

Corporations and Related Legislation Amendment Regulation 2013 (No. 1) [F2013L01264]

Portfolio: Treasury

Authorising legislation: Australian Securities and Investments Commission Act 2001, Business Names Registration (Fees) Act 2011, Corporations Act 2001, Corporations (Aboriginal and Torres Strait Islander) Act 2006, Corporations (Fees) Act 2001, Fair Work (Registered Organisations) Act 2009, Occupational Superannuation Standards Act 1987, Statutory Declarations Act 1959 and Superannuation Industry (Supervision) Act 1993

Last day to disallow: 4 March 2014 (Senate)

Purpose

2.77 In July 2011, the Australian Accounting Standards Board (AASB) announced the withdrawal of certain disclosure requirements contained in the accounting standards it publishes, with effect from 1 July 2013. This instrument places remuneration disclosure requirements into the Corporations Regulations 2001 following the removal of these requirements from the relevant accounting standards.

Background

2.78 The committee reported on the instrument in its *First Report of the 44th Parliament*.

Committee view on compatibility

Right to privacy

Disclosure of information

2.79 The committee sought clarification regarding whether personal information will be released through remuneration disclosure and, if so, what protections are provided to ensure the instrument is compatible with the right to privacy.

Parliamentary Secretary's response

The Regulation identifies a number of disclosures that must be included in the remuneration report of a listed entity related to transactions between key management personnel, or related parties that exert control or influence, and the listed entity.

These disclosures are designed to achieve the objective of ensuring that the company reports contain the disclosures necessary to draw attention to the possibility that its financial position and profit and loss may have been affected by transactions entered into with key management personnel or related parties that exert control or influence.

These disclosures are not designed to require entities to release personal information, or information that is unrelated to transactions entered into

by the disclosing entity. However, consideration will be given to regulatory amendments that clarify the operation of the Regulation where necessary.¹

Committee response

2.80 The committee thanks the Acting Assistant Treasurer for his response and has concluded its examination of this instrument.

2.81 The committee welcomes the Acting Assistant Treasurer's statement that appropriate regulatory amendments will be considered to clarify the operation of the regulation.

1 See Appendix 2, Letter from Senator the Hon Mathias Cormann, Acting Assistant Treasurer, to Senator Dean Smith, 23 May 2014.