

Senate Economics Legislation Committee

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

2017 - 2018

Division/Agency: Australian Securities and Investment Commission

Question No: 96

Topic: Compensation

Reference: Written

Senator: Ketter, Chris

Question:

In his opening statement, Mr Medcraft stated that in the 12 months to May 2017, “ASIC obtained over \$804 million in compensation, remediation or returns of investor funds and over \$9.7 million in fines, penalties or infringement notices.” Could a breakdown be provided of the institution/persons involved, and the matters in relation to which the amounts were paid.

Answer:

See attached Excel spreadsheet.

ASIC has determined that we have obtained over \$804 million in compensation, remediation or returns of investor funds and over \$9.3 million in fines, penalties or infringement notices.

The \$9.7 million was a typographical error.

ASIC has informed the Senate Economics Committee Secretariat and Senator Ketter’s office of this typographical error

Date	Media Release	Summary	Institution/Persons	Compensation/ Remediation	Fines / penalties
8/06/2016	16-186MR	Former Aussie Home Loans mortgage broker convicted of loan fraud	AHL Investments Pty Ltd - Emma Feduniw		\$8,500
10/06/2016	16-190MR	Rhinomed pays penalty for alleged continuous disclosure breach and ASIC accepts enforceable undertaking to address continuous disclosure deficiencies	Rhinomed Limited		\$33,000
10/06/2016	16-191MR	ASIC curbs misleading pet insurance advertising	Allianz Australia Insurance Limited, Petplan Australasia Pty Ltd	\$231,000	
27/06/2016	16-203MR	Kovacs Property Group pays penalty for misleading advertising	Kovacs Property Group Pty Ltd		\$10,800
28/06/2016	16-204MR	Macquarie Securities (Australia) Limited pays \$120,000 infringement notice penalty	Macquarie Securities (Australia) Limited		\$120,000
29/06/2016	16-209MR	Former Sydney finance broker sentenced to intensive correction order	Motorcycle Finance & Insurance Pty Ltd - Jennifer Farias	\$100,000	
12/07/2016	16-222MR	Optus to refund more than \$2 million to mobile phone insurance customers following ASIC concerns	Optus Insurance Services Pty Ltd	\$2,400,000	
19/08/2016	16-263MR	Padbury Mining directors banned for three years due to 'Oakajee Funding Secured' announcement	Padbury Mining Limited - Gary Stokes, Terrence Quinn		\$50,000
24/08/2016	16-267MR	ASIC accepts enforceable undertaking from My Adviser Pty Ltd	My Adviser Pty Ltd	\$2,000,000	
24/08/2016	16-271MR	Macquarie Investment Management penalised over Corporations Act contraventions	Macquarie Investment Management Ltd		\$400,000
24/08/2016	16-266MR	R S Capital Partners Pty Ltd pays infringement notice following "free SMSF set up" claims	R S Capital Partners Pty Ltd.		\$10,800

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2/09/2016	16-289MR	CommSec pays \$700,000 in infringement notice penalties and refunds \$1.1 million in brokerage	Commonwealth Securities Limited	\$1,100,000	\$700,000
5/09/2016	16-291MR	ANZ to refund nearly \$29 million to more than 390,000 accounts as a result of unclear fee disclosures	Australia and New Zealand Banking Group Limited	\$28,800,000	
7/09/2016	16-296MR	ING Bank compensates Living Super customers due to potentially misleading costs and fees statements	ING Bank (Australia) Limited	\$5,380,000	
7/09/2016	16-297MR	Morgan Stanley pays \$123,750 in infringement notice penalty	Morgan Stanley Australia Securities Limited		\$123,750
8/09/2016	16-298MR	Westpac refunds \$20 million in credit card foreign transaction fees, as ASIC warns consumers on foreign transaction fees for Australian dollar transactions	Westpac Banking Corporation	\$20,000,000	
13/09/2016	16-304MR	Westpac refunds \$9.2 million after failing to waive bank account fees for eligible customers	Westpac Banking Corporation	\$9,200,000	
14/09/2016	16-308MR	CBA pays \$180,000 in penalties and will write off \$2.5 million in loan balances	Commonwealth Bank Of Australia		\$180,000
20/09/2016	16-319MR	Sydney Stock Exchange-listed company pays penalty for alleged continuous disclosure breach	Sanhe Building Materials Technology Company Limited		\$33,000
26/09/2016	16-324MR	LT Management pays infringement notice in relation to free SMSF set-up claims	LT Management Pty Ltd		\$10,800
10/10/2016	16-343MR	Findex Group Limited and Financial Index Australia Pty Ltd pay \$21,600 in penalties	Financial Index Australia Pty Ltd, Findex Group Ltd		\$21,600
9/11/2016	16-380MR	Cash Converters to pay over \$12M following ASIC probe	Cash Converters	\$10,800,000	\$1,350,000
16/11/2016	16-389MR	CommSec pays \$200,000 in infringement notice penalty	Commonwealth Securities Limited		\$200,000

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17/11/2016	16-394MR	Sydney man convicted after pleading guilty to insider trading	Hanlong Mining Investment Pty Ltd, Sundance Resources Limited, Bannerman Resources Limited - Fei Yu	\$17,527	\$10,000
28/11/2016	16-409MR	ASIC bans former Westpac financial planner for eight years	Westpac Financial Consultants Ltd - Anthony Bishop	\$1,127,543	
6/12/2016	16-417MR	ASIC action sees BMW Finance pay \$77 million in Australia's largest consumer credit remediation program	BMW Australia Finance Limited	\$77,000,000	
8/12/2016	16-430MR	Construction company Hochtief AG fined for insider trading and agrees to give up notional profits	Hochtief Aktiengesellschaft	\$206,800	\$400,000
9/12/2016	16-431MR	Court fines Sino Australia Oil and Gas Limited and disqualifies former chairman, Tianpeng Shao	Sino Australia Oil and Gas Limited		\$800,000
21/12/2016	16-455MR	ASIC accepts enforceable undertaking from NAB and CBA to address inadequacies within their wholesale spot FX businesses	National Australia Bank Limited, Commonwealth Bank of Australia	\$5,000,000	
22/12/2016	16-459MR	Suncorp-Metway pays \$530,000 for breaching consumer credit notification laws	Suncorp-Metway Limited	\$260,000	\$270,000
16/01/2017	17-006MR	Pershing Securities pays \$40,000 in infringement notice penalty	Pershing Securities Pty Ltd		\$40,000
2/02/2017	17-021MR	Bankwest refunds \$4.9 million for overcharging interest on home loans	Bankwest	\$4,900,000	

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10/02/2017	17-028MR	Winemaker convicted for managing while disqualified	Oenoviva (Australia & New Zealand) Pty Ltd (Oenoviva) and Shed 5 (South Wharf) Pty Ltd (Shed 5) - Andrew Garrett		\$2,500
20/02/2017	17-035MR	Share Investing pays \$130,000 in infringement notice penalty	Share Investing Limited		\$130,000
21/02/2017	17-037MR	Car loan provider Inhouse Finance Group to repay more than \$400,000 to consumers	Inhouse Finance Group (Sydney) Pty Ltd	\$400,000	
23/02/2017	17-042MR	BGC Partners pays \$90,000 in infringement notice penalty	BGC PARTNERS (AUSTRALIA) PTY LIMITED		\$90,000
10/03/2017	17-060MR	Payday lenders fined \$730,000 for diamond trading 'sham'	Fast Access Finance Pty Ltd, Fast Access Finance (Beenleigh) Pty Ltd and Fast Access Finance (Burleigh Heads) Pty Ltd		\$730,000
15/03/2017	17-064MR	Credit Suisse pays \$170,000 in infringement notice penalty	Credit Suisse Equities		\$170,000
20/03/2017	17-072MR	Former director fined for failing to notify market of share trading	Optiscan Imaging Limited - Angus Matthew Holt		\$4,500
23/03/2017	17-077MR	ASIC accepts enforceable undertaking from Barclays entities	Barclays Capital, Barclays Capital Asia Limited, Barclays capital Securities Limited		\$500,000
31/03/2017	17-093MR	Citibank refunds \$5 million in credit card international transaction fees, as ASIC warns consumers about international transaction fees	Citigroup Pty Ltd	\$5,048,000	

Date	Media Release	Summary	Institution/Persons	Compensation/ Remediation	Fines / penalties
6/04/2017	17-103MR	Company director convicted for making a false statement to ASIC	Acecorp Security Pty Ltd - Jamie Thomas Phelan		\$6,600
7/04/2017	17-108MR	Queensland car yard lender ordered to pay over \$1.2 million after breaching consumer credit laws	Channic Pty Ltd - Colin Hulbert	\$47,699	\$776,000
10/04/2017	17-109MR	Director of motor finance company convicted of concealing a company debt	Affordable Finance Facilities Pty Ltd - Graeme Edward John Healy		\$3,000
10/04/2017	17-110MR	Court orders penalty against former Chairman of AWB Limited	AWB Limited - Trevor Flugge		\$50,000
12/04/2017	17-114MR	Director pleads guilty to falsifying company books	Clear Security Services Pty Ltd - Keith Anderson		\$25,000
13/04/2017	17-115MR	Book up provider in South Australian Indigenous community ordered to pay \$167500 for exploitation of consumers	Nobby's Mintabie General Store - Linday Kobelt		\$167,500
28/04/2017	17-125MR	Former Perth managing director sentenced to 18 months' jail for insider trading	Westside Corporation Ltd - Steven Robert Noske		\$20,000
2/05/2017	17-128MR	Victorian man convicted over unlicensed financial services	Grant Thorsby Ross		\$6,000
3/05/2017	17-130MR	ASIC crackdown on misleading advertising by debt management firms	Capital Debt Solutions Australia Pty Ltd, Bankruptcy Experts Pty Ltd		\$10,800
19/05/2017	17-144MR	ASIC accepts enforceable undertaking from Macquarie Bank to address inadequacies within their wholesale FX businesses	Macquarie Bank Ltd	\$2,000,000	
24/05/2017	17-150MR	Motor Finance Wizard to pay over \$11 million in remediation over responsible lending concerns	Motor Finance Wizard	\$11,100,000	

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26/05/2017	17-157MR	Queensland Supreme Court imposes penalties on dishonest MFS officers and funds manager	MFS Investment Management Limited - Michael King, Craih White, Guy Hutchings, David Anderson, Marilyn Watts	\$617,266,803	\$1,890,000
				\$	\$
				804,385,372.00	9,354,150.00