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ISSUE 95



## BANKING SECTOR NEWSLETTER

Welcome to the latest issue of our Banking Sector Newsletter.

In this edition, the *Financial Accountability Regime* draft bill (FAR Bill) was introduced into the House of Representatives on Thursday, 28 October. The Bill will impose a number of obligations including accountability, key personnel, deferred remuneration and notification obligations.

In other news, the Australian Financial Complaints Authority has announced the appointment of seven Senior Ombudsmen to enhance the efficiency and effectiveness of dispute resolution.

This issue of the Newsletter also provides the usual round-up of practice notes, cases and legislation.

### IN THE MEDIA

#### New scams research reveals 1 in 4 adults approached by cyber-criminals follow their instructions

Startling new research released by the Customer Owned Banking Association (COBA) for Scams Awareness Week reveals that 8 in 10 people have experienced being approached by a cyber-criminal in the past two years, and of those affected a quarter did what was asked of them. <https://www.customerownedbanking.asn.au/news-and-resources/media-releases/Scams-awareness-week-2021>

#### ASIC obtains Federal Court orders against unlicensed investment scheme A One Multi Services

ASIC has moved to shut down unlicensed financial services business A One Multi Services Pty Ltd (A One Multi), which is suspected to be engaging in unlawful activity and protect investors. <https://asic.gov.au/about-asic/news-centre/find-a-media-release/2021-releases/21-289mr-asic-obtains-federal-court-orders-against-unlicensed-investment-scheme-a-one-multi-services/>

#### ASIC releases guidance and examples on records of advice

ASIC has released an information sheet on records of advice (ROA) and three ROA examples to provide clarity to financial advisers and advice. <https://asic.gov.au/about-asic/news-centre/find-a-media-release/2021-releases/21-294mr-asic-releases-guidance-and-examples-on-records-of-advice/>

#### The Financial Accountability Regime (FAR) progresses

The FSC notes that the FAR Bill is substantially the same as the exposure draft circulated for public consultation in July 2021, although there have been a number changes including (a) imposing legal obligations on auditors and actuaries to assist APRA with investigations, (b) imposing accessorial liability on accountable persons in certain circumstances, and (c) allowing the regulator to publicly disclose certain details of the register of accountable persons. <https://www.fsc.org.au/news/financial-accountability-regime-progresses>

#### Sustainability reporting leaps forward with launch of global standard setter

CPA Australia welcomes launch of International Sustainability Standards Board (ISSB). The ISSB will elevate sustainability reporting to the status of financial reporting. Australia must "get on board" to ensure our financial markets are not left behind. <https://www.cpaaustralia.com.au/about-cpa-australia/media/media-releases/sustainability-reporting-leaps-forward-with-launch-of-global-standard-setter>

#### ASIC sues timeshare company Ultiqa for poor financial advice outcomes

ASIC has commenced civil penalty proceedings against Ultiqa Lifestyle Promotions Ltd (Ultiqa) for failing to ensure that financial advice to consumers to buy timeshare products was in the consumers' best interests. <https://asic.gov.au/about-asic/news-centre/find-a-media-release/2021-releases/21-288mr-asic-sues-timeshare-company-ultiqa-for-poor-financial-advice-outcomes/>

### IFRS Foundation announces International Sustainability Standards Board, consolidation with CDSB and VRF, and publication of prototype disclosure requirements

As world leaders meet in Glasgow for COP26, the UN global summit to address the critical and urgent issue of climate change, the IFRS Foundation Trustees (Trustees) announce three significant developments to provide the global financial markets with high-quality disclosures on climate and other sustainability issues. <https://www.ifrs.org/news-and-events/news/2021/11/ifrs-foundation-announces-issb-consolidation-with-cdsb-vrf-publication-of-prototypes/>

### ASIC commences proceedings against Ferratum Australia for charging prohibited credit fees

ASIC has commenced civil penalty proceedings in the Federal Court against Ferratum Australia Pty Ltd (Ferratum) for charging prohibited fees and overcharging consumers who paid off loans early. <https://asic.gov.au/about-asic/news-centre/find-a-media-release/2021-releases/21-287mr-asic-commences-proceedings-against-ferratum-australia-for-charging-prohibited-credit-fees/>

### ASIC waits on ACER contract for adviser exam

The corporate regulator is waiting to finalise its contract with the financial adviser exam facilitator before publishing information about exams to be held next year. <https://www.moneymanagement.com.au/news/financial-planning/asic-waits-acer-contract-adviser-exam>

### CSLR legislation introduced

To allow CSLR to commence as soon as possible, the Government would fund its establishment and contribute to scheme costs in the first year. This would allow the scheme to start paying claims from 1 July, 2022, but after that the scheme would be industry funded through a levy on "relevant financial service and credit licensees". <https://www.moneymanagement.com.au/news/policy-regulation/cslr-legislation-introduced>

### AUSTRAC statement 2021: de-banking

The effect of de-banking of legitimate and lawful financial services businesses can increase the risks of money laundering and terrorism financing and negatively impacts Australia's economy. For this reason, AUSTRAC continues to discourage the indiscriminate and widespread closure of accounts across entire financial services sectors. <https://www.austrac.gov.au/news-and-media/media-release/austrac-statement-2021-de-banking>

### Government meets legislative commitments in response to Hayne Royal Commission

The Federal Government has introduced legislation into Parliament to establish the Financial Accountability Regime and the Compensation Scheme of Last Resort. <https://ministers.treasury.gov.au/ministers/jane-hume-2020/media-releases/government-meets-legislative-commitments-response-hayne>

### Next steps on the White Paper on Financial Advice

The launch of the FSC's White Paper on Financial Advice has been well received. While it will hard code the philosophy and direction of FSC advocacy for the sector going forward – reform cannot come soon enough. <https://www.fsc.org.au/news/next-steps-white-paper>

### Last day to register for November FASEA exam

The minister for financial services, superannuation and the digital economy, Jane Hume, is encouraging advisers to register for the November exam as the extension will only apply to a limited number of advisers. <https://www.moneymanagement.com.au/news/financial-planning/last-day-register-november-fasea-exam>

### AFCA appoints seven Senior Ombudsmen

The Australian Financial Complaints Authority (AFCA) has created the new role of Senior Ombudsman, announcing seven appointments, as it progresses projects to enhance the efficiency and effectiveness of dispute resolution. <https://www.afca.org.au/news/media-releases/afca-appoints-seven-senior-ombudsmen>

## IN PRACTICE AND COURTS

### ASIC Updates

05/11/2021 [INFO 266 FAQs: Records of Advice \(ROAs\) \(new\)](#); [Example Record of Advice \(ROA\): Life insurance advice – Retain existing products and increase insurance](#); [Example Record of Advice \(ROA\): No change advice](#); [Example Record of Advice \(ROA\): Stockbroker](#)

Provides guidance on records of advice (ROAs) and three ROA examples to provide clarity to financial advisers and advice licensees on their obligations when using ROAs to provide personal advice to retail clients: see [21-294MR](#).

29/10/2021 [INFO 225 Crypto-assets](#) (reissued); [INFO 230 Exchange traded products: Admission guidelines](#) (reissued); [REP 705 Response to submissions on CP 343 Crypto-assets as underlying assets for ETPs and other investment products](#)

Provides good-practice guidance for product issuers and market operators on how they can meet their regulatory obligations in relation to crypto-asset exchange traded products (ETPs) and other investment products: see [21-285MR](#).

19/10/2021 [INFO 196 Audit quality – The role of directors and audit committees](#) (reissued)

Updated for changes made in developing the equivalent [IOSCO guide](#), including a new section titled 'What features of audit committees support audit quality?' (Financial Reporting Auditors).

18/10/2021 [CP 348 Extension of the CFD Product Intervention Order](#)

Seeks feedback on a proposal to extend ASIC's product intervention order imposing conditions on the issue and distribution of contracts for difference (CFDs): see [21-274MR](#).

### [ASIC Corporations \(Amendment\) Instrument 2021/381](#)

Amends the [ASIC Corporations \(Auditor Independence\) Instrument 2021/75](#) and [ASIC Corporations \(Parent Entity Financial Statements\) Instrument 2021/195](#) to change the repeal dates from April 2026 to April 2024.

### [FASEA releases consultation – Financial Planners & Advisers Code of Ethics 2019 – Standard 3](#)

To guide stakeholders in interpreting and implementing the Code, FASEA released guidance in October 2019, December 2019 and further released the Financial Planner and Advisers Code of Ethics 2019 – Guide in October 2020 (the Guide). The Consultation Paper on proposed options for amendment to Standard 3 of the Financial Planners and Advisers Code of Ethics 2019 can be accessed [here](#). All feedback and submissions can be submitted through FASEA's [consultation@fasea.gov.au](mailto:consultation@fasea.gov.au) until 1 December 2021.

### [APRA and the RBA release joint statement on climate change financial risk](#)

The APRA and the Reserve Bank of Australia (RBA) have published a joint statement on the actions they are taking to ensure financial institutions and the Australian financial system are prepared to respond to the financial risks of climate change.

### [APRA Monthly data on temporary loan repayment deferrals](#)

The APRA has published the latest monthly data for ADIs' temporary loan repayment deferrals due to COVID-19, which includes data at both the industry and entity level.

### [APRA Monthly Authorised Deposit-taking Institution Statistics September 2021](#)

Copies of the September 2021 monthly publication are available on the APRA website.

### [APRA releases final expectations regarding ADIs' preparedness for zero and negative interest rates](#)

28 October 2021 - letter to all authorised deposit-taking institutions (ADIs) outlining its final expectations regarding ADIs' preparedness for the possibility of zero and negative market interest rates and cash rate. APRA has also extended the timeframe for the development of tactical solutions to 31 July 2022.

### [APRA updated timelines on the revisions to market risk standards](#)

27 October 2021 - to authorised deposit-taking institutions (ADIs) to provide an update on the timelines for the revisions to market risk prudential standards and the implications for the broader capital framework APS 117 Capital Adequacy: Interest Rate Risk in the Banking Book (APS 117); APS 116 Capital Adequacy: Market Risk (APS 116); and APS 180 Capital Adequacy: Counterparty Credit Risk (APS 180).

### [RBA: Statement on Monetary Policy 4 November 2021](#)

The Statement on Monetary Policy sets out the Bank's assessment of current economic conditions, both domestic and international, along with the outlook for Australian inflation and output growth.

### [Statement by Philip Lowe, Governor: Monetary Policy Decision](#)

2 November 2021 Media Release 2021-24

### [ABA: Scams Awareness Week: Services to help keep businesses safe from scammers](#)

This year during Scams Awareness Week, the Australian Banking Association, the COSBOA and ASBFEO are teaming up to encourage small businesses to register for PayID or use BPAY and e-invoicing when paying or receiving payment for invoices to help beat scammers.

### [ABA Submissions](#)

#### [Digital Identity Legislation](#)

ABA reiterates the view that there is significant potential economic benefit in the government's digital identity initiative for consumers and businesses.

#### [COBA on Housing Affordability and Supply](#)

Opening Statement by Michael Lawrence, CEO, Customer Owned Banking Association, to a public hearing of the Inquiry into Housing Affordability and Supply in Australia, House of Representatives Standing Committee on Tax and Revenue, 3 November 2021.

#### [PPSR: AgriBusiness](#)

If you're looking to buy high-value second-hand goods privately, including cars and machinery, it's important to search the Personal Property Securities Register (PPSR) before you buy. Searching the PPSR is an online noticeboard of security interests in personal property. This includes cars, machinery like tractors, and livestock.

#### [AASB Invitation to Comment ITC 47 on the IASB Request for Information on Post-implementation Review of IFRS 9 Financial Instruments – Classification and Measurement](#)

IFRS 9 specifies how an entity is required to classify and measure financial assets and financial liabilities as well as some contracts to buy or sell non-financial items. Reviews of the impairment and hedge accounting requirements in IFRS 9 will follow later. Please submit your comments to the AASB by 31 December 2021.

#### [AASB Exposure Draft ED 314 Subsidiaries without Public Accountability: Disclosures](#)

ED 314 incorporates IASB ED/2021/7, which proposes a reduced set of disclosure requirements for eligible subsidiaries without public accountability that apply IFRS Standards.

#### [AASB Reminder: Exposure Draft ED 301: Classification of Liabilities as Current or Non-current—Deferral of Effective Date](#)

The AASB is proposing to defer the effective date of recently issued [AASB 2020-1 Amendments to Australian Accounting Standards – Classification of Liabilities as Current or Non-current](#) (March 2020) by one year to annual reporting periods beginning on or after 1 January 2023 via [ED 301 Classification of Liabilities as Current or Non-current—Deferral of Effective Date](#).

### [ASIC Consultations: CP 340 Breach reporting and related obligations](#)

This consultation paper sets out the proposals for providing guidance to Australian financial services (AFS) licensees and Australian credit licensees (credit licensees) on the breach reporting obligation that applies from 1 October 2021. The obligations require these licensees to notify, investigate and remediate breaches of the law in certain circumstances.

### [FSC: Target Market Determination \(TMD\) Templates](#)

The new Design Distribution and Obligations (DDO) come into effect on 5 October 2021, and require product issuers to develop Target Market Determinations (TMDs) for the products they issue to retail clients.

## CASES

### [Loo, in the matter of Halifax Investment Services Pty Ltd \(in liquidation\) v Quinlan \(Liquidator\) \[2021\] FCAFC 186](#)

CORPORATIONS – financial services and markets – where corporation (Halifax AU) holding an Australian Financial Services Licence went into administration and, subsequently, liquidation – where liquidators of Halifax AU applied to the Court for directions and judicial advice as to a number of questions relating to the company and a subsidiary (Halifax NZ) – where there was commingling between Halifax AU accounts, between Halifax NZ accounts, and between accounts of Halifax AU and Halifax NZ – where there was a deficiency in the funds held by Halifax AU and Halifax NZ to meet client entitlements – where the moneys paid to Halifax AU by clients were held on trust for the clients' benefit – where there was a single deficient mixed fund as at the date of administration – where the administrators and then the liquidators permitted clients to maintain open positions – whether the date for valuation of client entitlements should be the date of administration or a date as close as possible to the date of distribution – where the primary judge held that it should be the date of administration – whether primary judge erred in so holding – appeal dismissed

Corporations Act 2001 (Cth), ss 981A, 981B, 981F, 981H, Sch 2 – Insolvency Practice Schedule (Corporations), s 90-15; Corporations Regulations 2001 (Cth), reg 7.8.03

### [Commonwealth Director of Public Prosecutions v Citigroup Global Markets Australia Pty Limited \(No 5 - Indictment\) \[2021\] FCA 1345](#)

PRACTICE AND PROCEDURE – federal crime – interlocutory application – complete shemozzle – application objecting to indictment on the basis of formal defects apparent on the face of indictment pursuant to s 23CP(1)(a) of the Federal Court of Australia Act 1976 (Cth) –

This judgment will address the validity of the August Indictment. 12 The reduction in the number of charges is essentially a product of the fact that the prosecution case originally involved an allegation that the principal

offenders, Citigroup and Deutsche Bank, together with J.P. Morgan, entered into three separate arrangements or understandings. 13 Citigroup and Deutsche Bank were each charged with three counts of making an arrangement or arriving at an understanding containing a cartel provision contrary to s 44ZZRF(1) of the Competition and Consumer Act 2010 (Cth) (C&C Act)

### [Hastie Group Limited \(in liq\) v Multiplex Constructions Pty Ltd \(Formerly Brookfield Multiplex Constructions Pty Ltd\) \(No 2\) \[2021\] FCA 1344](#)

CORPORATIONS – application for leave to proceed against respondents under s 444E(3) of the Corporations Act 2001 (Cth) – factors to take into account – whether essential to have prima facie case or 'solid foundation'. Subcontract and terms relevant to the provision of bank guarantees

### [Lee and Australian Securities and Investments Commission \[2021\] AATA 4048](#)

CORPORATIONS LAW – banning order – applicant prohibited from providing any financial services for a certain period – dishonesty - multiple forgeries of signatures and false witnessing - backdating documentation - whether applicant is a fit and proper person - whether applicant is likely to contravene a financial services law in the future - whether a banning order should be made - appropriate duration of banning order - set aside and substituted

Corporations Act (Cth) 2001 ss 913BB, 916A, 920A, 920B

### [Bazouni v R \[2021\] NSWCCA 256](#)

Appeal against conviction dismissed.

CRIMINAL LAW – appeal against conviction – fraud by loans manager of bank – directions to jury as to elements of offence – Crown conceded that trial judge had misdirected the jury with regard to mental element of dishonesty – knowledge, as opposed to recklessness, necessary on the part of an accused person as to conduct being dishonest according to the standards of ordinary people – miscarriage of justice established – whether "the proviso" can be applied – whether "no substantial miscarriage of justice has actually occurred" – by majority, appeal dismissed by way of application of the proviso

### [About Life Pty Ltd v Maddocks Lawyers \[2021\] NSWSC 1370](#)

Judgment for damages for professional negligence, being \$13 million payable to the client company and \$344,000 payable to the company's directors

PROFESSIONAL NEGLIGENCE – solicitors – retained to act for company on sale of business including assignment of lease – company had granted a right of first refusal to Woolworths – sophisticated client – urgent transaction – client in financial distress – solicitor gave 'high level comments' – comprehensive instructions not sought until shortly before exchange – enquired by email on number of matters including whether there were any "side deeds" – client's

instructions non-responsive – contracts exchanged – Woolworths injuncts sale – proceeds of sale received 6 months later – company goes into administration

DAMAGES – loss of chance at [508]-[515] – time at which damages should be assessed at [627] – non-binding indicative offers as evidence of value at [635] – costs as damages at [646] – whether onus on plaintiff to show reasonableness of settlement – whether necessary for law firm to plead failure to mitigate

CONTRIBUTORY NEGLIGENCE – corporate memory and document storage – client failed to take reasonable care by checking records in respect of an asset before, or while, instructing solicitors on sale of the asset – damages reduced by 20%

DUTY OF CARE TO THIRD PARTIES – whether solicitor also owed duty of care to client's directors – principles and case law review at [705]-[711] – client and directors' interests coincident – client and directors' liability to disappointed purchaser was the same – directors entitled to be reimbursed by company had it not gone into external administration – directors' liability alone arose from company going into external administration

MISLEADING AND DECEPTIVE – whether law firm liable to directors in misleading and deceptive conduct – principles at [729]-[733] – whether incomplete advice is "conduct"

Corporations Act 2001 (Cth), s 180

#### [ATL \(Australia\) Pty Limited v Cui and Ors \[2021\] NSWSC 1372](#)

The Second Defendant is granted leave to amend the Defence subject to conditions

CIVIL PROCEDURE – claim against guarantors under commercial loan agreement – late application by defendant to amend Defence – proposed amendment relying upon principles in Ankar Pty Ltd v National Westminster Finance (Australia) Pty Ltd (1987) 162 CLR 549; [1987] HCA 15 – plaintiff notified of amendment application on eve of hearing – late realisation by defendant that Ankar defence may be available – one letter in a sea of documents – application of ss 56-58, 64 Civil Procedure Act 2005 – belated application – consideration of dictates of justice – leave to amend granted on conditions

#### [B&G Properties Pty Limited v Fayad \[2021\] NSWSC 1382](#)

CONTRACTS – Construction of default fees and charges clause – Whether clause is unenforceable as a penalty

GUARANTEE AND INDEMNITY – Contract of guarantee – deeds – whether guarantor is liable under Deed of Agreement to indemnify the plaintiff for borrower's failure to repay loan sum and interest

#### [Wassell v Ken Carr Bobcat & Tipper Hire Pty Ltd \[2021\] NSWSC 1415](#)

The plaintiffs' claims are dismissed

CORPORATIONS – Contracts – Formalities – Statutory assumptions – Whether documents were properly executed to bind the defendant company – Where the

plaintiffs argued that they were entitled to rely upon the assumptions in s 129 of the Corporations Act with respect to the purported proper execution of documents by two directors of the defendant – Where the apparent signatures of the two directors had been forged and every apparent communication between the plaintiffs, their agent and the defendant had been fraudulently undertaken by a person who had no authority to act in any way on behalf of the defendant – Whether the plaintiffs had dealings with the defendant for the purpose of s 128 of the Act – Where the Court found that the plaintiffs were not entitled to rely on the assumptions in s 129 because the plaintiffs had no dealings with the defendant – Where the Court held that the plaintiffs have failed to establish that the defendant is precluded from denying that it is bound by the documents

EQUITY – Equitable interests in property – Priority disputes – Earlier legal interest – Where the plaintiffs claimed that they had an equitable interest in property in circumstances where their registered mortgage did not on its proper construction and in the events which had happened secure the advance made by the plaintiffs –

LAND LAW – Torrens title – Exceptions to indefeasibility – Fraud – Where the plaintiffs claimed that they had a registered mortgage over the defendant's property – Where the registered mortgage was procured by the fraud of a third party – Whether the plaintiffs' registered mortgage was indefeasible – Where the Court found that the mortgage in effect did not secure any money – Where the Court held that the plaintiffs' registered mortgage was indefeasible but that because it secured nothing, the defendant is entitled to an order that the mortgage be discharged Corporations Act 2001 (Cth)

#### [Wong v Novakovic \[2021\] NSWSC 1381](#)

(3) Leave to the second defendant to re-plead. Any amended defence and cross-claim are to be filed and served by 18 November 2021

(4) The second defendant is to pay the plaintiff's costs of the notice of motion filed 8 September 2021

CIVIL PROCEDURE – pleadings – form and content of pleading – inconsistency of pleading – claim for possession of land – alleged default under mortgage – where mortgagor admitted signing mortgage but denied allegation that mortgage entered into – where cross-claim by mortgagor sought relief under the Contracts Review Act – where defence of non est factum unavailable – whether inconsistent pleadings permitted to stand – pleadings struck out

#### [Re Simmoll Pty Ltd \[2021\] VSC 693](#)

CORPORATIONS – Corporations Act 2001 (Cth) – Part 5.4 – Insolvency – Statutory demand – s 459G – Application to set aside – s 459E(2) – Failure to properly particularise or explain debt claimed – s 459J(1) (a) – Defect in demand – Whether substantial injustice caused unless set aside – s 459E(3) – Failure of affidavit in support of demand to properly verify debt – s 459E(1) – Whether demand claims debt that is due and payable

– Meaning of ‘debt’ – Amount claimed not a liquidated sum – s 459J(1)(b) – Whether some other reason to set demand aside – s 459H(1)(a) – Whether genuine dispute about existence and/or amount of debt – s 459H(1)(b) – Whether offsetting claims – Demand set aside

[Saafin Constructions Pty Ltd \(in liq\) & Ors v MAG Financial and Investment Ventures Pty Ltd & Ors \(Costs and Orders\) \[2021\] VSC 702](#)

MORTGAGES – Assessment of interest that would have been paid by plaintiffs to substitute financier if tender had been accepted. DECLARATION – Declaration sought by receivers about entitlement to indemnity – Liability to indemnify admitted – Relief refused. COSTS – Principles relating to issues based costs orders and costs orders after award of nominal damages

[3 Metals Pty Ltd v Belding \[2021\] QDC 261](#)

1. There will be judgment entered in favour of the plaintiff in the sum of \$89,936.30

COURT PRACTICE AND PROCEDURE – QUEENSLAND CIVIL PROCEDURE – SUMMARY JUDGMENT – where the plaintiff carried on a metal fabrication business – where the plaintiff seeks summary judgment on its claim on a guarantee given in respect of the respondent’s company’s debt – where the respondent’s company operated a spray booth manufacturing business – where there is a debt outstanding – where the respondent submits that the debt has been repaid – where there is no evidence of full repayment of the debt – whether there is a triable issue – where the respondent submits that the guarantee was signed under duress – where the respondent submits that there was undue influence – where the respondent submits that there was unconscionable conduct – where the respondent submits that there was misrepresentation – whether the grounds of defence submitted have merit

[Hoon v Credit Connect Mortgage Services Pty Ltd \[2021\] VCC 1642](#)

Interlocutory injunction – sale of a property – fraud on contends that Credit Connect failed to take reasonable steps to verify her identity and to ensure that she was the person who executed the mortgage. Hoon seeks a declaration that, on the assumption that she can prove her case, the mortgage is void

## LEGISLATION

### Commonwealth Act Compilation

[Personal Property Securities Act 2009](#)

27/10/2021 - Act No. 130 of 2009 as amended

## Bills

[Financial Accountability Regime Bill 2021](#)

HR 28/10/2021 - The Financial Accountability Regime Bill 2021 introduces a new accountability regime for the banking, insurance and superannuation industries. Schedules 1 and 2 to the Bill make consequential amendments to relevant Acts to support the Financial Accountability Regime.

[Financial Sector Reform \(Hayne Royal Commission Response No. 3\) Bill 2021](#)

HR 28/10/2021 - A Bill for an Act to deal with consequential amendments and transitional matters arising from the enactment of the Financial Accountability Regime Act 2021 and to establish the financial services compensation scheme of last resort.

Note: The *Financial Services Compensation Scheme of Last Resort Levy Bill 2021* and *Financial Services Compensation Scheme of Last Resort Levy (Collection) Bill 2021* and Schedule 3 to the Financial Sector Reform (Hayne Royal Commission Response No. 3) Bill 2021 introduces the CSLR.

[Financial Services Compensation Scheme of Last Resort Levy \(Collection\) Bill 2021](#)

HR 28/10/2021 – A Bill for an Act to provide for the collection of levy imposed on persons relating to the AFCA scheme.

[Financial Services Compensation Scheme of Last Resort Levy Bill 2021](#)

HR 28/10/2021 - The levy framework creates a tax to be levied against relevant industry entities to fund the CSLR. The CSLR’s levy framework contains a primary funding mechanism (‘annual levies’), and if needed, a secondary funding mechanism (‘further levies’) if the annual levy collected is insufficient or likely to be insufficient to meet the initial estimate of costs, fees, and claims.

[Corporations Amendment \(Improving Outcomes for Litigation Funding Participants\) Bill 2021](#)

HR 27/10/2021 - The Bill amends Chapter 5C of the Corporations Act to implement the government response to recommendations 7, 11, 12, 13, 16, 18 and 20 of the PJCCFS Report. The amendments establish a new kind of managed investment scheme, a class action litigation funding scheme, and introduce additional requirements for the constitutions of managed investment schemes that are class action litigation funding schemes.

[Protecting Pensioners from the Cashless Debit Card Bill 2021](#)

HR 25/10/2021 - The Protecting Pensioners from the Cashless Debit Card Bill 2021 (the Bill) will amend the Social Security (Administration) Act 1999 (the Act) to repeal law that allows the Government to compel social security recipients to use the Cashless Debit Card.

## Regulations

### [Financial Sector \(Collection of Data\) \(reporting standard\) determination No. 44 of 2021](#)

28/10/2021 - This instrument determines Reporting Standard ARS 920.8 Australian Government Small and Medium Enterprise (SME) Recovery Loan Scheme – Flood and revokes the Financial Sector (Collection of Data) (reporting standard) determination No. 43 of 2021, including Reporting Standard ARS 920.8 Australian Government Small and Medium Enterprise (SME) Recovery Loan Scheme – Flood.

### [Financial Sector \(Collection of Data\) \(reporting standard\) determination No. 45 of 2021](#)

28/10/2021 - This instrument determines Reporting Standard ARS 920.10 Australian Government Small and Medium Enterprise (SME) Recovery Loan Scheme.

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