

# COMPLIANCE INDEX

## IN THIS SECTION

- > Reporting requirements under the Public Governance, Performance and Accountability Act 2013
- > Additional compliance reporting requirements

# Reporting requirements under the Public Governance, Performance and Accountability Act 2013

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>17AD(g)</b>	<b>Letter of transmittal</b>		
17AI	A copy of the letter of transmittal signed and dated by accountable authority on the date the final text approved, with statement that the report has been prepared in accordance with section 46 of the Act and any enabling legislation that specifies additional requirements in relation to the annual report	Mandatory	1
<b>17AD(h)</b>	<b>Aids to access</b>		
17AJ(a)	Table of contents	Mandatory	2–3
17AJ(b)	Alphabetical index	Mandatory	263
17AJ(c)	Glossary of abbreviations and acronyms	Mandatory	247
17AJ(d)	List of requirements	Mandatory	248
17AJ(e)	Details of contact officer	Mandatory	272
17AJ(f)	Entity's website address	Mandatory	272
17AJ(g)	Electronic address of report	Mandatory	272
<b>17AD(a)</b>	<b>Review by accountable authority</b>		
17AD(a)	A review by the accountable authority of the entity	Mandatory	6

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>17AD(b)</b>	<b>Overview of the entity</b>		
17AE(1)(a)(i)	A description of the role and functions of the entity	Mandatory	16–18
17AE(1)(a)(ii)	A description of the organisational structure of the entity	Mandatory	122–123
17AE(1)(a)(iii)	A description of the outcomes and programs administered by the entity	Mandatory	22–115
17AE(1)(a)(iv)	A description of the purposes of the entity as included in the corporate plan	Mandatory	15
17AE(1)(aa)(i)	Name of the accountable authority or each member of the accountable authority	Mandatory	19, 117
17AE(1)(aa)(ii)	Position title of the accountable authority or each member of the accountable authority	Mandatory	19, 117
17AE(1)(aa)(iii)	Period as the accountable authority or member of the accountable authority within the reporting period	Mandatory	19, 117
17AE(1)(b)	An outline of the structure of the portfolio of the entity	Portfolio departments – mandatory	N/A
17AE(2)	Where the outcomes and programs administered by the entity differ from any Portfolio Budget Statement, Portfolio, Portfolio Additional Estimates Statement or other portfolio estimates statement that was prepared for the entity for the period, include details of variation and reasons for change	If applicable, mandatory	N/A
<b>17AD(c)</b>	<b>Report on the performance of the entity</b>		
	<b>Annual performance statements</b>		
17AD(c)(i); 16F	Annual performance statement in accordance with paragraph 39(1)(b) of the Act and section 16F of the Rule	Mandatory	22–115
<b>17AD(c)(ii)</b>	<b>Report on financial performance</b>	Mandatory	Commission
17AF(1)(a)	A discussion and analysis of the entity's financial performance	Mandatory	12–13
17AF(1)(b)	A table summarising the total resources and total payments of the entity	Mandatory	202–205

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
17AF(2)	<p>If there may be significant changes in the financial results during or after the previous or current reporting period, information on those changes, including:</p> <ul style="list-style-type: none"> <li>◆ the cause of any operating loss of the entity;</li> <li>◆ how the entity has responded to the loss and the actions that have been taken in relation to the loss; and</li> <li>◆ any matter or circumstances that can reasonably be anticipated will have a significant impact on the entity's future operation or financial results.</li> </ul>	If applicable, mandatory	N/A
<b>17AD(d)</b>	<b>Management and accountability</b>		
	<b>Corporate governance</b>		
17AG(2)(a)	Information on compliance with section 10 (fraud and corruption systems)	Mandatory	222
17AG(2)(b)(i)	A certification by accountable authority that fraud and corruption risk assessments have been conducted and fraud and corruption control plans have been prepared	Mandatory	222
17AG(2)(b)(ii)	A certification by accountable authority that appropriate mechanisms for preventing, detecting incidents of, investigating or otherwise dealing with, and recording or reporting fraud and corruption that meet the specific needs of the entity are in place	Mandatory	222
17AG(2)(b)(iii)	A certification by accountable authority that all reasonable measures have been taken to deal appropriately with fraud and corruption relating to the entity	Mandatory	222
17AG(2)(c)	An outline of structures and processes in place for the entity to implement principles and objectives of corporate governance	Mandatory	116–123
17AG(2)(d)–(e)	A statement of significant issues reported to the Minister under paragraph 19(1)(e) of the Act that relates to non compliance with Finance Law and action taken to remedy noncompliance	If applicable, mandatory	223
	<b>Audit Committee</b>		
17AG(2A)(a)	A direct electronic address of the charter determining the functions of the entity's audit committee	Mandatory	194
17AG(2A)(b)	The name of each member of the entity's audit committee	Mandatory	194–198

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
17AG(2A)(c)	The qualifications, knowledge, skills or experience of each member of the entity's audit committee	Mandatory	194–198
17AG(2A)(d)	Information about the attendance of each member of the entity's audit committee at committee meetings	Mandatory	194–198
17AG(2A)(e)	The remuneration of each member of the entity's audit committee	Mandatory	194–198
<b>External scrutiny</b>			
17AG(3)	Information on the most significant developments in external scrutiny and the entity's response to the scrutiny	Mandatory	193
17AG(3)(a)	Information on judicial decisions and decisions of administrative tribunals and by the Australian Information Commissioner that may have a significant effect on the operations of the entity	If applicable, mandatory	193
17AG(3)(b)	Information on any reports on operations of the entity by the Auditor-General (other than reports under section 43 of the Act), a Parliamentary Committee or the Commonwealth Ombudsman	If applicable, mandatory	223
17AG(3)(c)	Information on any capability reviews on the entity that was released during the period	If applicable, mandatory	N/A
<b>Management of human resources</b>			
17AG(4)(a)	An assessment of the entity's effectiveness in managing and developing employees to achieve entity objectives	Mandatory	124–131
17AG(4)(aa)	Statistics on the entity's employees on an ongoing and non-ongoing basis, including the following: (a) statistics on full time employees; (b) statistics on part time employees; (c) statistics on gender; and (d) statistics on staff location.	Mandatory	206–215

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
17AG(4)(b)	Statistics on the entity's APS employees on an ongoing and non-ongoing basis, including the following: <ul style="list-style-type: none"> <li>◆ statistics on staffing classification level;</li> <li>◆ statistics on full-time employees;</li> <li>◆ statistics on part-time employees;</li> <li>◆ statistics on gender;</li> <li>◆ statistics on staff location; and</li> <li>◆ statistics on employees who identify as Indigenous.</li> </ul>	No longer mandatory <sup>1</sup>	N/A
17AG(4)(c)	Information on any enterprise agreements, individual flexibility arrangements, Australian workplace agreements, common law contracts and determinations under subsection 24(1) of the Public Service Act 1999	If applicable, mandatory	206–211
17AG(4)(c)(i)	Information on the number of SES and non-SES employees covered by agreements etc. identified in paragraph 17AG(4)(c)	If applicable, mandatory <sup>2</sup>	206–211
17AG(4)(c)(ii)	The salary ranges available for APS employees by classification level	No longer mandatory.	N/A
17AG(4)(c)(iii)	A description of non-salary benefits provided to employees	If applicable, mandatory	125-127
17AG(4)(d)(i)	Information on the number of employees at each classification level who received performance pay	No longer mandatory	N/A
17AG(4)(d)(ii)	Information on aggregate amounts of performance pay at each classification level	No longer mandatory	N/A
17AG(4)(d)(iii)	Information on the average amount of performance payment, and range of such payments, at each classification level	No longer mandatory	N/A
17AG(4)(d)(iv)	Information on the aggregate amount of performance payments	No longer mandatory	N/A
<b>Assets management</b>			
17AG(5)	An assessment of the effectiveness of assets management where asset management is a significant part of the entity's activities	If applicable, mandatory	229–230
<b>Purchasing</b>			
17AG(6)	An assessment of the entity performance against the Commonwealth Procurement Rules	Mandatory	236–241

1 On 1 July 2019, ASIC moved out of the APS. *The Treasury Laws Amendment (Enhancing ASIC's Capabilities) Act 2018* amended the ASIC Act to remove the requirement for ASIC to engage employees under the *Public Service Act 1999*. Instead, it engages employees under section 120 of the ASIC Act. While this content is no longer mandatory for ASIC to report, we have included some of this information because it is data we record, and it may be of interest to the public.

2 As above

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>Reportable consultancy contracts</b>			
17AG(7)(a)	A summary statement detailing the number of new reportable consultancy contracts entered into during the period; the total actual expenditure on all such contracts (inclusive of GST); the number of ongoing reportable consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST)	Mandatory	239
17AG(7)(b)	A statement that <i>"During [reporting period], [specified number] new reportable consultancy contracts were entered into involving total actual expenditure of \$[specified million]. In addition, [specified number] ongoing reportable consultancy contracts were active during the period, involving total actual expenditure of \$[specified million]"</i>	Mandatory	239
17AG(7)(c)	A summary of the policies and procedures for selecting and engaging consultants and the main categories of purposes for which consultants were selected and engaged	Mandatory	240–241
17AG(7)(d)	A statement that "Annual reports contain information about actual expenditure on reportable consultancy contracts. Information on the value of reportable consultancy contracts is available on the AusTender website"	Mandatory	239
<b>Reportable non-consultancy contracts</b>			
17AG(7A)(a)	A summary statement detailing the number of new reportable non consultancy contracts entered into during the period; the total actual expenditure on such contracts (inclusive of GST); the number of ongoing reportable non consultancy contracts that were entered into during a previous reporting period; and the total actual expenditure in the reporting period on those ongoing contracts (inclusive of GST)	Mandatory	239
17AG(7A)(b)	A statement that "Annual reports contain information about actual expenditure on reportable non consultancy contracts. Information on the value of reportable non consultancy contracts is available on the AusTender website"	Mandatory	239
<b>17AD(daa)</b>	<b>Additional information about organisations receiving amounts under reportable consultancy contracts or reportable non-consultancy contracts</b>		
17AGA	Additional information, in accordance with section 17AGA, about organisations receiving amounts under reportable consultancy contracts or reportable non- consultancy contracts	Mandatory	239

PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>Australian National Audit Office access clauses</b>			
17AG(8)	If an entity entered into a contract with a value of more than \$100,000 (inclusive of GST) and the contract did not provide the Auditor-General with access to the contractor's premises, the report must include the name of the contractor, the purpose and value of the contract, and the reason why a clause allowing access was not included in the contract	If applicable, mandatory	238
<b>Exempt contracts</b>			
17AG(9)	If an entity entered into a contract or there is a standing offer with a value greater than \$10,000 (inclusive of GST) that has been exempted from being published in AusTender because it would disclose exempt matters under the FOI Act, the annual report must include a statement that the contract or standing offer has been exempted, and the value of the contract or standing offer, to the extent that doing so does not disclose the exempt matters	If applicable, mandatory	N/A
<b>Small business</b>			
17AG(10)(a)	A statement that "[Name of entity] supports small business participation in the Commonwealth Government procurement market. Small and medium enterprises (SME) and small enterprise participation statistics are available on the Department of Finance's website"	Mandatory	241
17AG(10)(b)	An outline of the ways in which the procurement practices of the entity support small and medium enterprises	Mandatory	241
17AG(10)(c)	If the entity is considered by the Department administered by the Finance Minister as material in nature – a statement that "[Name of entity] recognises the importance of ensuring that small businesses are paid on time. The results of the Survey of Australian Government Payments to Small Business are available on the Treasury's website"	If applicable, mandatory	241
<b>Financial statements</b>			
17AD(e)	Inclusion of the annual financial statements in accordance with subsection 43(4) of the Act	Mandatory	132–187
<b>Executive remuneration</b>			
17AD(da)	Information about executive remuneration in accordance with Subdivision C of Division 3A of Part 2-3 of the Rule	Mandatory	211–215



PGPA RULE REFERENCE	PART OF REPORT/ DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>17AD(f)</b>	<b>Other mandatory information</b>		
17AH(1)(a)(i)	If the entity conducted advertising campaigns, a statement that <i>"During [reporting period], the [name of entity] conducted the following advertising campaigns: [name of advertising campaigns undertaken]. Further information on those advertising campaigns is available at [address of entity's website] and in the reports on Australian Government advertising prepared by the Department of Finance. Those reports are available on the Department of Finance's website"</i>	If applicable, mandatory	236
17AH(1)(a)(ii)	If the entity did not conduct advertising campaigns, a statement to that effect	If applicable, mandatory	N/A
17AH(1)(b)	A statement that <i>"Information on grants awarded by [name of entity] during [reporting period] is available at [address of entity's website]"</i>	If applicable, mandatory	229
17AH(1)(c)	Outline of mechanisms of disability reporting, including reference to website for further information	Mandatory	130–131
17AH(1)(d)	Website reference to where the entity's Information Publication Scheme statement pursuant to Part II of the FOI Act can be found	Mandatory	224
17AH(1)(e)	Correction of material errors in previous annual report	If applicable, mandatory	N/A
17AH(2)	Information required by other legislation	Mandatory	257–262

Note: N/A means not applicable.

Source: Public Governance, Performance and Accountability Rule 2014, Schedule 2.

# Additional compliance reporting requirements

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
ASIC Act, s136(1)(a)	Exercise of ASIC's powers under Part 15 of the <i>Retirement Savings Accounts Act 1997</i> and under Part 29 of the <i>Superannuation Industry (Supervision) Act 1993</i>	Mandatory	222
ASIC Act, s136(1)(b)	ASIC's monitoring and promotion of market integrity and consumer protection in relation to (a) Australian financial system; and (see paragraph 136(b)(i)) (b) the provision of financial services (see paragraph 136(b)(ii)).	Mandatory	22–115
ASIC Act, s136(1)(c)	ASIC's activities in accordance with each agreement or arrangement entered into by ASIC under sub-section 11(14) of the ASIC Act	Mandatory	222
ASIC Act, s136(1)(ca)	Information about the activities that ASIC has undertaken during the period in exercise of its powers, and performance of its functions, under Chapter 5 of, or Schedule 2 to, the Corporations Act and any provisions of the Corporations Act that relate to that Chapter or Schedule	Mandatory	92–96, 105–108, 201
ASIC Act, s136(1)(cb)	Information about any instances during the period where ASIC failed to consult as required by section 1023F of the Corporations Act or section 301F of the National Credit Act 2009	Mandatory	222

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
ASIC Act, s136(1)(d)	Information about the operation of the <i>Business Names Registration Act 2011</i> , including: <ul style="list-style-type: none"> <li>(i) details of the level of access to the Business Names Register using the internet and other facilities; and</li> <li>(ii) the timeliness with which ASIC carries out its duties, functions and powers under the Act; and</li> <li>(iii) the cost of registration of a business name under the Act.</li> </ul>	Mandatory	78-79, 113, 243-244
ASIC Act, s136(1)(da)	Information about the following: <ul style="list-style-type: none"> <li>(i) activities (if any) undertaken by each Financial Services and Credit Panel during the period;</li> <li>(ii) the exams(if any) administered by ASIC under subs 921B(3) Corporations Act during the period;</li> <li>(iii) the warnings (if any) and reprimands (if any) given by ASIC under s912S of the Corporations Act during the period;</li> <li>(iv) if, during the period, ASIC decided not to follow a recommendation in a notice given to ASIC under sub-section 921Q(1) Corporations Act(recommendations to ASIC in relation to restricted civil penalty provisions) – the recommendation and the reasons why ASIC decided not to follow it.</li> </ul>	Mandatory	199–200
ASIC Act, s136 (1)(db)	Information about investigations (including joint investigations) conducted by ASIC under Division 1 of Part 4 of Chapter 3 of the Financial Accountability Regime Act 2023 during the period	Mandatory	N/A

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
ASIC Act, s136(1)(e), section 136(2A); and the Australian Securities Investments Commission Regulations 2001(the <b>Regulations</b> ), sub-section 8AAA(1)	For the reporting period, the annual report must include the following information: (a) the number of times that ASIC used a prescribed information-gathering power prescribed in sub-section 8AAA(2) of the Regulations (the <b>prescribed power</b> ); (b) the provision of the ASIC Act, or another law, which conferred the prescribed power; and (c) the number of times in the previous financial year that ASIC used the information gathering power.	Mandatory	225–227
Corporations Agreement, s603(3)	ASIC regional administration in referring State and the Northern Territory, including a statement on ASIC’s performance against service-level performance indicators during the relevant period	Mandatory	84–85 243–244
Corporations Agreement, s604(4)	A report on the activities of the Regional Liaison Committee, which is maintained by the Regional Commissioners from each state and Northern Territory	Mandatory	84–85
Senate Economics References Committee inquiry into the performance of ASIC (report tabled on 26 June 2014), Recommendation 4	A report on the work of the financial services and consumer credit external dispute resolution ( <b>EDR</b> ) schemes, accompanied by ASIC’s assessment of the systemic and significant issues the EDR schemes have raised in their reports to ASIC, including information on any action taken in response to the matters raised in their annual reports	Suggested	242

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
Senate Economics References Committee inquiry into the performance of ASIC (report tabled on 26 June 2014), Recommendation 27	Include commentary on: <ul style="list-style-type: none"> <li>◆ ASIC's activities related to monitoring compliance with court enforceable undertakings; and</li> <li>◆ how the court enforceable undertakings have led to improved compliance with the law and engaged a culture of compliance.</li> </ul>	Suggested	70
PGPA Act, s42(3)	Accountable authority must state, in the annual financial statements, whether, in the authority's opinion, the statements comply with subsection 42(2) of the PGPA Act	Mandatory	136
<b>Work health and safety</b>			
<i>Work Health and Safety Act 2011, s4(2) of Sch 2</i>	(a) initiatives taken during the year to ensure the health, safety and welfare of workers who carry out work for the entity	Mandatory	127
	(b) health and safety outcomes (including the impact on injury rates of workers) achieved as a result of initiatives mentioned under paragraph (a) or previous initiatives		112
	(c) statistics of any notifiable incidents of which the entity becomes aware during the year that arose out of the conduct of businesses or undertakings by the entity		112
	(d) any investigations conducted during the year that relate to businesses or undertakings conducted by the entity, including details of all notices given to the entity during the year under Part 10 of this Act		N/A
	(e) such other matters as are required by guidelines approved on behalf of the Parliament by the Joint Committee of Public Accounts and Audit.		N/A

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
<b>Environmental performance</b>			
<i>Environment Protection and Biodiversity Conservation Act 1999, s516A(6)</i>	(a) include a report on how the activities of, and the administration (if any) of legislation by, the reporter during the period accorded with the principles of ecologically sustainable development	Mandatory	231–235
	(b) identify how the outcomes (if any) specified for the reporter in an Appropriations Act relating to the period contribute to ecologically sustainable development		N/A
	(c) document the effect of the reporter's activities on the environment		231–235
	(d) identify any measures the reporter is taking to minimise the impact of activities by the reporter on the environment		231–235
	(e) identify the mechanisms (if any) for reviewing and increasing the effectiveness of those measures		231–235
Emissions Reporting Framework pages 23 – 26.	ASIC's annual greenhouse gas emissions inventory	Mandatory	231–235
Commonwealth Climate Disclosure Requirements (CCD Y1) sections G1 and G2 (pages 14-15).	ASIC's governance processes, controls and procedures in place to support climate risk management within the entity	Suggested	231–235
CCD Y1, sections S1-S4 (pages 15-16).	ASIC's strategy for managing climate-related risks and opportunities	Suggested	231–235
CCD Y1, sections R1 – R2 (pages 16-17).	ASIC's processes to identify, assess, prioritise, manage and monitor climate-related risks and opportunities, including whether and how those processes are integrated into and inform the entity's overall risk management process	Suggested	231–235

SOURCE OF REQUIREMENT	DESCRIPTION	REQUIREMENT	LOCATION (PAGE(S))
CCD Y1, sections M1, M3, M5, M6, M8, M9.	ASIC's performance in relation to its climate-related risks and opportunities, including progress towards any climate-related targets it has set, and any targets it is required to meet by law, regulation or policy. This includes the targets set in Australia's Nationally Determined Contribution (NDC) under the Paris Agreement, such as the APS Net Zero by 2030 target		231–235
<b>Other requirements</b>			
Parliamentary Joint Committee on Corporations and Financial Services' Statutory inquiry into ASIC, the Takeovers Panel, and the corporations legislation (report tabled on 3 July 2023), Recommendation 1.	Information in its annual report on the numbers of transfers or changes in its control that occur each year for each type of ASIC licence, including: <ul style="list-style-type: none"> <li>◆ Australian Financial Service Licences;</li> <li>◆ Australian Credit Licences;</li> <li>◆ Australian auditor registrations;</li> <li>◆ market licences;</li> <li>◆ benchmark operator licences; and</li> <li>◆ clearing and settlement licences.</li> </ul>	Suggested	228–229

# Index

## A

- Abandoned Company Panel 105
- Accessibility Action Plan 2024–26 112, 128, 130
- accessibility and belonging (workforce) 112
- accessible registers 78
- Accountable Authority 20, 117, 136
- Active Super 38
- Administrative Review Tribunal 31
- advertising expenditure 236–241
- Advisory Partner Connect 104
- AFSH (AFSH Nominees Pty Ltd) 32
- AI (artificial intelligence) 9, 49, 53–54, 109, 111
- American Express Australia (Amex) 27
- annual performance statements 22–115
- Anti-scam practices of banks outside the four major banks* (Report 790) 98
- ANZSOG National Regulators Community of Practice 84
- AP Lloyds Pty Ltd 104
- appropriations 12, 13, 168–171
- APS Employee Census 111, 125
- ASIC Annual Forum 7
- ASIC Consultative Panel (ACP) 81
- ASIC Consumer Consultative Panel 81, 82
- ASIC Edge 111, 125, 127
- ASIC Indigenous Advisory Group 80, 81, 82
- ASIC Simplification Consultative Group 7, 67, 115
- ASIC Symposium: Australia’s Public and Private Markets 115
- ASIC’s oversight of financial reporting and audit 2023–24 (Report 799) 107
- asset freezes 45
- Assetless Administration 106, 229
- assets and liabilities 145, 164–167, 183–184
- ASX Limited 7
- Audit and Risk Committee 120, 194–198
- Auditor-General reports 223
- auditors 96, 107–108
- AusTender 239
- Australian Accounting Standards Board 37
- Australian Competition and Consumer Commission’s (ACCC) 49, 82
- Australian Cyber Security Strategy Action Plan 2023–2030 55
- Australian Fiduciaries 45
- Australian Financial Complaints Authority 34, 40, 43
- Australian Financial Services (AFS) licensees 52, 56, 68, 76–78, 95, 99, 100, 110, 200
- Australian Prudential Regulation Authority (APRA) 33, 42, 76, 77, 189–191
- Australian Securities and Investments Commission Act 2001* (ASIC Act) 16, 17, 117, 222
- Australian Securities Exchange (ASX) 6, 7, 57, 59, 62–63
- Australian Taxation Office (ATO) staff transfer 79, 111, 125, 210
- AustralianSuper 6, 41, 42, 44



## B

Banking Act 1959 17, 90, 181  
banks' anti-scam practices 98  
Better Advice Act 199  
*Beware the gap: Governance arrangements in the face of AI innovation* (Report 798) 53, 54  
Bit Trade Pty Ltd 27, 60  
Block Earner 61  
Budget Variance Commentary 148–149  
business, cyber and operational resilience 55–56, 103, 110  
business intelligence tools 110  
business names register 78, 113  
*Business Names Registration Act 2011* 17  
buy now pay later 75, 77

## C

call centre efficiency 79, 113  
carbon credit markets 36, 39  
Cash Flow Statement 140, 147  
*Cause for complaint: Complaints handling in general insurance* (Report 802) 40  
Cbus 6, 41, 43–44  
Centrepay 31  
CEO 20, 117, 118  
CFO 136  
CFR Climate Working Group 36  
CFR Cyber and Operational Resilience Working Group 55  
Chair's report 6–9  
Chair's role 20, 117  
Chair's statement of preparation 23  
Changes in Equity (Financial Statement) 139  
civil cases 7, 8, 69–70, 93–94, 104, 180  
Clearing House Electronic Subregister System (CHESS) replacement project 7, 57, 63  
climate change  
addressing financial system climate change risk

(Strategic Priority 2) 36–40  
climate statement 231–235  
climate-related disclosures 36, 108  
CLSA 199  
CO2 emissions 233–234  
COFCO 8, 72  
Comcare 112, 127  
Commission 19–21, 117, 119  
Commission Enforcement Committee 119  
Commission Regulatory Committee 119  
Commission Risk Committee 120  
committees 20, 119  
commodities markets 8, 39, 72–73  
Commonwealth Director of Public Prosecutions 57, 69, 103, 104, 107  
Commonwealth Director of Public Prosecutions (CDPP) 7  
Commonwealth fraud and corruption control guidelines 222  
Commonwealth Ombudsman reports 223  
Commonwealth Procurement Rules (CPRs) 237  
Companies Auditors Disciplinary Board (CADB) 107–108  
companies register 78, 113  
Compensation Scheme of Last Resort 110, 242  
Competition in Clearing and Settlement reforms 57, 63  
complaints handling 40  
compliance 71, 248–262  
Comprehensive Income (Administered Schedule) 144  
Comprehensive Income (Financial Statement) 137  
consistency and transparency (Strategic Priority 5) 57–61  
Constant, Simone 19, 57, 58, 64  
consultancy contracts 239–240  
consumer credit protections 28  
consumer education 45, 47, 87–89, 96  
consumer leases 28, 29

consumer outcomes (Strategic Priority 1) 27–35  
 consumer warning campaigns 45, 48, 49, 52, 100  
 contact details 264  
 contingent assets and liabilities 179  
 continuous improvement 114  
 continuous professional development 127  
 cookie-cutter advice, inappropriate 45, 46  
 co-regulation activities 42, 62, 189–191  
 Corporate Governance Consultative Panel 81, 82–83  
 Corporate Plan 2024–25 23, 24, 26, 69, 92  
 Corporate Registers Forum (CRF) 85  
 corporate transactions 103–104  
*Corporations Act 2001* 12, 17, 37, 51, 76, 77, 90, 181  
 corrective actions 70  
 corrective disclosures 38  
 cost of living 82, 84, 88  
 Cost Recovery Implementation Statement (CRIS) 12  
 Council of Financial Regulators (CFR) 35, 55  
 Court, Sarah 19, 31, 43, 47, 117  
 court enforceable undertakings 70, 94  
 court-based enforcement actions 6, 7  
 credit and banking sector 97  
 credit licences 78, 95  
 criminal cases 7, 8, 57, 69, 93, 103, 107  
 cross-agency triage 8, 69  
 Cross-Government Engagement Group 81  
 crowdsourced funding 104, 105  
 crypto and digital assets 27, 49, 60–61  
 current/non-current distinction for assets and liabilities 183–184  
 custodial sentences 69, 93  
 Customer Contact Centre 79  
 Cyber Consultative Panel 81, 83  
 cyber security 49–55, 110

## D

data analytics 9, 17, 54, 71, 109–110, 114  
 data literacy 9, 109  
 death benefit claims 6, 41–58, 88, 97  
 debt management firms 28  
 delegation of powers 20  
 Delta Power & Energy 8, 72, 73  
 Department of Foreign Affairs and Trade (DFAT) 86  
 Departmental Budget Variance Commentary 141–143  
 Departmental financial performance 152–154  
 Departmental financial position 158–163  
 depreciation 12  
 deregistered companies 186  
 design and distribution obligations (DDO) 27, 28, 60, 101, 104  
 digital AFS licence portal 78  
 digital and data resilience and safety (Strategic Priority 4) 49–55  
 digital assets 27, 49, 60–61  
 Digital Finance Advisory Panel (DFAP) 81, 83, 86  
 digital technology and data capabilities 109–110  
 disabilities, staff with 128, 130–131  
 disciplinary committees 201  
 disciplinary or peer review panels 199–200  
 dispute resolution 35, 242  
 disqualifications 70  
 diversity, inclusion and belonging 128–131  
 Diversity, Inclusion and Belonging Strategy 2023–25 128

## E

Early Intervention program 127  
 electricity futures market 73  
 Emerging Talent program 126, 129  
 employee provisions 176  
 employees see workforce

energy efficiency 232  
 energy markets 36, 39  
 enforcement actions 6, 7–8, 27, 28, 38, 69–71, 92–93, 104  
 engagement with Parliament and government 79–80  
 enhanced regulatory sandbox (ERS) 86  
 enhanced supervision 75  
 Enterprise Resource Planning Program 122–123  
 Enterprise Services group 122–123  
 entity resource statement and expenses by outcome 202–205  
 equitable gender briefing 130  
 Equiti FS 46  
*Equity market cleanliness snapshot report* (Report 786) 102  
 equity markets 57, 102  
 Executive Committee 120  
 Executive Directors 20, 111, 117, 118  
 executive remuneration 211–213  
 Executive Risk Committee 120  
 External Administrator Assistance Program 71  
*External administrators and controllers: Reporting of possible offences and misconduct* (Regulatory Guide 16) 106  
 external oversight 193

## F

Falcon Capital Limited 47  
*Falling short: Compliance with the small amount credit contract obligations* (Report 805) 30  
 fast-track processes 6, 68  
 Federal Court 27, 30, 32, 38, 42, 45, 46, 51, 56, 61, 63, 74  
 fees 12, 13, 78  
 female barristers 130  
 female employees 128–129  
 FIIG Securities 56  
*Financial Accountability Regime Act 2023* 17

*Financial Accountability Regime (FAR)* 76  
 financial adviser examinations 200  
 financial advisers 46, 48, 99, 100, 200  
 Financial Advisers Consultative Panel 81, 83  
 financial education 87 *see also* consumer education  
 financial hardship assistance 31–32  
 Financial Position (Financial Statement) 138  
 financial reporting and audit 107–108  
*Financial Sector Reform Act 2022* 30  
*Financial Sector Reform (Hayne Royal Commission Response – Better Advice) Act 2021* 199  
 Financial Services and Credit Panel 70, 94, 199–200  
 financial statements 132–187  
 financial summary 12–13  
 fines 7, 8, 27, 42, 69  
 ‘finfluencers’ 100, 101  
 fintech 86  
 First Guardian 45, 47  
 First Nations  
   better banking report 88  
   engagement 80–81, 82  
   Indy-C 31  
   Reconciliation Action Plan (RAP) 111  
   recruitment 111  
   regional engagement program 84  
   superannuation schemes 41  
 Firstmac Limited 27, 28  
 fit and proper person test 77  
 Fixed Income, Currencies and Commodities (FICC) Markets Consultative Panel 81, 83  
 Fowler, Guy 57  
 fraud and corruption control 222  
*Freedom of Information Act 1982* 223–224  
 funding structure 12, 168–175

## G

gatekeeping failures 64  
General Counsel 20  
'Get your super working overtime' 88  
Global Capital Property Fund Limited (GCPF) 45  
Global Financial Innovation Network 85, 86  
glossary 247  
governance 117–121, 192–201, 215  
government engagement 79  
graduate programs 126  
grants programs 228–229  
Greensill Group 108  
greenwashing 8, 36, 38  
Gregson, Scott 21, 118

## H

*Hardship, hard to get help: Findings and actions to support customers in financial hardship* (Report 782) 31–32  
hardship assistance 31–32  
health and safety at work 112, 127, 131  
High Court 61  
Hirehood 105  
Hollard Insurance 33, 34  
home insurance claims 33, 34  
HSBC Australia 8, 51

## I

IDCARE 52  
identity theft 52  
imposter websites 49, 50  
improving consumer outcomes (strategic priority) 27–35  
Income and expenses administered on behalf of the Government 155–157  
Independent Auditor's Report 135  
independent expert reports 104

Indigenous customers see First Nations  
Indigenous employment and learning initiatives 129  
Indigenous Financial Services Framework 81  
industry guidance 75, 95, 106  
Indy-C 28, 31  
information-gathering powers 225–227  
infringement notices 70, 94–95  
initial public offerings (IPOs) 6, 58, 59, 68, 103  
innovation hub 86  
inquiries 7, 62–63  
insider trading 8, 57  
*Insights from internal dispute resolution data reporting: July 2023 to June 2024* (Report 801) 35  
insurance 33, 34, 40, 99  
*Insurance Contracts Act 1984* 17, 34  
intelligence-led regulation 17  
interactive economic dashboards 9, 35, 110  
Inter-Agency Payments Forum 77  
interest rates 88  
internal dispute resolution (IDR) 33, 35, 40, 101  
*Internal Dispute Resolution* (Regulatory Guide 271) 33, 40  
international engagement 85–86, 101  
International Organization of Securities Commissions (IOSCO) 36, 85, 87, 103  
internships 126  
investment management 101  
Investor Alert List 49  
ISG Financial Services 45  
IT infrastructure 113

## J

J.P. Morgan 39, 72

## K

key activities 15, 69–91, 92–96  
key management personnel remuneration 178, 212  
key stakeholder data (five-year summary) 245–246  
key stakeholder engagement 80–85  
Keystone Asset Management Ltd 47  
Kirkland, Alan 19, 45, 101

## L

Law Council of Australia (LCA) 130  
leadership development 111, 125, 127  
Legal Services 20  
legislative responsibilities 16–17 see also compliance  
LGSS Pty Ltd 38  
licence conditions 65  
license transfers 228  
licensee applications see Australian Financial Services (AFS) licensees  
*Life Insurance Act 1995* 17, 90, 181  
liquidators, registered 76, 96, 105–106, 107, 201, 220  
Lofthouse, Helen 57  
Longo, Joseph 6–9, 19, 23, 56, 62, 67, 72, 84, 117, 118  
*Low cost credit contracts* (Regulatory Guide 281) 75  
low-cost credit contracts 75

## M

machine learning 9  
Macquarie Bank 72, 73, 199  
Macquarie Group 8, 39, 64–65  
Macquarie Securities (Australia) Limited (MSAL) 65  
Mainframe 113

malicious websites 49  
managed investment schemes 102  
management committees 120  
management team 123  
Manager Essentials 125, 127  
margin lending law 27  
market infrastructure 102  
market integrity 8, 17, 36, 39, 57–61, 65, 72–73  
market participation 103  
Markets Consultative Panel 81, 84  
Markets Disciplinary Panel (MDP) 64–65, 199  
maturity of performance measurement/assessment 24  
McWilliams, David 45  
*Medical Indemnity (Prudential Supervision and Product Standards) Act 2003* 17  
memorandums of understanding (MOUs) 86  
mentoring 126–127  
Mercer Superannuation 8, 38  
mergers and acquisitions 103  
merging multiple accounts 42  
misconduct and superannuation 45, 48  
misconduct assessments and reports 68, 216–221  
misleading conduct 65  
misleading price discounts 74  
money laundering 79, 104  
Moneysmart Investor Alert List 7  
Moneysmart website 47, 48, 49, 52, 87–89  
*Mutual Assistance in Business Regulation Act 1992* 85

## N

National Anti-Corruption Commission 193  
National Anti-Scam Centre 49  
National Australia Bank (NAB) 8, 32  
*National Consumer Credit Protection Act 2009* 12, 17, 51

National Credit Code 30, 32  
 National Indigenous Consumer Strategy (NICS) 80  
*Navigating the storm: ASIC's review of home insurance claims* (Report 768) 33, 99  
 Net Zero 235  
 Nexia Sydney Audit 108  
 notes to and forming part of the financial statements 150–187  
 notifiable incidents 112, 127

## O

O'Bryan, Justice 39  
 Official Public Account (OPA) 90  
 operating expenses 13  
 operational capabilities 109–113, 192–201  
 organisation structure 21, 122–123  
 O'Rourke, Kate 19, 84–85, 87  
 outcome statement 12, 150  
 outcomes across key activities 69–91  
 over-the-counter (OTC) markets 103

## P

panels 81  
 Parliamentary engagement 79–80, 192–193  
 Parliamentary Joint Committee on Corporations and Financial Services 228  
 Parliamentary oversight 192  
 payments regulatory framework 77  
 payroll system 111, 125  
 PBA Corporation Pty Ltd (impersonators of) 50  
 people strategy 125–127  
 performance measurement 24  
 performance statements 22–115  
 police, working with 48, 52  
 Portfolio Budget Statements 2024–2523, 24, 202–205  
 predatory sales and lending 28

price discounts 74  
 principles of regulator best practice 114–115  
 private markets 57, 58–59, 102  
 procurement contracts 236–241  
 Professional Registers Search 110, 113  
 property vests 229  
 protective actions 70  
*Public Governance, Performance and Accountability Act 2013* 20, 136, 237  
 Pulse Checks 42  
 Pulse Engagement Survey 125  
 purposes 15, 16

## Q

QBE Insurance 74  
 quantifiable contingencies 179, 181  
 Questions on Notice 79, 192, 193

## R

real-time surveillance 9  
 Reconciliation (Administered Schedule) 146  
 Reconciliation Action Plan (RAP) 111  
 Rees, L.J. 136  
 Regional Commissioners 20, 84, 85, 121  
 regional engagement program 84–85  
 registers 9, 76–77, 78, 95, 110, 113, 125  
 Registry Business Advisory Group (RBAG) 78, 81, 84  
 RegistryConnect Program 12, 78  
 regtech 86  
 regulation and supervision functions 17  
 regulator best practice principles 114–115  
 regulatory approach 17  
 regulatory charging summary 174  
 regulatory efficiency 84  
 Regulatory Initiatives Grid (RIG) 84  
 Regulatory Portal 68, 78  
 regulatory relief 76, 96

regulatory remit 18  
 related party disclosures 178  
 Remuneration Tribunal 117  
 ReportCyber portal 52, 55  
 reportable situations (RS) regime 101, 219  
 Reserve Bank of Australia (RBA) 57, 62–63, 77, 85, 88  
 resilience (business, cyber and operational) 55–56, 103, 110  
 resilience (digital and data) 49–55  
 Resimac 32  
 Respect@Work 112, 127  
 retail investor markets 59  
 retirement outcomes 41–58 *see also* superannuation schemes  
*Retirement Savings Accounts Act 1997* 17  
 revenue for the Commonwealth 12–13  
*Review of small business restructuring process: 2022–24* (Report 810) 106  
 risk management 54, 55, 56, 193  
 risk-based practices 114  
 role and responsibilities 16–18

## S

Santangelo, Mr 108  
*Scam prevention, detection and response by the four major banks* (Report 761) 98  
 scam takedowns 6–7, 49–55, 92, 97  
 Scamwatch 50, 52  
 search warrants 48  
 self-managed superannuation funds (SMSFs) 45, 46, 70, 76  
 Senate committees 193  
 Senior Executives 20, 111, 117  
 Service Charter results 243–244  
*Sex Discrimination Act 1984* 127  
 share sale fraud 52  
 Shield 45, 47, 48

short selling 65  
 simplification agenda 7, 66–68, 115  
 Simplification Consultative Group 23  
 small amount credit contract requirements 28, 30  
 small banks 35  
 small business engagement 87, 106, 241  
 Snaffle 8, 28  
 social media 89, 100, 101  
 staff culture, capabilities and capacity 111  
 staff training 127  
 Star Entertainment Group 104  
 State and Territory Regional Liaison Committee 84  
 statement of preparation 23  
 statutory reports 222–230  
 stop orders 28, 31, 48, 104  
 Strategic Priority 1 27–35  
 Strategic Priority 2 36–40  
 Strategic Priority 3 41–58  
 Strategic Priority 4 49–55  
 Strategic Priority 5 57–61  
 strict liability offences 7  
 Study Assistance Program 127  
 summary prosecutions 7  
 Sunshine Loans 28, 30  
*Superannuation Industry (Supervision) Act 1993* 17, 42  
 superannuation schemes 6, 8, 38, 41–58, 59, 88, 97  
 supervisory cost recovery levies 12  
 surveillance 9, 33, 38, 39, 43, 59, 71, 75, 92, 101, 102, 103, 107  
 sustainability reporting 37, 107

## T

*Taking ownership of death benefits* (Report 806) 6, 41, 43  
 talented staff, attracting 126

thematic reviews 42  
transparency 57–61, 103, 111  
travel restrictions 48  
Treasury 77, 80  
trust building 114

## U

unauthorised fee transactions 64  
uncertainties, managing 179–182  
unclaimed money 90–91, 181  
United Global Capital Pty Ltd 45  
unquantifiable contingencies 180  
Urban Rampage 31

## V

Vanguard 38, 39  
vested property 229–230  
Vietnam State Securities Commission 86  
virtual company meetings 104  
vision 15, 16  
visualisation tools 110  
vulnerable customers 28, 41

## W

warnings and reprimands 200  
wealth management companies 79  
website (ASIC) 68, 110, 131 *see also* Moneysmart website  
wellbeing of staff 112, 127  
Westpac 32  
wheat futures market 72  
whistleblowing 221  
who we are and what we do 15  
whole-of-government information sharing 55, 86  
workforce  
diversity, inclusion and belonging 128–131  
employees by full-time/part-time 208–209  
employees by gender 208–209

employees by location 206–207  
health and safety at work 112, 127, 131  
Indigenous employment and learning initiatives 129  
people strategy 125–127  
remuneration 176–178, 211–214  
staff culture, capabilities and capacity 111–112, 125  
staff training 127  
staff with disabilities 128, 130–131  
staffing (appendix) 206–215  
wellbeing of staff 112, 127  
*Workplace Gender Equality Act 2012* 129

## Y

year at a glance 5



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