

Senate Standing Committee on Economics

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

31 May – 2 June 2011

Question No: BET 109

Topic: Reductions in time to comply

Hansard Page: Written

Senator Bushby asked:

- Has there been any reduction in the time to comply available under any of your coercive powers in recent years? To what extent are the times provided for compliance under your respective powers at ASIC's discretion?

Answer:

No, there has been no legislative change or change in ASIC's practices that has led to a reduction in the time to comply with ASIC's coercive powers.

The times for compliance with ASIC's coercive powers are generally at ASIC's discretion. However, they are subject to an overriding requirement that they be reasonable in all the circumstances (see for example, section 87(a) of the *Australian Securities and Investments Commission Act 2001* (ASIC Act)).

What is reasonable depends on all the circumstances and may, on some occasions, include the requirement to produce books forthwith (see for example section 87(b) of the ASIC Act or section 315(b) of the *National Consumer Credit Protection Act 2009*). However, ASIC officers generally allow at least a week from the date of service of the notice although this will vary according to the particular circumstances. ASIC is also generally willing to accommodate requests for additional time. Documents are also sometimes accepted in tranches.