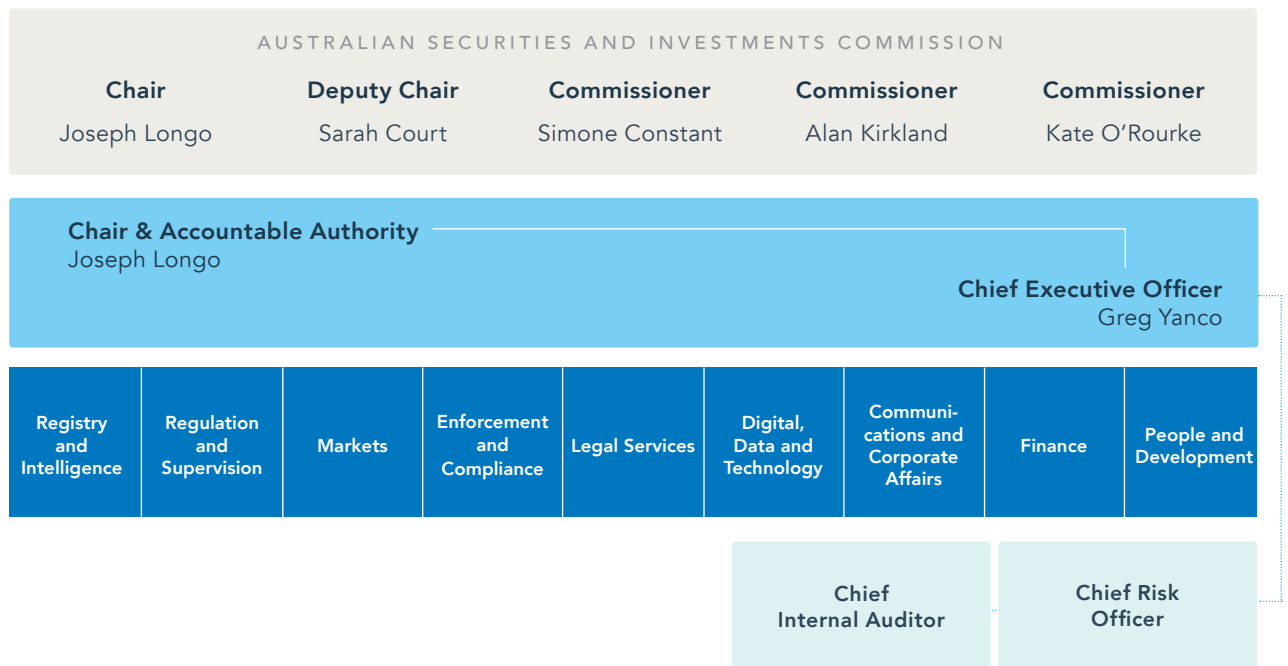
Our aim is to be an intelligence-led regulator, leveraging data and insights to inform our decision making and ensure we make the best use of our resources to target the behaviours and conduct that pose the highest risk. We will do this increasingly through the use of data analytics and by gathering insights from information we obtain from various sources, including reports of alleged misconduct from the public. This includes sharing intelligence with domestic and international peers to achieve positive regulatory outcomes.

Our work as a regulator is focused on ensuring our financial markets work well for individuals and businesses, promote innovation and support the Australian economy.

Our organisation

ASIC's new structure came into effect on 3 July 2023, marking the most significant organisational redesign in 15 years. The new structure aims to improve the timeliness of decision making, and improve our operational capabilities to address emerging risks and harms in the financial system and markets.

Figure 1—ASIC structure



For a more detailed organisational chart, please see page 117.