



**ASIC**  
Australian Securities &  
Investments Commission

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**Delegation, Authorisation and Appointment  
(ASIC) Instrument 2023/0584**

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## Part 1—Preliminary

### 1 Name of instrument

This is the *Delegation, Authorisation and Appointment (ASIC) Instrument 2023/0584*.

### 2 Source of power

This instrument is made under or for the purposes of the following provisions:

- (a) subsections 11(4) and 12A(6), sections 29, 34, subsection 39D(1) and sections 39G and 102, of the ASIC Act;
- (b) section 79 of the Business Names Registration Act;
- (c) subsection 601 WAA(2) of the Corporations Act;
- (d) section 264, subsections 268(1) and 272B(1), and section 272E of the National Consumer Credit Protection Act;
- (e) sections 96 and 129A of the Retirement Savings Accounts Act;
- (f) sections 265 and 298A of the Superannuation Industry (Supervision) Act;
- (g) section 127 of the Life Insurance Act.

### 3 Commencement

This instrument commences on the date on which ASIC's common seal is affixed to this instrument.

### 4 Definitions

In this instrument:

**ASIC** has the same meaning as in the ASIC Act.

**ASIC Act** means the *Australian Securities and Investments Commission Act 2001*.

**Business Names Registration Act** means the *Business Names Registration Act 2011*.

**Business Names Registration (Transitional and Consequential Provisions) Act** means the *Business Names Registration (Transitional and Consequential Provisions) Act 2011*.

**Corporations Act** means the *Corporations Act 2001*.

**Crimes Act** means the *Crimes Act 1914*.

**Life Insurance Act** means the *Life Insurance Act 1995*.

**member**, in relation to ASIC, has the same meaning as in the ASIC Act.

**National Consumer Credit Protection Act** means the *National Consumer Credit Protection Act 2009*.

**Retirement Savings Accounts Act** means the *Retirement Savings Accounts Act 1997*.

**senior staff member** has the same meaning as in the ASIC Act.

**Superannuation Industry (Supervision) Act** means the *Superannuation Industry (Supervision) Act 1993*.

**staff member** means:

- (a) a member of the staff referred to in subsection 120(1) of the ASIC Act who is holding, occupying or performing the duties of an office or position at any of the following levels:
  - (i) ASIC 1;
  - (ii) ASIC 2;
  - (iii) ASIC 3;
  - (iv) ASIC 4;
  - (v) Executive Level 1;
  - (vi) Executive Level 2;
  - (vii) Executive Leader; or
- (b) a senior staff member; or
- (c) any of the officers, employees and persons who, under section 122 of the ASIC Act, are to assist ASIC.

## 5 Interpretation

If any provision of this instrument would, but for this section, be construed as being in excess of the power to delegate, authorise or appoint, as the case may be, it is to be taken to be a valid instrument to the extent to which it is not in excess of that power.

## **Part 2—Repeal of instrument of delegation, authorisation and appointment**

### **6 Repeal – instrument of delegation, authorisation and appointment**

*The Delegation, Authorisation and Appointment (ASIC) Instrument  
2023/0464 is repealed.*

## Part 3—Delegations

### 7 Delegations—ASIC Act—members and staff members

Note: Delegations under this section are made under section 102 of the ASIC Act.

- (1) ASIC delegates, to each person referred to in subsection (2), its functions and powers referred to in subsections (3) and (4), subject to the exceptions referred to in subsections (5) and (6).

#### *Delegates*

- (2) The persons are:
  - (a) each member of ASIC; and
  - (b) each staff member of ASIC.

#### *Functions and powers delegated*

- (3) The functions and powers are all of the functions and powers that are conferred on ASIC by or under:
  - (a) the ASIC Act; and
  - (b) the *Banking Act 1959*; and
  - (c) the Corporations Act; and
  - (d) the *Corporations (Fees) Act 2001*; and
  - (e) the *ASIC Supervisory Cost Recovery Levy Act 2017*; and
  - (f) the *ASIC Supervisory Cost Recovery Levy (Collection) Act 2017*; and
  - (g) the *Insurance Contracts Act 1984*; and
  - (h) the Life Insurance Act; and
  - (i) the Retirement Savings Accounts Act; and
  - (j) the Superannuation Industry (Supervision) Act; and
  - (k) the National Consumer Credit Protection Act; and
  - (l) the *National Consumer Credit Protection (Transitional and Consequential Provisions) Act 2009*; and
  - (m) the *Medical Indemnity (Prudential Supervision and Product Standards) Act 2003*; and

- (n) the *Mutual Assistance in Business Regulation Act 1992*; and
  - (o) the *Australian Prudential Regulation Authority Act 1998*; and
  - (p) the *Insurance Act 1973*;
  - (q) the *Trans-Tasman Mutual Recognition Act 1997*; and
  - (r) the *Financial Services Compensation Scheme of Last Resort Levy (Collection) Act 2023*.
- (4) For the avoidance of doubt, the functions and powers also include all of the functions and powers that are conferred on ASIC by or under any legislative instrument made under any of the Acts referred to in subsection (3).

#### *Exceptions*

- (5) This section does not apply to the functions or powers that are conferred on ASIC by or under:
- (a) subsection 102(1) of the ASIC Act; or
  - (b) section 12GLC of the ASIC Act; or
  - (c) Subdivisions GB and GC of Division 2 of Part 2 of the ASIC Act; or
  - (d) subsection 139(2) of the ASIC Act; or
  - (e) subsection 921S(1) of the Corporations Act; or
  - (f) Part 7.9A of the Corporations Act; or
  - (g) Part 6-7A of the National Consumer Credit Protection Act.
- Note: Delegation of these powers is dealt with in sections 8 and 9.
- (6) For the avoidance of doubt, this section does not apply to the functions or powers that are conferred on ASIC by or under:
- (a) the Business Names Registration Act; or
  - (b) the Business Names Registration (Transitional and Consequential Provisions) Act.

Note: Delegation of these functions and powers is dealt with in sections 10 and 11.

## **8 Delegations—ASIC Act—members and senior staff members**

Note: Delegations under this section are made under section 102 of the ASIC Act.

- (1) ASIC delegates, to each person referred to in subsection (2), its functions and powers referred to in subsection (3).

*Delegates*

- (2) The persons are:
  - (a) each member of ASIC; and
  - (b) each senior staff member.

*Functions and powers delegated*

- (3) The functions and powers are the functions and powers that are conferred on ASIC by or under:
  - (a) section 12GLC of the ASIC Act; and
  - (b) Subdivisions GB and GC of Division 2 of Part 2 of the ASIC Act; and
  - (c) Part 7.9A of the Corporations Act; and
  - (d) Part 6-7A of the National Consumer Credit Protection Act.

**9 Delegations—ASIC Act and Corporations Act—members and staff members**

Note: Delegations under this section are made under section 102 of the ASIC Act.

- (1) ASIC delegates, to each person referred to in subsection (2), its functions and powers referred to in subsection (3), subject to the directions referred to in subsection (4).

*Delegates*

- (2) The persons are:
  - (a) each member of ASIC;
  - (b) each senior staff member;
  - (c) each staff member in Enforcement and Compliance at any of the following levels:
    - (i) Executive Leader; and
    - (ii) Executive Level 2.

*Functions and powers delegated*

- (3) The functions and powers are ASIC's functions and powers under:
  - (a) subsection 139(2) of the ASIC Act; and
  - (b) subsection 921S(1) of the Corporations Act.



*Directions*

- (4) A delegate may exercise the functions and powers referred to in subsection (3) after receiving a written request to consider convening a Financial Services and Credit Panel or to issue a warning or reprimand from a staff member or a member of ASIC.

## **10 Delegations—Business Names Registration Act—members and senior staff members**

Note: Delegations under this section are made under subsection 79(1) of the Business Names Registration Act.

- (1) ASIC delegates, to each person referred to in subsection (2), its functions and powers referred to in subsection (3).

*Delegates*

- (2) The persons are:
- (a) each member of ASIC; and
  - (b) each senior staff member.

*Functions and powers delegated*

- (3) The functions and powers are ASIC's functions and powers under section 37, and subsections 41(1) and 47(1), of the Business Names Registration Act.

## **11 Delegations—Business Names Registration Act—staff members with appropriate expertise**

Note: Delegations under this section are made under subsection 79(2) of the Business Names Registration Act.

- (1) ASIC delegates, to each person referred to in column 1 of a row of the table to subsection (2), its functions and powers under:
- (a) each provision of the Business Names Registration Act that is referred to in column 2 of the corresponding row; and
  - (b) each provision of the Business Names Registration (Transitional and Consequential Provisions) Act that is referred to in column 3 of the corresponding row; and
  - (c) each provision of each legislative instrument that is made under the Business Names Registration Act or the Business Names Registration (Transitional and Consequential Provisions) Act that is referred to in column 4 of the corresponding row.
- (2) The table is:

<b>Delegate</b>		<b>Functions and powers</b>	
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Each staff member in the Registry Interactions & Services team at any of the following levels: (a) ASIC 1; (b) ASIC 2; (c) ASIC 3; (d) ASIC 4	All provisions other than the following: (a) section 37; (b) subsection 41(1); (c) subsection 41(2); (d) subsection 46(1); (e) subsection 47(1); (f) subsection 54(3); (g) subsection 65(1); (h) section 66; (i) section 71; (j) section 75; (k) section 79	All provisions other than item 13 of Schedule 1	All provisions of all legislative instruments
Each staff member in the Registry Interactions & Services team at any of the following levels: (a) Executive Level 1; (b) Executive Level 2; (c) Executive Leader	All provisions other than the following: (a) section 37; (b) subsection 41(1); (c) subsection 41(2); (d) subsection 46(1); (e) subsection 47(1); (f) subsection 65(1); (g) section 66; (h) section 71; (i) section 79	All provisions	All provisions of all legislative instruments
Each staff member in the Registry Interactions & Services team who is a senior staff member	All provisions other than the following: (a) section 37; (b) subsection 41(1); (c) subsection 41(2); (d) subsection 47(1); (e) subsection 65(1); (f) section 79	All provisions	All provisions of all legislative instruments
Each staff member who is a senior staff member	Section 71	All provisions	All provisions of all legislative instruments

<b>Delegate</b>	<b>Functions and powers</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
Each staff member in the Digital Data & Technology Transformation Office at any of the following levels:  (a) Executive Level 2; (b) Executive Leader	(a) Subsection 60(3); (b) Section 61; (c) Section 62	None of these provisions	None of these provisions
Each staff member in the Modernising Business Registers Program who is a senior staff member	(a) Subsection 60(3); (b) Section 61; (c) Section 62	None of these provisions	None of these provisions

- (3) For this section, a staff member in a particular team is taken to be at a level referred to in the table to subsection (2) if the staff member holds, occupies or performs the duties of an office or position in that team at that level.

## Part 4—Authorisations

### 12 Authorisations—Division 3 of Part 3 of the ASIC Act

Note: Authorisations under this section are made under or for the purposes of subsection 11(4), and sections 29 and 34, of the ASIC Act.

- (1) ASIC authorises each person referred to in subsection (2):
  - (a) for the purposes of section 29 of the ASIC Act; and
  - (b) to make a requirement of a kind that Division 3 of Part 3 of the ASIC Act empowers ASIC to make.

#### *Authorised officers*

- (2) The persons are:
  - (a) each member of ASIC; and
  - (b) each staff member of ASIC.

### 13 Authorisations—Division 3A of Part 3 of the ASIC Act

Note: Authorisations under this section are made under or for the purposes of subsection 11(4) and subsection 39D(1) and section 39G of the ASIC Act.

- (1) ASIC authorises each person referred to in subsection (2) for the purposes of sections 3E, 3LA and 3R of the Crimes Act.

#### *Authorised officers*

- (2) The persons are:
  - (a) each member of ASIC; and
  - (b) each staff member of ASIC.

### 14 Authorisations—Corporations Act

Note: Authorisations under this section are made under subsection 11(4) of the ASIC Act and subsection 601WAA(2) of the Corporations Act.

- (1) ASIC authorises each person referred to in subsection (2):
  - (a) to perform or exercise the functions or powers of an authorised ASIC officer under each provision of Part 5D.6 of the Corporations Act; and
  - (b) for the purposes of sections 792D, 792E, 821C, 821D and 912E of the Corporations Act.

*Authorised officers*

- (2) The persons are:
- (a) each member of ASIC; and
  - (b) each staff member of ASIC.

**15 Authorisations—Part 6-3 of the National Consumer Credit Protection Act**

Note: Authorisations under this section are made under or for the purposes of subsection 12A(6) of the ASIC Act and section 264, and subsection 268(1), of the National Consumer Credit Protection Act.

- (1) ASIC authorises each person referred to in subsection (2):
- (a) to make a requirement of a kind that Part 6-3 of the National Consumer Credit Protection Act empowers ASIC to make; and
  - (b) for the purposes of sections 51 and 264 of the National Consumer Credit Protection Act.

*Authorised officers*

- (2) The persons are:
- (a) each member of ASIC; and
  - (b) each staff member of ASIC.

**16 Authorisations—Part 6-3A of the National Consumer Credit Protection Act**

Note: Authorisations under this section are made under or for the purposes of subsection 12A(6) of the ASIC Act and subsection 272B(1), and section 272E, of the National Consumer Credit Protection Act.

- (1) ASIC authorises each person referred to in subsection (2) for the purposes of sections 3E, 3LA and 3R of the Crimes Act.

*Authorised officers*

- (2) The persons are:
- (a) each member of ASIC; and
  - (b) each staff member of ASIC.

**17 Authorisations—Retirement Savings Accounts Act**

Note: Authorisations under this section are made under section 129A of the Retirement Savings Accounts Act.

- (1) ASIC authorises each person referred to in subsection (2) for the purposes of sections 92, 93 and 94, and subsection 104(8), of the Retirement Savings Accounts Act.

*Authorised officers*

- (2) The persons are each staff member of ASIC.

**18 Authorisations—Superannuation Industry (Supervision) Act**

Note: Authorisations under this section are made under section 298A of the Superannuation Industry (Supervision) Act.

- (1) ASIC authorises each person referred to in subsection (2) for the purposes of sections 254, 255, 256, 264 and 273(8) of the Superannuation Industry (Supervision) Act.

*Authorised officers*

- (2) The persons are each staff member of ASIC.

## Part 5—Appointments

### 19 Appointments—Retirement Savings Accounts Act

Note: Appointments under this section are made under section 96 of the Retirement Savings Accounts Act.

- (1) ASIC appoints each person referred to in subsection (2) to the position referred to in subsection (3).

#### *Appointees*

- (2) The persons are each staff member of ASIC.

#### *Position*

- (3) The position is an inspector for the purposes of the conduct of investigations under Division 3 of Part 10 of the Retirement Savings Accounts Act in relation to the affairs of RSA providers.

#### *Definitions*

- (4) In this section:

*inspector* has the same meaning as in the Retirement Savings Accounts Act.

*RSA provider* has the same meaning as in the Retirement Savings Accounts Act.

### 20 Appointments—Superannuation Industry (Supervision) Act

Note: Appointments under this section are made under section 265 of the Superannuation Industry (Supervision) Act.

- (1) ASIC appoints each person referred to in subsection (2) to the position referred to in subsection (3).

#### *Appointees*

- (2) The persons are each staff member of ASIC.

#### *Position*

- (3) The position is an inspector for the purposes of the conduct of investigations under Division 4 of Part 25 of the Superannuation Industry (Supervision) Act in relation to:
  - (a) the affairs of superannuation entities and approved SMSF auditors; and
  - (b) the conduct of audits of self managed superannuation funds.

*Definitions*

(4) In this section:

***approved SMSF auditor*** has the same meaning as in the Superannuation Industry (Supervision) Act.

***inspector*** has the same meaning as in the Superannuation Industry (Supervision) Act.

***self managed superannuation fund*** has the meaning given by the Superannuation Industry (Supervision) Act.

***superannuation entity*** has the meaning given by the Superannuation Industry (Supervision) Act.

## 21 Appointments—Life Insurance Act

Note: Appointments under this section are made under section 127 of the Life Insurance Act.

(1) ASIC appoints each person referred to in subsection (2) to the position referred to in subsection (3).

*Appointees*

(2) The persons are each staff member of ASIC.

*Position*

(3) The position is an authorised person for the purposes of sections 131, 132, 133, 135, 137, 138, 139, 140, 141, 142, 143, 144, 149, 151, 235 and 236 of the Life Insurance Act.

*Definitions*

(4) In this section:

***authorised person*** has the same meaning as in the Life Insurance Act.



## Part 6—Execution

### 22 Execution

Dated: 19 July 2023


The Common Seal of ASIC  
was affixed in accordance with  
a decision of ASIC made on  
19 July 2023

)  
)  
)  
)



and affixed by:

in the presence of:

.....

Signature

.....

Signature

Msiao-Ni (Sharni) Axtens

Name

ASIC Commission Secretary

Emma Farnsworth

Name

