

# Monitor 8 of 2022 – Ministerial Responses

## Contents

### Chapter 1: New and ongoing matters

Competition and Consumer (Industry Codes—Franchising) Amendment (Franchise Disclosure Register) Regulations 2022 .....	1
--	---

### Chapter 2: Concluded matters

Anti-Money Laundering and Counter-Terrorism Financing Rules Amendment Instrument 2021 (No. 2).....	3
--	---

Correspondence associated with the following instruments considered in Monitor 8 of 2022 was tabled with Monitor 7 of 2022:

- Competition and Consumer Amendment (Consumer Data Right) Regulations 2021
- Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 1) Regulations 2022



**Julie Collins MP**

---

**Minister for Housing  
Minister for Homelessness  
Minister for Small Business**

Ref: MS22-002449

Senator Linda White  
Chair of the Committee  
Senate Standing Committee for the Scrutiny of Delegated Legislation  
Department of the Senate  
Room S1.111  
Parliament House  
CANBERRA ACT 2600

*Linda*  
Dear Senator

I am writing in relation to the Senate Standing Committee for the Scrutiny of Delegated Legislation's comments in the Delegated Legislation Monitor 7 of 2022.

I have attached a detailed response to the Committee's enquiries about the Competition and Consumer (Industry Codes—Franchising) Amendment (Franchise Disclosure Register) Regulations 2022.

I trust that the information attached provides further context about the drafting of the instrument and assists with the Committee's deliberations.

Thank you again for your letter.

Yours sincerely,

*Julie Collins MP*

*15 / 11 / 2022*

Enc:  
Attachment A

CC: The Hon Jim Chalmers MP, Treasurer

## **ATTACHMENT A**

The Competition and Consumer (Industry Codes—Franchising) Amendment (Franchise Disclosure Register) Regulations 2022 (the instrument) amends the Competition and Consumer (Industry Codes—Franchising) Regulation 2014 (the Franchising Code) to introduce a public register of information on the operation and structure of franchise systems.

The instrument requires a review of the operation of the register provisions to occur, with a written report of the review given to the Minister by 30 June 2024.

I understand the Committee's view that this report may be a significant issue of interest to Parliament, as the instrument followed recommendations of the Parliamentary Joint Committee on Corporations and Financial Services. As such, the Committee has requested an amendment to the Franchising Code to include a requirement to table the report in Parliament.

I thank the Committee for its consideration of this matter and advise that I have reflected carefully on the Committee's stated view. I have noted the instrument is in accordance with the recommendations of the Parliamentary Joint Committee on Corporations and Financial Services. I have also reflected upon reasons for presentation of the report to the Minister rather than tabling it in Parliament. In brief, those reasons are that:

- the review and subsequent report has an operational focus on one part of the Franchising Code (inserted by the instrument) and therefore it is not significant such that it requires Parliamentary scrutiny
- there will be opportunity for Parliamentary scrutiny within a year of the review through the sunset process of the Franchising Code (which will sunset on 1 April 2025), and
- the current review arrangements for the Franchising Code are consistent with the broader legislative framework for industry codes, providing certainty for those administering and those subject to such codes.

Having considered all relevant factors, I do not propose to amend the instrument to include a tabling requirement. However, I will arrange for publication of the report online. This will further the objectives of transparency and accountability noted by the Committee, and it ensures availability of the report to all interested persons.



## Attorney-General

Reference: MS22-900084

Senator Linda White  
Chair  
Senate Standing Committee for the Scrutiny of  
Delegated Legislation  
Parliament House  
CANBERRA ACT 2600

By email: [sdlc.sen@aph.gov.au](mailto:sdlc.sen@aph.gov.au)

Dear Senator

I am writing in response to correspondence of 27 October 2022 from the Senate Standing Committee for the Scrutiny of Delegated Legislation seeking further advice on the *Anti-Money Laundering and Counter-Terrorism Financing (AML/CTF) Rules Amendment Instrument 2021 (No.2)* [F2021L01658] (AML/CTF Rules Amendment Instrument).

As outlined in my letter of 4 October 2022, the AUSTRAC CEO will revisit the AML/CTF Rules after the completion of Treasury's consultation and Parliament's consideration of amendments to the Corporations Regulations, to reflect the decision of the Full Federal Court in *LCM Funding Pty Ltd v Stanwell Corporation Limited* [2022] FCAFC 103, and reverse the effect of the amendments made by the Corporations Amendment (Litigation Funding) Regulations 2020.

In light of the changing legal and regulatory position regarding litigation funders, I agree that the AML/CTF Rules Amendment Instrument can be amended to provide that the exemptions to primary legislation inserted by the Instrument cease within five years of their commencement. I note that such an amendment will not be necessary if, in the course of revisiting the AML/CTF Rules as noted above, the AUSTRAC CEO determines that it is appropriate to repeal the Instrument.

I trust this information will assist members of the Committee in their consideration of the motion. If the Committee has further questions, AUSTRAC would be happy to meet with the Committee to discuss the AML/CTF Rules and the scrutiny concerns raised.

Yours sincerely

**THE HON MARK DREYFUS KC MP**

18/11/2022