



ASIC
Australian Securities &
Investments Commission

Parliamentary Joint Committee on Corporations and Financial Services

Submission by the Australian Securities and Investments Commission

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A Overview

- 1 The Australian Securities and Investments Commission (ASIC) thanks the Parliamentary Joint Committee on Corporations and Financial Services for the opportunity to provide information ahead of the public hearing of the Oversight of ASIC, the Takeovers Panel and the Corporations Legislation on 6 March 2026.
- 2 This submission provides an update to ASIC's submission made on 4 December 2025 ahead of the 9 December 2025 hearing of the Oversight of ASIC, the Takeovers Panel and the Corporations Legislation that was cancelled.
- 3 We are pleased to provide updates on the following topics requested by the Committee ahead of ASIC's appearance:
 - (a) Enforcement
 - (b) Shield and First Guardian Master Funds
 - (c) Public & Private Markets
 - (d) Scams
 - (e) ANZ proceedings
 - (f) Regulatory Simplification
 - (g) Australian Securities Exchange (ASX)
 - (h) Audit
 - (i) ASX
 - (j) Transition to new Chair
- 4 We welcome the opportunity to discuss our work in further detail with the Committee at the upcoming hearing.

B Enforcement

- 5 ASIC is one of the most active law enforcement agencies in the country. We are in court almost every day of the week to protect Australians from financial harm and address misconduct.
- 6 Over the last five years, ASIC has doubled the number of investigations and recorded a 20 per cent lift in civil enforcement proceedings.
- 7 ASIC secured a record \$349.8 million in court-ordered civil penalties in the second half of 2025 following successful cases against some of Australia's largest companies and super trustees including ANZ, NAB, Cbus, RAMS and Australian Unity Funds Management.
- 8 ASIC's work in the same period will see a total of \$583 million returned to millions of Australians through refunds from excessive bank fees after its Better and Beyond review and in payments in connection with investigations into the Shield Master Fund and First Guardian Master Fund. For more information, please see the ASIC enforcement and regulatory update: July to December 2025 ([26-032MR](#)).
- 9 We align our surveillance and enforcement work to proactively identify priorities. ASIC announced its [2026 enforcement priorities](#) at the recent ASIC Annual Forum:
- (a) Misleading pricing practices impacting cost of living for Australians
 - (b) Poor private credit practices
 - (c) Financial reporting misconduct including failure to lodge financial reports
 - (d) Claims and complaint handling failures by insurers, and
 - (e) Continuing our work to hold those responsible to account for the collapse of the Shield and First Guardian Master Funds.
- 10 Continuing enforcement priorities are:
- (a) Strengthening investigation and prosecution of insider trading conduct
 - (b) Misconduct exploiting consumers facing financial difficulty including predatory credit practices
 - (c) Unlawful practices seeking to evade small business creditors
 - (d) Holding super trustees to account for member services failures, and
 - (e) Auditor misconduct.

Enforcement activity since ASIC's December 2025 submission

- 11 A selection of court outcomes, new court matters and administrative bannings since ASIC's last submission in December 2025, are set out below.

Court outcomes

Cbus

- 12 One of Australia's largest superannuation fund trustees was ordered by the Federal Court to pay a penalty of \$23.5 million for unreasonable delays experienced by thousands of members and claimants arising from serious failures to handle insurance claims in a timely manner on 25 November 2025.
- 13 This enforcement action followed ASIC's death benefits review. [REP 806](#) sets out findings of ASIC's death benefits review, which assessed the death benefit claims processes of 10 trustees. The review identified that none of the reviewed trustees monitored or reported on their end-to-end claims handling processes or performance and identified systemic failures by some trustees.
- 14 For more information, please see [25-286MR](#).

RAMS

- 15 The Federal Court has ordered RAMS Financial Group Pty Ltd (RAMS) to pay a \$20 million penalty after admitting to widespread compliance failures in relation to arranging home loans on 24 October 2025.
- 16 The Court held that RAMS failed to have in place effective processes and controls following internal findings of possible misconduct. This included instances of franchise staff submitting false pay slips from non-existent employers and altering customers' liabilities and expenses to ensure loan applications were approved.
- 17 For more information, please see [25-248MR](#).

Marco

- 18 The Supreme Court of Western Australia sentenced Chris Marco to 14 years imprisonment on 30 October 2025, with eligibility for parole after 12 years.
- 19 Mr Marco's case represents one of the most serious frauds ASIC has ever investigated. The sentence handed down by the Supreme Court is the highest sentence imposed by an Australian court in relation to an ASIC criminal investigation. On 20 November 2025 Mr Marco filed an appeal with the

Supreme Court of Western Australia - Court of Appeal against his sentence and conviction.

20 For more information, please see [25-255MR](#).

BSF Solutions

21 The High Court dismissed an application for special leave to appeal by Cigno Australia director Mark Swanepoel and BSF Solutions director Brenton Harrison on 6 November 2025.

22 On 7 April 2026, the matter will come back before Justice Jackman for a hearing on the appropriate penalty.

23 For more information, please see [25-268MR](#).

Mawhinney

24 Mayfair 101 Group director James Mawhinney will be unable to promote or raise funds in connection with financial products for over a decade after the Federal Court found he had a ‘cavalier attitude to compliance’ and handed down final restraint orders in proceedings brought by ASIC on 5 September 2024.

25 The final orders bring the total period of injunctions against Mr Mawhinney to 20 years, as he has been subject to interim restraint orders since 13 August 2020, following ASIC proceedings.

26 For more information, please see [25-197MR](#).

ALAMMC Group

27 The Federal Court ordered the remaining ALAMMC Group companies be wound up following significant concerns identified by the Court appointed receivers about investor funds and the viability of the businesses on 16 October 2025.

28 ASIC was successful in seeking the winding up of 13 corporate defendants on just and equitable grounds.

29 For more information, please see [25-236MR](#).

Societe Generale

30 One of the largest participants in the ASX 24 Market was fined \$3.88 million by the Market Disciplinary Panel (MDP), following an ASIC investigation, for failing to prevent suspicious orders from being placed on the electricity and wheat futures market on 2 September 2025.

31 This was ASIC's fifth enforcement action in 15 months relating to alleged manipulation in electricity and wheat futures on the ASX 24 Market.

32 For more information, please see [25-189MR](#).

Behzad Eghrari

33 A Victorian man was sentenced to 15 months imprisonment for market manipulation involving 'wash trading' of \$7.14 million in ASX-listed securities.

34 The conduct created a false or misleading appearance of active trading and significantly distorted market integrity.

35 For more information, please see [25-302MR](#).

Green County Pty Ltd and Max Funding Pty Ltd

36 The Federal Court ordered business lender Green County Pty Ltd and loan introducer Max Funding Pty Ltd to pay combined penalties of \$515,000 for unlicensed credit activity and breaches of consumer credit laws.

37 The Court found the entities failed to make reasonable inquiries to determine whether loans were consumer loans, depriving borrowers of Credit Code protections.

38 For more information, please see [25-301MR](#).

NGS Group Limited, NGS Crypto Pty Ltd and NGS Digital Pty Ltd

39 The Federal Court found NGS Group Limited, NGS Crypto Pty Ltd and NGS Digital Pty Ltd operated a financial services business without an Australian financial services licence and promoted an unregistered managed investment scheme.

40 The Court ordered the companies and the unregistered scheme be wound up, permanently restrained them from providing financial services, and appointed liquidators to protect investor interests.

41 For more information, please see [25-310MR](#).

RM Capital Pty Ltd and The SMSF Club Pty Ltd

42 The Federal Court ordered RM Capital Pty Ltd and its authorised representative The SMSF Club Pty Ltd to pay combined penalties of \$925,000 for conflicted remuneration breaches.

43 The Court found RM Capital failed to take reasonable steps to prevent The SMSF Club from accepting conflicted referral fees in connection with SMSF property advice.

44 For more information, please see [25-313MR](#).

Australia and New Zealand Banking Group Limited (ANZ)

45 The Federal Court ordered Australia and New Zealand Banking Group Limited (ANZ) pay \$250 million in penalties for widespread misconduct and systemic risk failures affecting the Australian Government, taxpayers and at least 65,000 retail bank customers. See further information at Section F of this submission.

Australian Unity Funds Management Limited

46 The Federal Court ordered Australian Unity Funds Management Limited to pay a \$7.125 million pecuniary penalty for breaching design and distribution obligations by failing to confirm product suitability for retail investors.

47 Hundreds of investors were issued interests in the Australian Unity Select Income Fund without adequate assessment against the Fund's target market determinations.

48 For more information, please see [26-011MR](#).

FIIG Securities Limited

49 The Federal Court ordered FIIG Securities Limited to pay \$2.5 million in pecuniary penalties and \$500,000 towards ASIC's costs for failing to adequately protect clients from cyber security threats over more than four years.

50 FIIG admitted that its failures contributed to a 2023 cyber attack that resulted in highly sensitive client data being stolen and published on the dark web.

51 For more information, please see [26-021MR](#).

Platinum Asset Management Limited

52 Former investment manager Rodney Forrest was sentenced to six years' imprisonment for insider trading and procuring others to trade in more than \$3 million of Platinum Asset Management Limited shares.

53 The Federal Court found Mr Forrest obtained confidential takeover information without permission, traded and procured others to trade ahead of a takeover announcement, and provided unlicensed financial services, with the matter representing the first outcome of ASIC's specialist insider trading team. Mr Forrest lodged an appeal against his conviction in February 2026.

54 For more information, please see [26-007MR](#).

BPS Financial Pty Ltd

55 The Federal Court ordered BPS Financial Pty Ltd to pay \$14 million in pecuniary penalties for unlicensed conduct and misleading and deceptive representations in relation to its Qoin Wallet crypto product.

56 The Court found BPS Financial engaged in serious and unlawful misconduct over several years, made false and misleading statements, and imposed long-term restraints, adverse publicity orders and a ten-year prohibition on providing financial services without a licence.

57 For more information, please see [26-008MR](#).

New Court matters

Electro Optic Systems

58 Space, communications and defence systems manufacturer Electro Optic Systems Holdings Limited (EOS) admitted breaching its continuous disclosure obligations by failing to disclose to the ASX a materially significant decline worth tens of millions of dollars in its 2022 annual revenue forecasts on 26 November 2025.

59 ASIC will seek declarations of contravention. It is a matter for the Court to determine whether the penalties are appropriate and to make other orders.

60 For more information, please see [25-287MR](#).

61 ASIC has separately commenced proceedings against the former CEO and Director of EOS, Dr Ben Greene for allegedly breaching his director's duties.

62 For more information, please see [25-288MR](#).

AVZ Minerals Limited

63 Suspended WA mineral exploration company AVZ Minerals Limited (AVZ) and two of its directors failed to disclose critical market information about a lithium project in the Democratic Republic of the Congo, ASIC alleges in new proceedings filed on 11 November 2025 in the Federal Court.

64 ASIC is seeking declarations of contravention against AVZ, and declarations of contravention and pecuniary penalties against Mr Ferguson and Mr Johnston.

65 For more information, please see [25-271MR](#).

Gregory Raymond Cotton and First Mutual Private Equity Pty Ltd

66 The Federal Court appointed receivers over the assets of Gregory Raymond Cotton and First Mutual Private Equity Pty Ltd following ASIC concerns about alleged misuse of investor funds.

67 The receivers were tasked with identifying assets, tracing investor funds, and reporting to the Court while ASIC's investigation continues.

68 For more information, please see [25-306MR](#).

BDO Audit (WA) Pty Ltd and Dean Just

69 ASIC commenced civil penalty proceedings in the Federal Court against BDO Audit (WA) Pty Ltd and its director Dean Just, alleging materially false or misleading audit reports for ASX-listed company Dubber Corporation Limited.

70 ASIC alleges the audits were not conducted in accordance with Australian Auditing Standards and that misleading audit opinions were lodged with ASIC.

71 For more information, please see [25-317MR](#).

Administrative Bannings

Roberts

72 ASIC disqualified Veronica Roberts, of Melbourne, Victoria, from managing corporations for a period of five years, after her involvement in four failed companies on 1 October 2025.

73 Ms Roberts was a director of four companies from 2018 to 2021.

74 The companies operated within Victoria, engaging in the construction industry, with Titan specialising in labour hire.

75 For more information, please see [25-222MR](#).

Petrovic

76 ASIC banned Milutin Petrovic for six years from providing financial services, controlling (whether alone or in concert with one or more other entities) an entity that carries on a financial services business and performing any function involved in the carrying on of a financial services business on 1 September 2025.

77 ASIC has issued warnings to consumers to be wary of high pressure sales tactics and online advertisements that try to lure consumers into receiving inappropriate superannuation switching advice [25-120MR](#).

78 For more information, please see [25-185MR](#).

Trieu

79 ASIC banned Sydney-based mortgage broker Thi Hoa Trieu from engaging in credit activities for ten years and cancelled her Australian credit licence.

80 ASIC found she made false or misleading statements to ASIC, failed to maintain compliance arrangements, and was not a fit and proper person to operate in the credit industry.

81 For more information, please see [25-305MR](#).

Van Copenhagen

82 ASIC banned former MWL and United Global Capital adviser Louis Van Copenhagen from providing financial services for seven years.

83 ASIC found he provided inappropriate and conflicted advice involving high-risk investments in the Shield Master Fund and was not a fit and proper person.

84 For more information, please see [25-312MR](#).

McPherson

85 ASIC banned former MWL Financial Services adviser Neil McPherson from providing financial services for four years.

86 ASIC found Mr McPherson provided inappropriate and high-risk superannuation advice that was not in clients' best interests.

87 For more information, please see [26-023MR](#).

Focused Financial Advice Pty Ltd

88 ASIC suspended the Australian financial services licence of Focused Financial Advice Pty Ltd after it failed to replace its key person and continued providing financial services without organisational competence.

89 The suspension was later revoked after ASIC approved a variation to the licence.

90 For more information, please see [25-293MR](#).

Rynco Pty Ltd

91 ASIC cancelled the Australian financial services licence of Rynco Pty Ltd for ongoing non-compliance with licence conditions and financial services laws.

92 ASIC found Rynco failed to maintain competence, adequate resources, key person requirements and financial reporting obligations.

93 For more information, please see [\(25-308MR\)](#).

Sam Danieli

94 The Companies Auditors Disciplinary Board cancelled the registration of Sydney auditor Sam Danieli following systemic breaches of auditing standards across 10 ASX-listed audits.

95 The Board found the engagement quality reviews were not completed and ordered publication of its decision and payment of ASIC's costs.

96 For more information, please see [25-309MR](#).

Macquarie Securities (Australia) Limited

97 Macquarie Securities (Australia) Limited admitted to misleading conduct and systemic failures in misreporting hundreds of millions of short sales over more than a decade.

98 ASIC and Macquarie Securities agreed to seek a \$35 million penalty and other orders, subject to court approval.

99 For more information, please see [25-311MR](#).

Fundhost Limited

100 Fundhost Limited paid \$19,800 to comply with an ASIC infringement notice alleging false or misleading representations about the performance of the Polen Capital Global Growth Fund.

101 ASIC alleged that a performance chart combined the performance of a strategy and the fund, incorrectly showing the fund outperformed the benchmark since inception.

102 For more information, please see [26-030MR](#).

C Shield and First Guardian

Introduction

- 103 ASIC is using our regulatory tools and powers to better protect the retirement savings of hard-working Australians from individuals and entities seeking to exploit our growing superannuation pool. ASIC has been actively concerned about super switching conduct both in the lead up to and since super choice began in 2005. We are continuing to take action against people that encourage consumers to switch their super into high-risk investments. This type of misconduct seeks to exploit the large amount of money held in the superannuation system and has resulted in significant losses.
- 104 ASIC is taking a range of supervision, compliance and enforcement actions to respond to super switching misconduct. We are also actively engaging with the Government and other regulators to ensure that the financial services system is as robust as possible and consumer losses are minimised.
- 105 ASIC's regulatory role does not involve preventing all consumer losses or ensuring compensation for consumers in all instances where losses arise. Our underpinning statutory objectives, regulatory tools and resources are not intended or able to prevent many of the losses that retail investors and financial consumers will experience. This is true of every financial services regulator.
- 106 The superannuation sector is a critical part of the financial services industry and the economy more generally, and it is important that consumer trust is maintained in our long-term compulsory retirement savings system.
- 107 ASIC jointly regulates the superannuation sector with APRA and the ATO. ASIC is the conduct regulator, and APRA is the prudential regulator. The ATO is the primary regulator of self-managed superannuation funds (SMSFs).
- 108 As the financial services regulator, ASIC has the function of monitoring and promoting market integrity and consumer protection in the Australian financial system. We administer the Australian financial services (AFS) licensing regime and conduct risk-based surveillance of financial services businesses to ensure that they operate efficiently, honestly and fairly. We also exercise the powers given to us by Parliament to exempt and modify the law, register new managed investment schemes, provide guidance to consumers and industry, and take enforcement action where appropriate.

Enforcement activity

- 109 We have invested significantly in enforcement action relating to the [Shield Master Fund](#) (Shield) and [First Guardian Master Fund](#) (First Guardian). So far ASIC has had more than 50 court appearances related to Shield and First Guardian and nearly 50 staff working on the connected investigations.
- 110 To date, ASIC has secured over \$420million for investors from Macquarie and Netwealth.
- 111 ASIC has focused heavily on protective measures, including consumer education and warning campaigns, calling on Australians to be on high alert for high-pressure sales tactics, clickbait advertising and promises of unrealistic returns.
- 112 ASIC's Moneysmart commenced another public information campaign on 8 October running to 9 November to highlight the risks consumers need to be aware of when considering switching their superannuation. The campaign targeted people aged 30-75.
- 113 In a [speech to the National Press Club](#) on 5 November 2025, Chair Joe Longo also highlighted ASIC's view of the need to strengthen requirements for managed investment schemes, improve data reporting, and give ASIC the powers we need to oversee this sector effectively.
- 114 Our first priority has been to preserve any remaining assets of the Shield and First Guardian Master Funds to the extent they are available, so they can be recovered for investors while our investigations are continuing. ASIC's primary goal in these matters has been to return funds to members where we can.
- 115 ASIC has ongoing investigations in relation to Shield and First Guardian.
- 116 An updated chronology of these matters can be found in Appendix 1.
- 117 Since ASIC's last submission, ASIC has:
- (a) commenced proceedings against Macquarie Investment Management Ltd (MIML) for failing to place Shield on a watch list for heightened monitoring and accepted an enforceable undertaking from MIML to ensure Macquarie Group Limited (Macquarie) paid members 100% of their net capital ([25-215MR](#))
 - (b) secured interim orders restraining former financial adviser, Ferras Merhi from operating within the financial services industry and obtained orders for a provisional liquidator to his associated entities, Venture Egg Financial Services Pty Ltd and United Financial Advice Pty Ltd ([25-249MR](#)). ASIC was also granted leave to expand its action against Mr Merhi alleging he engaged in unconscionable conduct, failed

to act in the best interest of clients, gave conflicted advice, and provided defective statements of advice ([25-184MR](#))

- (c) amended its pleadings in proceedings against Equity Trustees Superannuation Limited (Equity Trustees), in relation to alleged due diligence failures to seek compensation ([25-176MR](#))
- (d) commenced civil penalty proceedings and sought injunctive relief against Interprac Financial Planning Pty Ltd alleging licensee failures relating to financial advice provided on Shield and First Guardian ([25-274MR](#))
- (e) sought leave to commence proceedings against MWL Financial Services Pty Ltd (now in liquidation), its former director and a lead generator, Imperial Capital Group Australia Pty Ltd alleging Shield advice failures ([25-276MR](#))
- (f) commenced civil penalty proceedings against SQM Research Pty Ltd alleging its research reports contained misleading representations and its processes fell short of expected standards when it published “Favourable” ratings for Shield ([25-275MR](#))
- (g) commenced civil penalty proceedings against Diversa Trustees Limited seeking compensation and alleging that Diversa failed to conduct adequate due diligence before allowing its members to invest, failed to conduct adequate ongoing monitoring, failed to enforce a 50% holding limit it imposed for First Guardian and failed to have systems and processes in place to ensure that there was compliance with that holding limit ([25-296MR](#)), and
- (h) commenced civil penalty proceedings against Netwealth Superannuation Services Pty Ltd and Netwealth Investments Limited for failing to make sufficient independent enquiries to understand or evaluate investment risk in First Guardian, and accepted an enforceable undertaking from Netwealth to ensure Netwealth compensated members 100% of the amounts they invested in First Guardian less any amounts withdrawn (over \$100m) ([25-307MR](#)).

118 ASIC has now commenced 12 proceedings in the Federal Court against 21 defendants in relation to Shield and First Guardian.

119 Further action is increasingly likely as we continue our investigations.

120 Our investigations into these high-risk super investment matters are complex. They include numerous lines of inquiry and a large number of entities and individuals; from lead generators to financial advisers, advice licensees, superannuation trustees, the research house, auditors and the operators of the managed investment schemes.

121 ASIC has also taken further steps to support Australians impacted by Shield and First Guardian. Measures included direct communications with all

affected investors for whom we have records, referring them to an independent, ASIC-funded consumer support website (takeyoursuperback.com), with guidance and resources to help navigate the complaints process with the Australian Financial Complaints Authority.

122 In announcing these steps, ASIC noted that thousands of investors have yet to lodge complaints with AFCA and highlighted ongoing investigations, noting also that remediation payments exceeding \$420 million have been made to around 4,000 investors, due to ASIC's court enforceable undertakings with Macquarie and Netwealth.

123 For more information, please see [26-019MR](#).

Potential law reform

124 As ASIC stated in its previous submission, while choice and risk are inherent features of superannuation and investment in Australia, we have observed there are areas of weakness in the system where the Committee may wish to consider potential reforms:

- (a) lead generators and associated financial advisers
- (b) super switching practices
- (c) duties of superannuation trustees
- (d) regulation of managed investment schemes.

125 We have also raised in other fora the following issues that the Committee may wish to consider:

- (a) whether the proposed unfair trading prohibition should include financial services and products
- (b) whether the definition of retail client in s 761G of the Corporations Act 2001 remains appropriate
- (c) whether ASIC should be given additional powers and access to additional data to supervise the managed investments and superannuation sectors, and
- (d) whether there should be any limits on the range and nature of investment products (including managed investment schemes) that can be offered to retail clients.

Regulation of managed investment schemes

126 The Australian managed investment scheme regime is relatively open and liberal by international standards. Australian regulations mandate that an

appropriately licensed entity operates the scheme, and that adequate disclosures of the nature, benefits and risks of the scheme are made to enable their offer to retail investors.

127 Treasury is currently consulting on [enhancing oversight and governance of managed investment schemes](#). Topics include whether ASIC should be given additional powers and access to additional data to supervise the managed investments and superannuation sectors.

Licensing the responsible entity of a managed investment scheme

128 In the Australian regime, a managed investment scheme (i.e. the product or fund) that is offered to retail clients must generally be registered and the operator of the scheme (i.e. the responsible entity) must hold an AFS licence.

129 ASIC must grant an AFS licence to applicants where the following conditions of s913B of the *Corporations Act 2001* (Cth) (Corporations Act) are met:

- (a) all documentary requirements with the application were submitted by the applicant
- (b) ASIC has no reason to believe that the applicant is likely to contravene the obligations that will apply under s912A if the licence is granted
- (c) ASIC is satisfied that there is no reason to believe that the applicant, or in the case of a body corporate its officers, is not a fit and proper person
- (d) the applicant has provided ASIC with any additional information that we have requested, and
- (e) the applicant meets any other relevant requirements prescribed by regulations.

130 To enable ASIC to form a view on the above licensing criteria, we collect information from the applicant about its responsible officers and about its organisational expertise, compliance arrangements, training, supervision and monitoring of representatives, adequacy of financial, human and IT resources, dispute resolution systems, and risk management practices. We impose conditions on the AFS licence (such as conditions relating to minimum financial resources) to address these matters.

131 We conduct a review of documents provided in support of the licensing application to help assess whether to grant a license to a responsible entity. The level and type of documentation required depends on our assessment of the risks associated with the application. For example, if the application is to vary an existing AFS licence to include additional financial services, our assessment of the application generally focuses on the additional services. If

the licensee has a history of significant compliance issues, we will assess the applicant more broadly before making a decision.

132 In the context of these collapses:

- (a) for Shield, the licensed responsible entity was Keystone Asset Management Ltd (Keystone Asset Management), and
- (b) for First Guardian, the licensed responsible entity was Falcon Capital Limited (Falcon).

Registering managed investment schemes

133 To register a managed investment scheme, the responsible entity must lodge an application with ASIC together with the scheme constitution, compliance plan and directors' statement that the constitution and the compliance plan meet particular requirements in s601EA.

134 We must register a scheme within 14 days of lodgement unless it appears that the application, scheme documents or proposed responsible entity and compliance plan audit arrangements do not meet the relevant statutory requirements: see s601EB(1). For example, the scheme constitution and compliance plan must meet certain content requirements, and the proposed responsible entity must hold an AFS licence authorising it to operate the scheme.

135 ASIC will check that the responsible entity is appropriately licensed, the application and the scheme documents have been properly completed and signed, and the constitution and compliance plan appear to meet the statutory content requirements. If we identify an issue with the application and/or scheme documents, we may ask the applicant to provide an explanation and further information or to amend the scheme documents to address the issue.

136 While this process can result in minor improvements to scheme documents, a responsible entity may, after registration, unilaterally change the constitution provided they reasonably consider that the change will not adversely affect members' rights: see s601GC(1)(b). The compliance plan may also be changed after registration. ASIC's experience is that the current scheme registration process is of limited effectiveness. We have not observed a clear link between the quality of scheme documents and the governance and compliance practices of the responsible entity. Further, as scheme documents may be amended at any time after registration, the requirement for ASIC to check conduct a basic assessment of scheme constitutions and compliance plans does not ensure a material reduction in consumer harm.

Risk-based surveillance of managed investment scheme disclosure

- 137 Offers of interests in a registered managed investment scheme to retail investors must generally be through a Product Disclosure Statement (PDS). If a scheme is not listed on a financial market, the PDS does not need to be lodged with ASIC. A PDS does not expire, but it must be updated to reflect any substantial changes. The PDS is issued by the responsible entity and does not need to be signed by the directors.
- 138 Under the Design and Distribution Obligations (DDO) regime, the responsible entity must also prepare a Target Market Determination (TMD), which identifies the target market for the scheme. The responsible entity must take reasonable steps to ensure that distribution of the scheme to retail clients is consistent with this target market.
- 139 There is no requirement to lodge PDSs or TMDs with ASIC. However, as part of our regulatory activities, including surveillance, we review samples of these documents in the market. Where we identify concerns, ASIC may seek corrective disclosure or issue a stop order for defective disclosure.
- 140 The Corporations Act empowers ASIC to issue a stop order on a PDS and/or TMD if the document is defective (for example, it is misleading or deceptive or does not contain material information). We may issue interim or final stop orders:
- (a) interim order generally last for around 21 days, or
 - (b) final stop orders can only be made after a hearing, where interested parties can make submissions about whether the stop order should be made.
- 141 For example, following our surveillance in 2025 of 19 retail schemes with a private credit strategy, we issued:
- (a) interim stop orders on the PDSs for two classes of units of the TruePillars Investment Trust, and
 - (b) an interim TMD stop order against each of La Trobe US Private Credit Fund and RELI Capital Mortgage.
- 142 ASIC has issued 95 interim stop orders and one final stop order under the DDO regime since its inception.
- 143 Where we believe a PDS is defective, the issuer may rectify their disclosure document by issuing a supplementary PDS. Similarly, where we believe a TMD is defective, the issuer may amend the TMD.
- 144 ASIC's stop order power also extends to advertisements or statements made by product issuers where the advertisement or statement is defective. ASIC

may (subject to a hearing where interested parties have the right to make submissions) order that the advertising be removed from publication.

145 ASIC's actions do not always result in stop orders. There are a range of other measures that may be requested from or negotiated with the responsible entity.

Risk-based surveillance of responsible entities

146 With over 400 responsible entities operating (collectively) over 3,500 managed investment schemes, it is not possible for ASIC to individually review or inspect each managed investment scheme on an ongoing basis. ASIC takes a risk-based approach to surveillance of the conduct of responsible entities, to check whether they are complying with their legal obligations for the managed investment schemes they operate. If we become aware that a responsible entity is not complying with its obligations, we may conduct further inquiries. We may also take enforcement action as appropriate. The enforcement action may be administrative, civil or criminal action.

147 Breach notifications from the responsible entity, reports from a compliance plan auditor or compliance committee, a person reporting misconduct, or targeted surveillance of entities or sectors may often trigger this surveillance.

148 When we target an entity for surveillance, we tailor our approach to the circumstances of the entity. We may engage in active dialogue with senior executives and hold meetings to ascertain information. We may also use our powers under s601FF of the Corporations Act to conduct surveillance checks.

149 When conducting surveillance of a responsible entity, we may, for example:

- (a) attend the premises of the responsible entity and conduct interviews with its officers and examine documentation it maintains
- (b) request documents from the responsible entity and conduct assessments of those documents
- (c) request disclosure documents from a larger population of the industry and examine the PDSs and TMDs
- (d) write to a responsible entity requiring it to respond to the issues we have raised, and
- (e) set up regular reporting periods by which a responsible entity provides ASIC with updates as to how it is dealing with any issues we have identified.

150 Responsible entities are obliged to act in the best interests of members of the schemes they operate at all times. In some circumstances, this may require

closing the scheme to new members or winding up the scheme altogether. If ASIC receives sufficient information to become concerned that a scheme is not being managed in members' best interest, or may be trading while insolvent, ASIC may take regulatory action.

Regulation of financial advisers

151 ASIC plays an important role in promoting confident and informed participation by investors and consumers in the financial system. We inform and educate consumers and investors through our Moneysmart tools and provide guidance to the regulated sector about their obligations and requirements. ASIC has a role in administering the relevant registration and licencing regimes, and we use a range of regulatory and enforcement tools to support consumer and investor protection, improve industry practices, and prevent and act on conduct that contravenes the law.

Adviser Registration

152 As the conduct and disclosure regulator, ASIC is focused on the behaviours of participants in the financial advice industry and the impact on consumers. Financial advice firms and individuals must meet certain registration and licencing requirements. The following requirements apply:

- (a) AFS licence—If an entity or individual provides financial services (including advice on or issue of investments, superannuation or other financial products), they must hold an AFS licence or be authorised by an AFS licensee to provide financial services on its behalf. More information on AFS licensees can be found on the [ASIC website](#).
- (b) The requirement for financial advisers (also known as relevant providers) to be registered was introduced by the *Financial Sector Reform (Hayne Royal Commission Response—Better Advice) Act 2021*, which responds to Recommendation 2.10 of the Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry. It is separate to the requirement for AFS licensees to authorise and appoint relevant providers to the Financial Advisers Register.
- (c) AFS licensees are required to apply to register the relevant providers they authorise (except provisional relevant providers) from 16 February 2024. To be registered, a relevant provider must make a declaration to their registering AFS licensee that they are a fit and proper person to provide personal advice.

153 There are more than 15,469 Advisers and 1893 licensees (with at least one adviser on the FAR) currently on ASIC's registers.

- 154 An application for registration will be refused by ASIC only if:
- (a) a banning or disqualification order is in place against the relevant provider which prohibits them from providing personal advice, or
 - (b) a registration prohibition order is in force against the relevant provider.
- 155 More information on [financial adviser registration](#) can be found on the ASIC website.

Setting expectations of the financial advice sector through guidance

- 156 We provide regulatory guidance to industry about how we administer and enforce the law. Our regulatory resources:
- (a) explain when and how we will exercise specific powers under legislation, primarily the Corporations Act
 - (b) explain how we interpret the law
 - (c) describe the principles underlying our approach, and
 - (d) provide practical guidance—for example, by describing the steps of a process (such as applying for a licence) or giving practical examples of how regulated entities may meet their obligations.
- 157 We have published a broad range of guidance and reports on issues relevant to this inquiry, including:
- (a) how certain conduct and disclosure obligations apply to the provision of financial product advice—see Regulatory Guide 175 AFS *licensing: Financial product advisers—Conduct and disclosure* ([RG 175](#))
 - (b) compliance with the statutory obligation to manage conflicts of interest—see Regulatory Guide 181 *Licensing: Managing conflicts of interest* ([RG 181](#))
 - (c) obligations relating to giving of information and advice—see Regulatory Guide 244 *Giving information, general advice and scaled advice* ([RG 244](#))
 - (d) how large banking and financial services institutions oversee their advisers—see Report 515 *Financial advice: Review of how large institutions oversee their advisers* ([REP 515](#)), and
 - (e) how large banking and financial services institutions manage conflicts of interest—see Report 562 *Financial advice: Vertically integrated institutions and conflicts of interest* ([REP 562](#)).
- 158 While financial advisers are not obliged to be independent of other financial services companies (e.g. product issuers), they must clearly disclose:
- (a) whether or not they are independent

- (b) any relationships they have with product issuers (e.g. if they are related companies), and
- (c) whether they receive any commissions or benefits from product issuers (other than those that are banned).

159 Financial advisers are obliged to act in the best interests of their clients and ensure that their advice is appropriate for their clients. These obligations are set out in Part 7.7A of the Corporations Act, with detailed guidance on these provisions in RG 175.

160 Financial advisers are also required to comply with the Financial Planners and Advisers Code of Ethics 2019 (Code of Ethics).

161 The Code of Ethics is a set of standards and core values designed to encourage higher standards of behaviour and professionalism for relevant providers.

162 The Code of Ethics establishes 12 high-level ethical standards for relevant providers to meet, including:

- (a) acting in the best interests of clients
- (b) avoiding conflicts of interest
- (c) ensuring that clients give informed consent and understand the advice they receive
- (d) ensuring that clients clearly agree to the fees they will pay, and
- (e) maintaining a high level of knowledge and skills.

163 The Minister is responsible for developing the Code of Ethics.

Supervision and surveillance

164 Australia's financial services sector is a multi-trillion dollar industry with thousands of providers and individuals operating in the sector.

165 ASIC's legislative mandate and resources do not allow us to monitor all advice provided or products offered across this broad industry. ASIC's role involves gathering information from many sources, across the range of entities that we regulate, and using it to make strategic, risk-based decisions about when to intervene and how to do so. Our supervision and surveillance activity is informed by intelligence from consumers and industry, as well as our own analysis.

166 We seek to identify and prevent harm to consumers through our activities. Our thematic surveillances are conducted to understand, assess and change industry practices or behaviour across our regulated population (including by identifying enforcement targets).

- 167 We may undertake targeted activities directed at a particular entity, or broader surveillances focused on a particular theme or sub-set of entities in a sector.
- 168 Through our surveillance work in the financial services sector, we look to identify misconduct resulting in consumer harm, improve behaviours and processes to drive good consumer and investor outcomes, and promote trust and confidence in Australian financial markets. We may look at whether the entities and individuals subject to the surveillance:
- (a) are adequately considering the interests of consumers and investors consistent with their legal obligations
 - (b) have the resources, competence and systems to operate efficiently, honestly and fairly, and
 - (c) are complying with their licence permissions.
- 169 To influence behaviour and support improved practices that enhance consumer protections, we regularly communicate the results of our thematic surveillances through media releases or reports highlighting findings or observations on industry practices. See, for example, Report 824 Review of SMSF Establishment Advice. We may also engage in follow-up activity of varying degrees of seriousness with the entities who were subject to our surveillance activity.
- 170 ASIC has a range of regulatory tools we can use when addressing misconduct involving financial advice. These are broadly grouped under three types of action: civil, criminal and administrative. We may use remedies in combination or standalone.
- 171 For AFS licensee misconduct, we may use the following administrative tools:
- (a) immediately suspending or cancelling an AFS licence in certain limited circumstances
 - (b) suspending or cancelling an AFS licence after offering a hearing
 - (c) varying AFS licence conditions after offering a hearing, including by imposing additional licence conditions or removing licence authorisations
 - (d) issuing an infringement notice, and
 - (e) for AFS licensees who are market participants, referring alleged breaches of the market integrity rules to the Markets Disciplinary Panel.
- 172 For providers of financial services, we may also take administrative action by banning that person from providing financial services, controlling, or being an officer of a financial services business (via a banning order), either immediately, in certain limited circumstances, or after offering a hearing.

173 We may also consider referring matters to the Financial Services and Credit Panel or issuing warnings or reprimands. For more information, see Regulatory Guide 263 *Financial Services and Credit Panel* ([RG 263](#)) and Information Sheet 270 *Warnings and reprimands* ([INFO 270](#)).

174 ASIC also has a power to accept an enforceable undertaking. For more information, see Regulatory Guide 100 *Court Enforceable undertakings* ([RG 100](#)) and Information Sheet 28 *About the court enforceable undertakings register* ([INFO 28](#)).

175 ASIC may also, if we consider it appropriate, give information to a licensee about a person (see section 916G of the Corporations Act). However, we may only give this information if:

- (a) it is about a person who we believe is, or will be, a representative of that licensee, and
- (b) we believe, on reasonable grounds, that the information is true.

Note: For more information, see Information Sheet 250 *Giving AFS and credit licensees information about their representatives* ([INFO 250](#)).

176 ASIC publishes the outcomes of our regulatory action taken in relation to misconduct involving financial advice. For more information, see Information Sheet 152 *Public comment on ASIC's regulatory activities* ([INFO 152](#)).

177 ASIC is likely to take administrative action in instances where there is a need to protect consumers, to deter misconduct, or where the person's conduct may result in investor or consumer detriment. Whether administrative action will be taken will depend on the facts of each matter. In general, ASIC may consider banning a person from providing financial services, controlling, or being an officer of a financial services business where we have concerns about the person, or the way their business is being or has been conducted.

178 ASIC may ban a financial services provider even if the person has rectified breaches or has taken steps to prevent further non-compliant conduct, such as by completing additional training. We may do so to deter misconduct by the provider or others. In deciding whether to do so we will consider, among other things, whether the person has been reactive rather than proactive in their approach to compliance. The person's attitude to compliance is an example of a factor we will take into account when forming a view about whether they have a reactive or proactive compliance approach.

Review of Lead Generation Services

- 179 ASIC has commenced a new review of advice licensees using lead generation services as part of its ongoing program of work to address practices that inappropriately or unnecessarily encourage consumers to switch their superannuation.
- 180 Lead generation is a marketing activity designed to create consumer interest in a product or service, with the goal of persuading consumers to purchase the product or service. These services use a range of marketing techniques to introduce consumers to financial services businesses – including some businesses that encourage consumers to switch their super.
- 181 ASIC is concerned that certain practices associated with some lead generation services in financial advice and superannuation may expose consumers to a risk of significant losses.
- 182 To help mitigate risks to consumers, ASIC has commenced a review to identify financial advice businesses that use lead generation services, to understand the nature of these arrangements and where appropriate, take disruptive or enforcement action.
- 183 As part of the review, ASIC is publishing a list of known entities involved in lead generation, those acting as referral partners, and advice licensees or corporate authorised representatives that have acquired leads, since 1 July 2024.
- 184 To improve transparency for consumers, ASIC will continue to update this list of businesses, websites, authorised representatives, financial advisers and financial services licensees involved in lead generation, acting as referral partners or engaging the services of lead generators throughout the course of this review.
- 185 For more information, please see [26-029MR](#).

Regulation of superannuation trustees

- 186 Superannuation trustees have obligations regarding investment due diligence under the *Superannuation Industry (Supervision) Act 1993* (SIS Act), the Corporations Act and APRA prudential standards.
- 187 ASIC has recently commenced court action against Equity Trustees, alleging failures in its due diligence concerning Shield. ASIC alleges that Equity Trustees' process to onboard Shield onto its investment menu and its approach to ongoing monitoring of the fund were inadequate and failed to meet the standards expected of a superannuation trustee under the current law.

- 188 Trustees have a key role as stewards of the superannuation savings of the Australian community. Under the SIS Act and APRA’s prudential framework, trustees must prudently select, manage and monitor the investments offered to members.
- 189 Superannuation platforms offer a diverse range of investment options to both superannuation members, usually with the assistance of a licenced financial adviser. APRA has stated in a recent letter to the industry:
- 190 For superannuation members, platform trustees play a key decision-making role regarding what investment options are offered, and in overseeing their ongoing suitability and performance. While a platform trustee may not manage each investment option offered, they must exercise diligence ensuring the platform’s investment menu as a whole is appropriate, each investment option is true to label, delivers value to members and is underpinned by robust decision making and good governance.¹
- 191 APRA’s Prudential Standards are generally principles based, however, it also publishes guidance and reports to support the interpretation of these principles for superannuation platform trustee duties. In recent years, these standards have been strengthened and/or commenced:
- (a) SPS 530 Investment Governance (SPS 530)- strengthened requirements came into force in January 2023, and an updated accompanying prudential practice guide (SPG 530) was released in July of the same year.
 - (b) SPS 515 Strategic Planning and Member Outcomes (SPS 515) and the accompanying practice guide (SPG 515) came into force in July 2025.
- 192 Supervision and enforcement of compliance with these Prudential Standards is a matter for APRA.
- 193 In December 2024, APRA published the results of its thematic review into trustees’ progress in complying with the strengthened SPS 530.² The review found that a significant proportion of trustees still displayed material gaps in key areas, including in valuation governance. These findings were communicated to trustees.

Communications with investors by the superannuation trustees and liquidators

- 194 We understand that each superannuation trustee affected by the Shield and First Guardian matters has taken steps to provide website updates and direct affected members to support resources, such as crisis counselling services and information on how to lodge complaints with AFCA.

¹ [Strengthening investment governance and member outcomes in Platform Trustees | APRA](#)

² [APRA review highlights the need for improved valuation and liquidity risk governance in superannuation | APRA](#)

- 195 The liquidators of Keystone and Falcon are also maintaining websites which contain updates for creditors and members.
- 196 On 8 July 2025, the liquidators of Falcon published a statutory report to creditors which updated the estimated value of assets and liabilities of Falcon. Shortly thereafter, Equity Trustees, Netwealth Investments Ltd/Netwealth Superannuation Services Pty Ltd and Diversa Trustees Ltd issued Significant Event Notices (SEN) to members stating that the value of their investment in First Guardian would be recorded as zero until further information becomes available due to ongoing uncertainty in relation to the valuation of the fund. On 2 December 2025, the liquidators of Falcon published an Update Report to Creditors and Unitholders which is available on their website.
- 197 On 26 June 2024, two partners of Deloitte were ordered by the Court to prepare a report on the financial position of Shield (the Financial Position Report). On 22 November 2024, the Voluntary Administrators of Keystone issued a SEN to members of Shield which included an executive summary of the Financial Position Report. On 17 September 2025, Equity Trustees issued SENs informing members that the value of units in Shield would be updated to reflect the Financial Position Report. The new value per unit was a significant decline in value against the previous unit price (the % variance in unit price varied between a 44.5% and 75% decline in value depending on what class of unit the member was invested in).
- 198 Jason Tracy and Glen Kanevsky in their capacity as liquidators of Keystone Asset Management and receivers of Shield have applied to the Federal Court to approve an interim distribution. A hearing has been listed for 15 June 2026.

Impact on access to Centrelink and other support services

- 199 ASIC has liaised with Services Australia and published information and guidance for impacted investors whose funds are frozen due to the Shield and First Guardian collapse.³ This guidance addresses how changes in superannuation arrangements affect eligibility for Centrelink income support and other government assistance.
- 200 For those already receiving Centrelink income support, it is essential that they provide Services Australia with an updated superannuation or income stream account balance to maintain accurate assessments and payment rates. For those not receiving Centrelink income support payments, they may be eligible on application to Services Australia.

³ [First Guardian Master Fund | ASIC](#)

- 201 For individuals under the Age Pension age (67),
- (a) superannuation held in accumulation phase is not assessed in income and assets tests, and
 - (b) superannuation pensions are treated as income streams.
- 202 For those at or over Age Pension age, superannuation balances are included in income and assets tests.
- 203 To update details or lodge a new claim, we understand Services Australia requires either a superannuation statement showing the revised balance or an income stream schedule showing the revised balance. We encourage investors to contact Services Australia directly for more information and to update their details. We encourage investors to contact Services Australia directly for more information and to update their details.
- 204 Administration of the Centrelink system is a matter for Services Australia.

D Private and public markets

205 We want to see confident and informed participation in both private and public markets so that both thrive in ways that consistently meet expectations of fair outcomes and transparency of investors, consumers and those raising capital. Consequently, we are making changes to promote the integrity, attractiveness, competitiveness and efficiency of Australia's capital markets that are informed by the changing dynamics in global and domestic markets, in particular the growth of private debt and equity capital and liquidity. In February 2025, ASIC released a [discussion paper on Australia's evolving capital markets](#), outlining our preliminary views on capital market shifts and called for feedback. In [November 2025](#), we released a response to its discussion paper and set out a regulatory roadmap to support the following priorities.

Stronger practices in private markets, including private credit

206 When done well, private markets benefit those seeking capital, as well as those looking to invest and lend, and the Australian economy. We set out clear principles for private credit participants (with relevance for private markets more widely), designed to lift industry practices to comply with the law. We will refresh regulatory guidance applying to private market managed funds and will continue to hold participants to account through enforcement action.

207 In December 2025, ASIC [renewed its guidance on managing conflicts of interest \(RG 181\)](#) and issued a [catalogue of regulatory obligations](#) to assist private credit fund managers comply with the law.

208 ASIC's private credit work (including insights from experts and surveillance) found that while the private credit is growing quickly, it is still relatively immature and untested in a system stress scenario. The sector lacks consistent, well-established practices, especially in governance and transparency, fees, treatment of net interest margins, valuation methodologies, and conflicts, liquidity and credit management.

209 ASIC is underway on further targeted surveillances of the funds management sector, including private credit funds such as those with a strategy of real estate lending. This surveillance work across retail and wholesale entities has a focus on distribution, fees, margin structures and management of conflicts of interest.

- 210 ASIC encourages industry to contribute to improving industry practices for private credit and private markets within the next 12 months on some of the poorer practices identified.
- 211 ASIC has challenged industry to improve industry standards by 2027 and understands some fund industry bodies have begun work on enhancing their standards. During 2026, we will continue to engage with and monitor industry bodies as they develop, enhance and embed better practices across the market. We expect to see meaningful improvements through our surveillance over that period. In parallel, we will continue to act on other aspects of our planned future private capital funds sector activities including a targeted guidance refresh and enforcement.
- 212 Against this backdrop, harmful private credit funds management practices are an enforcement priority for ASIC this year with corresponding investigations into concerning practices.

Continued supervision of superannuation

- 213 Superannuation's allocation decisions will contribute to the future shape of Australia's markets. We want superannuation to deliver for Australians at every age and every stage. Superannuation funds must remain focussed on their obligations to their members and the market. We will continue our focus on supervision of superannuation trustees through our market cleanliness work, and review of financial reporting and audits. In particular, these tools and processes are important to robust and appropriate valuations in the private markets' holdings of superannuation trustees, as well as investment disclosures, including our work in the platforms segment.

Enhanced transparency and reporting

- 214 Our data reporting rules for the funds management sector lag behind international benchmarks, undermining our supervisory capability to promote market integrity and investor protection. We need to ensure our data collection is proportionate, targeted, fit for purpose and consistent with a 'collect once' principle across government. We will continue to make the most of the data reported and available to ASIC and have initiated a pilot on funds management data collection in collaboration with industry and government agencies to inform information sharing and law reform options, such as a recurrent data collection power for ASIC and improved data sharing between government bodies.

- 215 The data pilot will begin in FY 2026-27. ASIC will also adapt its data related work as needed to reflect relevant Government policy implementation in response to the high-risk superannuation switching matters.

Well-considered managed investments and public markets law reform

- 216 In private markets, the report outlines that ASIC needs better tools from government for effective supervision of funds, including notification of wholesale funds in operation and independent audited financial reports for wholesale funds. For further consideration we have outlined reform ideas on statutory duties and timely notification of significant events.
- 217 We also received ideas to reform the listing and corporate governance frameworks to enhance the competitiveness and attractiveness of our public markets (eg: to simplify executive remuneration and director liability requirements). ASIC has and will continue to engage with government on these important matters to look to opportunities for where some of these ideas can be considered in the future (eg: as part of future policy measures to enhance productivity and simplify regulatory frameworks)

Modernising public markets

- 218 Public markets remain fundamental for capital formation and price discovery but face challenges from declining listings and increased competition globally. In addition to actions already taken to streamline IPOs and foster competition and innovation, ASIC will engage with industry on ideas for new listing frameworks, simplified disclosure obligations, updates to regulatory guidance, robust trading platforms and technological innovations to ensure Australia's capital markets remain fit for the future.
- 219 Examples of work ASIC is doing this year to modernise public markets include:
- (a) to consult on potential changes to
 - (i) our guidance on the nature of when forecasts are required in prospectuses and simplifying our expectations on sell side research
 - (ii) the requirements that apply to IPO publicity restrictions so that there is consistency between offerings of listed securities and interests in managed investment schemes, and
 - (iii) working with APRA to consider modifications to streamline the administration of the Financial Accountability Regime

- (b) engaging with stakeholders on potential simplification of the ASX Corporate Governance Principles to ensure that they do not unduly deter entities from listing or remaining listed
- (c) engaging with stakeholders on potential forward looking changes to listing frameworks to enhance the attractiveness of our public markets (including ideas to alter the one size fits all approach for listed entities, the free float requirements and thresholds for foreign exempt listings
- (d) engaging with Australian market operators and entities interested in applying for an Australian market licence with a view to promote competition and innovation in our public markets
- (e) engaging with Australian market operators to ensure a level-playing field and opportunities for these operators to compete and innovate in our public markets, and
- (f) working with Cboe Australia and other stakeholders to ensure an orderly transition to a suitable buyer for Cboe Australia.

E Scams

- 220 ASIC's scam work focuses on reducing the impact of investment scams on Australians. We've also invested significant time and assets working with the firms we regulate to ensure that they are protecting their customers from scams and responding to customers who have been scammed.
- 221 Combating scams remains a strategic priority for ASIC.
- 222 Our work also involves protecting ASIC's brand and brand assets (including our registers) from deliberate misuse by scammers.
- 223 ASIC is one of a number of regulators whose remit touches scams, and our work forms part of the whole-of-government Fighting Scams agenda.
- 224 We work closely with the Australian Competition and Consumer Commission's (ACCC) National Anti-Scam Centre (NASC), as the lead agency coordinating scam disruption efforts across industry and government in Australia.
- 225 ASIC also supports the work of foreign regulators, including through the IOSCO Asia Pacific Regional Committee (APRC) Working Group on Scams and Online Harms.

Scams Prevention Framework

- 226 The *Scams Prevention Framework Act 2025* commenced on 21 February 2025. ASIC supports the Scams Prevention Framework and its whole of ecosystem approach that imposes mandatory and enforceable obligations on key sectors to drive action against scams.
- 227 We have worked closely with Treasury since 2023 to support the development of policy settings and legislation for the Framework. We are continuing to assist Government with its development of the subordinate instruments needed to operationalise the Framework.
- 228 Once the banking sector is designated as being subject to the Framework, the banking sector scams code has been made, and ASIC is designated as a regulator responsible for administering the Framework, we will be able to take action against banks that have breached their obligations under the Framework.
- 229 We stand ready to play an active role in administering and enforcing the Framework obligations for the banking sector once those obligations are in

effect, in collaboration with the ACCC as the general regulator of the Framework.

ASIC's scams focused work

- 230 We have also maintained an investor alert list since November 2023, which consumers can use to help inform themselves as to whether an entity they are considering investing in could be fraudulent, a scam or unlicensed. On average, 90 companies, businesses or websites are added to the list per month.
- 231 Since July 2023, ASIC has coordinated the removal of an average 185 investment scam and phishing websites per week, including those promoted by advertising on digital platforms. The quick removal of malicious websites is an important disruptive step, to stop scammers from causing further harm to Australians.
- 232 While our scams work is primarily focused on disruption, we also take targeted enforcement action and this work includes
- (a) In April 2025, ASIC announced the winding up of 95 companies, many of which ASIC believes may be associated with scams ([25-052MR](#)). This winding up included 71 companies who were also corporate authorised representatives of former AFS licensees.
 - (b) In March 2025, Brendan Gunn was charged for allegedly dealing in the proceeds of crime connected to an international scam ring following an ASIC investigation ([25-030MR](#)).
 - (c) In January 2026, Brendan Gunn pleaded guilty to dealing with more than \$180,000 when it was reasonable to suspect that those funds were the proceeds of crime, derived from suspected international scams that targeted Australian investors.
- 233 In [December 2024](#), ASIC announced it had commenced civil penalty proceedings against HSBC Australia alleging failure to adequately protect customers from scams ([24-280MR](#)).
- 234 ASIC has examined the way banks and superannuation trustees prevent, detect and respond to consumers who have been scammed resulting in ASIC setting expectations that all financial institutions take steps to improve their approaches. This work is set out in the following publications:
- (a) In January 2025, ASIC published a letter to superannuation trustees following ASIC's review of 15 trustees' anti-scam practices ([Letter](#)).
 - (b) In August 2024, ASIC released a report into the anti-scam practices of 15 banks outside the four major banks ([24-182MR](#)).
 - (c) In April 2023, ASIC released *Scam prevention, detection and response by the four major banks* which found that the overall approach to scams

strategy and governance of Australia's major banks was variable and overall less mature than expected ([23-101MR](#)).

235 In February 2026, ASIC called for urgent action by superannuation trustees after identifying significant shortcomings in their anti-scam and fraud communications for members ([26-014MR](#)):

- (a) A review of anti-scams and fraud content on 47 super fund websites found they consistently underperformed when benchmarked against the big four banks, with banks meeting over 80% of assessed criteria compared to 40–60% for most super funds.
- (b) ASIC identified significant gaps in availability, quality and actionability of anti-scam and fraud content. This included poor visibility, outdated or unclear explanations, and limited guidance or dedicated reporting channels for affected members. For example, 4 in 5 trustees did not offer a dedicated contact method for scam and fraud reporting.
- (c) ASIC contacted selected trustees and urged them to strengthen their approach to anti-scam and fraud communications and align with existing ASIC guidance.

F ANZ proceedings

- 236 In its [submission](#) to the Committee on 12 September 2025, ASIC noted that on 12 September ASIC [commenced proceedings in the Federal Court of Australia](#) alleging ANZ engaged in unconscionable conduct in its dealings with the Australian Office of Financial Management (AOFM) in its role as joint lead manager and risk manager on an issuance of \$14 billion 10-year Australian government treasury bonds conducted on 19 April 2023 and incorrectly reporting bond trading data to the AOFM by overstating the volumes by tens of billions of dollars over almost two years.
- 237 We also noted that at the same time, ASIC commenced three other proceedings against ANZ:
- (a) for making false and misleading statements about its savings interest rates and failing to pay the promised interest rate to tens of thousands of customers
 - (b) failing to refund fees charged to thousands of dead customers and respond to loved ones trying to deal with deceased estates, within the required timeframes, and
 - (c) failing to respond to 488 customer hardship notices, in some cases for over two years, and failing to have proper hardship processes in place.
- 238 The proceedings were heard on 2 and 3 December 2025 before Justice Beach.
- 239 On 19 December 2025, the Federal Court ordered that ANZ pay \$250 million in penalties for its widespread misconduct and systemic risk failures affecting the Australian Government, taxpayers and at least 65,000 retail bank customers.
- 240 These are the largest combined penalties ASIC has ever secured against a single entity.
- 241 His Honour Justice Beach increased the penalty sought by the parties in relation to ANZ's inaccurate reporting of secondary bond market turnover data by \$10 million, bringing the penalty in relation to that misconduct to \$50 million.
- 242 This outcome sends a clear message to ANZ that it needs to do better by its customers and to all banks that the cost of breaking the law is not an acceptable cost of doing business.

G Regulatory Simplification

243 We are focused on reducing regulatory burden while maintaining consumer protections.

ASIC Simplification Consultative Group (ASCG) and expert advisers

244 In January 2025, we established the ASCG. The group – made up of business, consumer and industry leaders – has helped us explore how we can start to simplify regulation and guidance, with an initial focus on where we can make the most difference as quickly as possible for consumers, investors, businesses and directors. We have also established a group of expert advisers to provide technical input.

245 In addition to seeking input from the ASCG and expert advisers, we have also held two roundtables with small business representatives.

Simplification work currently underway

246 ASIC has started the following pieces of simplification work:

Improving access to regulatory information

247 To make it easier for consumers and other stakeholders to find and understand information, in June 2025 we launched a new-look website. We are also considering how we could better structure our regulatory guidance, including regulatory guides, and information sheets. We are also testing industry-specific how-to guides – or ‘roadmaps’ – to help people navigate the regulatory requirements most relevant to them. We have developed two potential roadmaps so far, for directors of small companies and for financial advice businesses.

Reducing complexity in regulatory instruments

248 In an effort to draft clearer, simpler legislative instruments, we have developed best-practice principles for drafting. We are also testing the value of consolidating and simplifying our legislative instruments, with two initial pieces of work in progress – one to simplify two investment platform instruments, and the other to consolidate 21 financial reporting and audit instruments into a single instrument.

Making it easier to transact with ASIC

249 Over the next six months, we will begin accepting more email lodgements for high-volume, time-sensitive forms, and will support digital signatures where possible. We're also designing a digital experience to improve interactions with ASIC and complete more online transactions and electronic payments.

250 We have started a significant program of work to enhance the functionality and security of ASIC's registers, the official source of information on organisations and professionals registered or licensed to operate in the Australian economy.

251 We are also exploring ways to engage earlier with industry on potential data requests from us and on how we consult on new regulatory materials.

Simplification through law reform

252 We recognise that there are additional areas of law where regulatory simplification could add significant value, and we are actively considering broader opportunities for law reform.

253 We are working with Treasury on several areas of the law that may benefit from simplification, including the reportable situations regime and substantial holding notice forms. ASIC will continue to work closely with Treasury to explore these opportunities and help shape a more streamlined and effective regulatory framework.

Regulatory Simplification Report

254 On 3 September 2025, ASIC published [REP 813, the Regulatory Simplification Report](#) setting out our progress and proposals on simplification in greater detail. We received a total of 44 submissions to REP 813.

The majority of submissions expressed support for ASIC's regulatory simplification work:

- (a) Many submissions agreed that ASIC's website redesign has improved searchability and access to regulatory information, but some submissions said that more could be done.
- (b) There was strong support for ASIC's work on our regulatory guidance, including consolidating guidance, different guidance formats for different audience types, and using examples or scenarios to assist with compliance.

- (c) Some submissions said that the regulatory roadmap pilots lacked sufficient detail, including links to relevant material.
- (d) There was general support for the best-practice guidance principles, and the two pilots for consolidating and simplifying legislative instruments.
- (e) There was strong support for ASIC to move to a digital platform for forms, including digitising the remaining paper-based forms as well as accepting electronic signatures for all forms.
- (f) Feedback was provided on how ASIC can better interact with industry, including enhancing portal functionality so it can be used to respond to notices, introducing a 'process stage' for our online portals, using a single-pass authentication gateway, dedicated mailboxes and better training for call centre staff.
- (g) There was strong support for inter-agency coordination and better use of the Regulatory Initiatives Grid.
- (h) There was strong support for simplifying the reportable situations and substantial holding notice regimes.

We are in the process of considering these submissions and our wider program of work to determine our simplification work plan going forward.

255 Our simplification work aligns with broader government aims to reduce regulatory complexity not only in Australia, but across the world.

Progress on Simplification

- 256 Since we commenced our simplification work, we have:
- (a) Enabled email lodgement for 35 forms, which previously required paper submission. These represent over 32,000 individual lodgements annually. Our target is to enable email lodgement for 90% of our forms by June 2026.
 - (b) Refreshed and redesigned our website, including removing 9,000 pages of regulatory information, which has received very positive stakeholder feedback.
 - (c) Withdrew seven regulatory guides and information sheets that were no longer relevant or necessary, comprising 95 pages of guidance in total.
 - (d) Created Good Drafting Principles for our staff to maximise the clarity and useability of our instruments.
 - (e) Piloted simplifying and consolidating key legislative instruments; consulted on regulatory roadmaps for small business directors and financial advice; and conducted a wide-ranging review of our overall approach to regulatory guidance.

- (f) Worked with our Council of Financial Regulators (CFR) regulator partners to minimise the quantum of data requests we are imposing on business. On 2 December 2025, ASIC and APRA hosted seven industry associations and the CFR+ agencies in three industry-specific workshops for the superannuation, banking, and insurance sectors to identify specific and actionable ways to streamline data requests.

On 23 and 24 February 2026, ASIC and APRA held a second round of industry-specific workshops to discuss proposed initiatives by ASIC, APRA and CFR+ agencies to:

- (i) strengthen coordination and planning arrangements between regulators and enhance transparency
- (ii) strengthen engagement between regulators and industry
- (iii) reduce duplication and inconsistencies in data collections, and
- (iv) streamline existing data collections.

H Audit

- 257 ASIC is committed to strengthening the quality of financial reports and audits. These are critical to investor confidence and market integrity.
- 258 In 2025, ASIC expanded its regular financial reporting and audit surveillance program to include specific work on registrable superannuation entities and auditor independence and conflicts of interest.
- 259 These surveillance programs were designed to support ASIC's ongoing financial reporting and audit workstreams and to complement other areas of strategic focus including robust and transparent valuations and disclosure in private markets and within superannuation holdings. Collectively our work aims to improve the quality of financial reporting and audit in Australia by highlighting best practices, calling out poor performance and calls to action.
- 260 All three surveillance programs identified that company directors, superannuation trustees and auditors need to do more in delivering higher-quality audits and financial reports.
- 261 Since September, ASIC has published 3 reports setting out these findings and best practice recommendations:
- (a) [REP 816](#) Accounting for your super: ASIC's review into the financial reporting and audit of super funds sets out the findings of ASIC's review of 60 Registrable Superannuation Entities (RSE) financial reports, 17 financial reporting surveillances and five RSE audit surveillances and calls on superannuation trustees and their auditors to do more to strengthen the quality of RSE audited financial reports and included some specific matters for attention in the auditing and financial reporting of private markets investments.
 - (b) [REP 817](#) Building trust: Auditors' compliance with independence and conflict of interest obligations sets out the findings from ASIC's large scale review into auditors' compliance with their independence and conflicts of interest obligations, which found that many auditors were unable to effectively demonstrate how they complied with their independence and conflicts of interest obligations. As a result of the auditor independence surveillance, ASIC has secured enforcement outcomes.
 - (c) [REP 819](#) ASIC's oversight of financial reporting and audit 2024-25 sets out the results of ASIC's financial reporting and audit surveillance findings for companies and auditors.
- 262 On 4 December the Auditor General tabled a report on the ANAO's performance audit of ASIC's regulation of registered company auditors. The

audit assessed if governance arrangements and the design of regulatory activities for registered company auditors is fit for purpose and if we have appropriately implemented regulatory activities for registered company auditors.

263

The report contains four recommendations for ASIC to:

- (a) develop measures to report on the performance of regulatory outcomes for registered company auditors
- (b) report publicly on the timeliness of processing registered company auditor resignation and removal applications
- (c) review and improve ASIC's surveillance activities related to registered company auditors including reviewing the allocation of resources between individual audit file surveillances and thematic surveillances, and
- (d) monitor and report on whether registered company auditors undertake the remedial action they commit to in response to ASIC's audit surveillances and implement procedures to use ASIC's audit deficiency powers.

264

We have agreed to each of the recommendations addressed to ASIC and we are already making good progress in implementing the recommendations.

I ASX

ASX Inquiry and CHES

- 265 As announced on [16 June 2025](#), ASIC has initiated an Inquiry into the ASX group.
- 266 ASIC has appointed an expert panel under [Terms of Reference](#) to examine the frameworks and practices of ASX in relation to governance, capability and risk management.
- 267 The [Inquiry panel](#) is chaired by Rob Whitfield, with Christine Holman and Guy Debelle as panel members, and supported by a dedicated Secretariat.
- 268 The Inquiry panel has been asked to make recommendations to address any identified shortcomings or deficiencies.
- 269 The Inquiry panel delivered its [Interim Report](#) in December 2025. Key findings are that:
- (a) Resiliency of critical market infrastructure has been compromised to deliver high shareholder returns
 - (b) Governance arrangements fail to provide the necessary focus on critical market infrastructure
 - (c) ASX lacks the aspiration to be a steward of critical market infrastructure
 - (d) Capability and culture barriers are hindering transformational change at ASX, and
 - (e) The current regulatory approach has not delivered the desired outcomes.
- 270 ASIC responded to the report with a package of reforms designed to build confidence in ASX and its critical market infrastructure to safeguard Australia's financial markets:
- (a) ASIC has obtained commitments from ASX Group (ASX) on a package of reforms including:
 - (i) Strengthening the independence and governance of ASX's Clearing and Settlement Facilities Boards.
 - (ii) A strategic reset of ASX's transformation program 'Accelerate', with clear milestones and accountability for delivery.
 - (iii) The imposition of an additional \$150 million capital charge on ASX Limited to ensure ASX maintains robust financial resources until remediation is complete.
 - (iv) A commitment to stronger leadership.

- 271 The package strengthens confidence in ASX and Australia’s critical market infrastructure, provides certainty about the market operator’s reset, and responds to the Interim Report released by the panel of the Inquiry into the ASX Group. ASIC has already taken a number of actions to enhance our supervision of the ASX Group, including increased Commission oversight as well as the establishment of a dedicated supervisory team. We are also working closely with the RBA, as co-regulator, to review and uplift our joint supervision of ASX.
- 272 By 27 February 2026 ASX will provide to ASIC the ASX’s plan for implementing the commitments made by ASX. Over the coming months, ASIC will closely oversee ASX’s implementation of its commitments and hold it accountable for delivery. More broadly, we are investing in our long-term ASX supervisory capacity and capability, including across governance, risk management and remediation. ASIC is also developing an enhanced oversight approach for monitoring and assessing the ASX Group’s capital position. ASX’s capital management must be strategic, ensuring sufficient capital is available not only to meet relevant regulatory requirements but also to support sustained infrastructure investment consistent with ASX’s stewardship role as a provider of critical market infrastructure.
- 273 The expert panel will provide a final report to ASIC by 31 March 2026, which ASIC will subsequently publish.
- 274 CHES is the system ASX uses to provide clearing and settlement services for Australia’s cash equity market. ASX is replacing CHES through a two-stage program: Release 1 (clearing) is targeted for 20 April 2026; Release 2 (the settlement and sub-register functions) is planned for 2029. ASIC has had a heightened focus on the CHES replacement, particularly since the December 2024 CHES batch settlement failure, and we have established a technology oversight function to monitor this and other key technology programs in our regulated population.
- 275 ASIC’s responsibility is to ensure clearing and settlement facilities provide services in a fair and effective way, with the RBA, as co-regulator, focused on financial stability and systemic risk. In practice, ASIC’s role on CHES Replacement is not to run the change for ASX, but to oversee and monitor ASX’s readiness so the transition does not undermine the integrity of Australian financial markets. ASIC has also imposed licence conditions requiring independent assurance and Board attestation prior to go-live.
- ASIC has heightened supervision by closely tracking delivery against the Release 1 roadmap, monitoring testing and assurance activities, closely reviewing key controls, including ASX’s governance process, engagement with external assurance providers and industry stakeholders, and rollback and incident planning. ASIC is doing this in close coordination with the RBA, reflecting our respective oversight responsibilities.

ASX Litigation

- 276 On 13 August 2024, ASIC commenced civil penalty proceedings in the Federal Court against ASX for misleading conduct related to representations made about the progress of its CHES replacement project.
- 277 ASIC alleges statements made in ASX announcements on 10 February 2022 that the Project remained “on-track for go-live” in April 2023 and was “progressing well” were misleading. At the time of the announcements, we allege the Project was not “progressing well” or currently tracking to plan and ASX did not have a reasonable basis to imply that the Project was on track to meet future milestones.
- 278 ASX’s CHES replacement is a significant technology project, replacing critical national infrastructure fundamental to the operation of the Australian economy. The critical importance of the project was a vital reason why ASX needed to ensure that it told the Australian public the truth about how the Project was progressing and whether it was on track to be completed on time.
- 279 A case management hearing is scheduled on 20 May 2026, and the liability hearing is listed to commence on 15 June 2026.

J Transition to new Chair

280 Following the announcement of Deputy Chair Sarah Court's appointment as the incoming ASIC Chair from June 2026, briefings are being prepared to support the transition and will primarily focus on the responsibilities and obligations of the ASIC Chair, including in relation to:

- (a) legislative obligations (ASIC Act, PGPA Act, FRAA Act, WHS Act, PID Act, NACC Act etc)
- (b) delegations
- (c) ASIC's governance arrangements, and
- (d) ASIC's domestic and international MoUs and related commitments.

Appendix 1: Updated High level chronology on Shield/First Guardian

High level chronology – Shield Master Fund and First Guardian Master Fund

KEY: ■ First Guardian Master Fund ■ Shield Master Fund ■ Shield Master Fund & First Guardian Master Fund

2006

— APR — Falcon Capital is registered.

— AUG — Falcon Capital obtains AFS licence.

2016

— MAY — Keystone Asset Management is registered.

2017

— APR — Keystone Asset Management obtains AFS licence.

2019

— AUG — First Guardian is registered. Falcon Capital is the responsible entity.

2020

— FEB — ASIC takes a range of action with respect to lead generation and cold calling misconduct between 2020 and 2025, commencing with cancelling the licence of Smart Solutions Group.

— JUN — From June 2020, ASIC receives occasional reports about conduct involving cold calling, lead generation, unlicensed advice, selling/disclosure practices (including the payment of commissions and the Fund's assets allocation). Some of these reports refer specifically to the First Guardian Master Fund as an underlying investment.

2021

— FEB — ASIC commences Hutchinson investigation (alleged mis-selling of First Guardian Master Fund).

— MAY — Shield Master Fund is registered. Keystone Asset Management is the responsible entity.

2022

— APR — Shield Master Fund starts receiving investor funds.

— MAY — From May 2022, ASIC receives occasional reports about conduct involving cold calling, lead generation, and unlicensed advice. Some of these reports refer specifically to the Shield Master Fund as an underlying investment.

— AUG — Hutchinson is banned.

2023

— APR — Report of misconduct is received about the Shield Master Fund itself and the investments held by the Shield Master Fund.

ASIC commences preliminary investigation into Shield Master Fund.

— MAY — ASIC issues a 912C direction to Macquarie to provide a statement.

— JUN — Macquarie offboards Shield Master Fund.

— SEP — Thematic (sector-wide) cold calling project commences.

High level chronology – Shield Master Fund and First Guardian Master Fund

KEY: ■ First Guardian Master Fund ■ Shield Master Fund ■ Shield Master Fund & First Guardian Master Fund

2023

- NOV — ■ Equity Trustees Superannuation Limited (ETSL) lodges reportable situation with ASIC in relation to Venture Egg (financial advice firm) with no reference to Shield or First Guardian.
- ■ ASIC commences formal investigation into Shield Master Fund.

2024

- JAN-FEB — ■ ETSL offboards Shield Master Fund.
- FEB — ■ ASIC commences preliminary investigation into First Guardian.
- ■ ASIC makes interim stop orders on four product disclosure statements for classes of units in Shield. No new investors have been able to invest in Shield since this time.
- MAY — ■ ASIC issues warning over dodgy cold calling operators and online baiting tactics.
- ■ First Guardian Master Fund suspends applications and withdrawals from First Guardian subject to some limited exceptions.
- JUN — ■ ASIC cancels AFS licence of United Global Capital Pty Ltd (UGC) and bans its director.
- ■ ASIC obtains interim orders from the Federal Court freezing assets of the Shield Master Fund. Mr Chiodo (director of Keystone) provides an undertaking to the Court re international travel. The Federal Court subsequently appoints Jason Tracy and Lucica Palaghia of Deloitte to have full control of the bank accounts of Shield and to prepare a report on the financial position of Shield and the Advantage Diversified Property Fund by 23 July 2024.
- JUL — ■ Financial Position Report of Shield and the Advantage Diversified Property Fund is finalised.
- AUG — ■ ASIC obtains orders appointing Mr Tracy and Ms Palaghia of Deloitte as receivers and managers of the property of Keystone.
- SEP — ■ ASIC commences formal investigation into First Guardian Master Fund and Falcon Capital.
- ■ Orders are made to remove the voluntary administrators appointed by Keystone and appoint Mr Tracy and Ms Palaghia of Deloitte as voluntary administrators in addition to their role as receivers.
- OCT — ■ ASIC cancels the AFS licence of Next Generation Advice Pty Ltd.
- DEC — ■ Liquidators are appointed to Keystone Asset Management (the responsible entity for Shield).

2025

- FEB — ■ ASIC undertakes 3 day search warrant operation with the Australian Federal Police.
- ■ ASIC obtains interim orders freezing certain assets of Melbourne-based financial advisers Ferras Merhi and Osama Saad (director of Aus Super Compare and Atlas Marketing).
- ■ ASIC obtains interim orders preserving the assets of Falcon Capital Limited and Falcon director, David Anderson.

High level chronology – Shield Master Fund and First Guardian Master Fund

KEY: ■ First Guardian Master Fund ■ Shield Master Fund ■ Shield Master Fund & First Guardian Master Fund

2025

—	MAR	—	ASIC obtains orders freezing assets of Rashid Alshakshir relating to marketing services (including lead generation).
—	APR	—	ASIC obtains orders for Falcon Capital and the First Guardian Master Fund to be wound up and for the appointment of a receiver to David Anderson’s personal property.
—	JUN	—	ASIC cancels AFS licence of Financial Services Group Australia Pty Ltd and permanently bans its responsible manager.
			ASIC secures travel restraint against David Anderson and Simon Selimaj (directors of Falcon Capital) and asset freezing orders again Simon Selimaj.
—	JUN-JUL	—	ASIC bans five financial advisers of MWL Financial Services Pty Ltd (MWL) in relation to financial advice provided on Shield.
—	JUL	—	ASIC launches another investor warning campaign to raise awareness for consumers when considering shifting their superannuation into another fund or SMSF that may be connected to high-risk investments.
			ASIC secures travel restraint orders prohibiting Mr Merhi and Mr Saad from leaving or attempting to leave Australia until 12 December 2025.
—	AUG	—	ASIC obtains orders appointing receivers over the property of Mr Selimaj (director of Falcon Capital).
			ASIC cancels AFS licence of MWL in relation to financial advice provided on Shield and bans MWL’s director and compliance manager and responsible manager.
			ASIC bans former Melbourne-based UGC and MWL financial adviser in relation to financial advice provided on Shield.
			ASIC commences civil penalty proceedings against ETSL alleging due diligence failures relating to Shield. ASIC has subsequently amended its pleadings to seek compensation.
			ASIC seeks leave to expand action against Mr Merhi alleging he engaged in unconscionable conduct, failed to act in the best interest of clients, gave conflicted advice, and provided defective statements of advice. ASIC seeks injunctions prohibiting Mr Merhi from any involvement in a financial services business or the marketing of financial products, the appointment of a receiver to Mr Merhi’s personal property and provisional liquidators to his associated companies.
—	SEP	—	ASIC commences civil proceedings against Macquarie Investment Management Ltd (MIML) for s912A contraventions and accepts enforceable undertaking from MIML to ensure MIML pays members 100% of the amounts they invested in Shield less any amounts withdrawn.
			The Court granted leave to ASIC to expand its existing civil proceedings against Mr Merhi. The Federal Court also allowed ASIC to join associated entities, FSGA, Venture Egg Financial Services Pty Ltd and United Financial Advice Pty Ltd as parties to the proceedings.
—	OCT	—	ASIC secures Federal Court interim orders restraining Mr Merhi from operating within the financial services industry and obtains orders for the appointment of a receiver to provide a report and a provisional liquidator to his associated entities, Venture Egg Financial Services Pty Ltd and United Financial Advice Pty Ltd.

High level chronology – Shield Master Fund and First Guardian Master Fund

KEY: ■ First Guardian Master Fund ■ Shield Master Fund ■ Shield Master Fund & First Guardian Master Fund

2025

- NOV —

ASIC commences civil penalty proceedings and seeks injunctive relief against Interprac Financial Planning Pty Ltd alleging licensee failures relating to Shield and First Guardian.

ASIC seeks leave to commence action against MWL (administrators appointed), its former director and Imperial Capital Group Australia Pty Ltd alleging Shield advice failures.

ASIC commences civil penalty proceedings in the Federal Court against SQM Research Pty Ltd alleging its reports contained misleading representations and its processes fell short of expected standards when it published “Favourable” ratings for the Shield Master Fund.
- DEC —

ASIC commences civil penalty proceedings against Diversa Trustees Limited seeking compensation and alleging failures relating to First Guardian.

ASIC commences civil proceedings against Netwealth Superannuation Services Pty Ltd (NSS) and Netwealth Investments Limited (NIL) for s912A contraventions and accepts enforceable undertaking from NIL and NSS to ensure NSS pays members 100% of the amounts they invested in First Guardian less any amounts withdrawn.

ASIC bans former financial adviser of MWL Financial Services and former UGC Head of Advice, in relation to financial advice provided on Shield.

2026

- FEB —

ASIC takes further steps to support impacted investors, noting that fewer than 2,000 of approximately 11,000 investors had lodged complaints with AFCA, and commenced sending additional information to investors, including access to a dedicated consumer support website and complaint options.

ASIC bans former financial adviser of MWL in relation to advice provided on Shield.

ASIC has commenced a new review of advice licensees using lead generation services as part of its consumer protection work in the financial advice sector.