



Australian Government

Australian Government response to the
Parliamentary Joint Committee on Corporations and Financial
Services Report:

*Statutory Oversight of the Australian Securities and
Investments Commission, the Takeovers Panel and the
Corporations Legislation*

Report No. 1 of the 44th Parliament

November 2014

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Parliamentary Joint Committee on Corporations and Financial Services

Statutory Oversight of the Australian Securities and Investments Commission, the Takeovers Panel
and the Corporations Legislation

Government Response

Recommendation 1

The committee recommends that the compliance index of ASIC annual reports clearly set out the source of all mandatory and statutory requirements, including section 136 of the ASIC Act.

- The Government notes this recommendation.
- This recommendation is a matter for ASIC to consider.
- ASIC is an independent statutory body established under the *Australian Securities and Investments Commission Act 2001*.

Recommendation 2

The committee recommends that in future annual reports, ASIC include performance data over longer periods to allow trends in performance to be analysed.

- The Government notes this recommendation.
- This recommendation is a matter for ASIC to consider.

Recommendation 3

The committee recommends that the government undertake a review of penalties available to ASIC and that the review include a broadly based consultation process.

- The Government agrees to this recommendation.
- On 19 October 2016 the Government announced a taskforce to review the enforcement regime of ASIC, to assess the suitability of the existing regulatory tools available to it to perform its functions adequately.
- The terms of reference for the review cover a range of matters, including the adequacy of existing civil and criminal penalties.
- The taskforce is led by a Panel chaired by Treasury, and includes senior representatives from ASIC, the Attorney-General's Department, and the office of the Commonwealth Director of Public Prosecutions, with support from an Expert Group drawn from academia and legal experts recognised for their expertise in corporations, consumer,

financial and credit law. The Expert Group will provide ongoing advice and feedback to the Panel in preparing its report and recommendations.

- There is also a Reference Group consisting of a range of stakeholders including peak industry bodies, consumer groups, professional associations, domestic and international regulators, and the judiciary, from which the Panel proposes to seek input.
- The Taskforce will report to the Government in 2017.

