

## Senate Standing Committee on Economics

### ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Budget Estimates

31 May – 2 June 2011

Question No: BET 113

Topic: Production of information in prescribed formats

Hansard Page: Written

Senator Bushby asked:

- Is it the case that ASIC is now requiring the production of some information in prescribed formats? What consideration was given to the regulatory compliance impact of requiring this prior to adopting this requirement?

Answer:

From time to time, ASIC has sought information in the form of a questionnaire. ASIC does not consider that this, in itself, would increase the burden of compliance and sometimes it may assist the recipient to better understand the information ASIC is seeking.

ASIC acknowledges that concerns have been expressed about a specific past instance of the use of notices to require responses to a questionnaire. ASIC has learned important lessons from the concerns expressed.

ASIC's use of notices requiring information are subject to the same policies and processes as other uses of compulsory powers. These contain a number of controls which are designed to ensure that ASIC's compulsory information gathering powers are used responsibly.

Guiding principles underlying ASIC's approval process for the use of powers include, among others, the following:

- notices are only issued in matters that have been approved by the relevant Senior Executive Leader or appropriate internal committee for investigation or other action (such as a surveillance or compliance action);
- Information gathering powers should only be used when warranted;
- information sought under notice should be no more than what is reasonably needed for the investigation and/or surveillance;
- the quantity and nature of the material or assistance sought should be consistent with the strategy and objectives of the overall investigation or project.