



ASIC
Australian Securities &
Investments Commission

Supplementary Budget Estimates 2023/2024

OPENING STATEMENT

26 October 2023

I am pleased to appear before the Committee today. I am appearing as Acting ASIC Chair, as Chair Joe Longo is overseas on official business this week.

Mr Longo is attending the IOSCO Board Meeting in Madrid as well as a series of bilateral meetings with regulatory agencies. The IOSCO Board is an international body comprising the heads of securities regulators from around the globe.

Mr Longo regrets being unable to appear today. The timing of this overseas commitment was made some months ago and as I understand it, we followed our usual process for notifying the Committee of his absence.

I am joined by Deputy Chair Karen Chester and Commissioner Kate O'Rourke, Chief Executive Officer Warren Day and our General Counsel Chris Savundra. Also present today are Executive Director of Regulation and Supervision, Greg Yanco, Senior Executive Leader Financial Advisers and Investment Managers, Leah Sciacca and Senior Executive Leader Superannuation and Life Insurance Jane Eccleston.

Also joining us by video is Executive Director of Markets, Calissa Aldridge. Ms Aldridge was unable to travel to Canberra today and we are grateful she has been permitted to attend by video.

I realise we don't have a lot of time today and so I will limit my opening remarks. I will just observe that we released our Annual Report a fortnight ago. That report sets out in detail an outline of our work over the last financial year.

In particular, it demonstrates that ASIC has maintained strong enforcement outcomes. In the financial year to 30 June, our enforcement work resulted in 35 criminal convictions and almost \$190 million in civil penalties and fines imposed by the courts. Compared to 2021-22, the last financial year showed a significant increase in financial services and credit bannings, as well as a greater number of summary prosecutions. In addition, we commenced more than 130 new investigations in 2022-23, up significantly from 107 in the previous financial year.

We set ambitious priorities and have made significant progress on each of them. Some key outcomes for the year worth mentioning include that:

- We undertook considerable enforcement action for alleged greenwashing,
- We used our design and distribution powers to issue close to 80 interim stop orders to quickly prevent poor consumer outcomes,



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- We took action on breaches of directors' duties, including court action against 11 current and former directors of Star Casino and obtaining significant penalties and disqualification orders in GetSwift Limited
- We conducted a Cyber Pulse survey to test the cyber resilience practices of Australian business, and
- We continued our focus on scam prevention, including the release in April of a landmark report on the approach taken by major banks to prevent, detect and respond to scams.

Our enforcement record remains strong this quarter. We have recently commenced civil penalty proceedings against each of Westpac and the trustee of AustralianSuper. We filed two further civil penalty proceedings in relation to alleged greenwashing activity. The Federal Court handed down penalties of \$15 million against ANZ Banking Group and \$2.1 million against the NAB following ASIC's proceedings. And on 23 June 2023 we released [Report 765](#) and [called on general insurers to repay \\$815m](#) for broken pricing promises affecting over 5.6 million consumers.

The Friday before last, we won a landmark case against ANZ, with the Federal Court finding ANZ breached continuous disclosure laws in 2015 when it undertook a \$2.5 billion institutional share placement and failed to notify the ASX that underwriters had acquired around a third of the shares.

This is but a snapshot of the important work we are doing.

We are looking forward to answering your questions.