



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Level 7, 120 Collins Street,
MELBOURNE VIC 3001

Level 5, 100 Market Street
SYDNEY NSW 2001

Postal Address:
GPO Box 9827,
BRISBANE QLD 4001

Switch: +61 1300 935 075
www.asic.gov.au

**JOSEPH LONGO
CHAIR**

7 September 2023

Mr Jason Lange
Executive Director
Office of Impact Analysis
Department of the Prime Minister and Cabinet

By email: helpdesk-OBPR@pmc.gov.au

LEGISLATIVE INSTRUMENTS SCHEDULED TO SUNSET ON 1 OCTOBER 2023

Dear Mr Lange

I am writing to the Office of Impact Analysis (**OIA**) regarding the following legislative instruments, which, as per the Legislation Act 2003, have been scheduled to sunset on 1 October 2023 (together, '**the Instruments**')

- [Class Order \[CO 13/519\]](#) *Changing the responsible entity ([CO 13/519]);*
- [Class Order \[CO 13/520\]](#) *Relevant interests, voting power and exceptions to the general prohibition ([CO 13/520]);*
- [Class Order \[CO 13/521\]](#) *Takeover bids ([CO 13/521]);*
- [Class Order \[CO 13/522\]](#) *Compulsory acquisitions and buyouts ([CO 13/522]);*
- [Class Order \[CO 13/524\]](#) *Bidder giving substantial holding notice ([CO 13/524]);*
- [Class Order \[CO 13/525\]](#) *On-sale disclosure relief for scrip bids and schemes of arrangement ([CO 13/525]);*
- [Class Order \[CO 13/526\]](#) *Warrants: Relevant interests and associations ([CO 13/526]);* and
- [Class Order \[CO 13/528\]](#) *Changes to a bidder's statement between lodgement and dispatch ([CO 13/528]).*

However, it has been decided that the instruments are to be remade without significant amendment.

The Australian Securities and Investments Commission certifies the Instruments are operating effectively and efficiently, and that therefore Impact Analysis is not required for this legislation to be remade.

The assessment that the Instruments are operating effectively and efficiently has been informed by a consultation process which involved the Law Council of Australia, the Australian Financial Markets Association and Gilbert + Tobin, over the period of 9 weeks, between 20 November 2022 and 23 January 2023.

I also note that the regulatory burden to business, community organisations or individuals has been quantified using the *Australian Regulatory Burden Measurement framework*. In respect of [CO 13/519], [CO 13/522], [CO 13/524], [CO 13/525], [CO 13/526] there have been no alterations that give rise to changes in average annual regulatory costs:

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	\$0	\$0	\$0	\$0

In respect of remaking [CO 13/520], there are likely to be cost savings for ASIC's regulated population, as a result of ASIC providing class relief for voluntary escrow arrangements in relation to securities issued to parties selling a business. The following conservative cost saving estimate reflects the fact that applicants will no longer be required to seek individual relief for such matters, and pay a fee of \$3,487 as specified in the item 80 of schedule 1 of the *Corporations (Fees) Regulations 2001*. However, participants are also likely to obtain other cost savings associated with no longer having to prepare such applications.

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	-\$87,175	\$0	\$0	-\$87,175

In respect of remaking [CO 13/521], there are likely to be cost savings for ASIC's regulated population, as a result of ASIC amending s617(2) to operate over performance rights and other derivatives. The following conservative cost saving estimate reflects the fact that applicants will no longer be required to seek individual relief for such matters, and pay a fee of \$3,487 as specified in the item 80 of schedule 1 of the *Corporations (Fees) Regulations 2001*. However, participants are also likely to obtain other cost savings associated with no longer having to prepare such applications.

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	-\$34,870	\$0	\$0	-\$34,870

In respect of remaking [CO 13/528], there are likely to be cost savings for ASIC's regulated population, as a result of ASIC removing the requirement to lodge a supplementary bidder's statement in order to lodge and dispatch a replacement bidder's statement.

The following conservative cost saving estimate reflects the fact that applicants will no longer be required to lodge a supplementary bidder's statement alongside a replacement bidder's statement, which would otherwise require the payment of a fee of \$802 as specified in the item 30 of schedule 1 of the *Corporations (Fees) Regulations 2001*.

Average annual regulatory costs (from business as usual)				
Change in costs (\$ million)	Business	Community organisations	Individuals	Total change in costs
Total, by sector	-\$38,495	\$0	\$0	-\$38,495

I acknowledge that OIA will publish this letter for transparency purposes.

If you have any queries about this advice, please contact Amanda Zeller on +61 401 030 311, or Amanda.Zeller@asic.gov.au.

Yours sincerely


JOSEPH LONGO
CHAIR