



# Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2022

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I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 8 December 2022

David Hurley  
Governor-General

By His Excellency's Command

Stephen Jones  
Assistant Treasurer  
Minister for Financial Services

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## 1 Name

This instrument is the *Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2022*.

## 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 4 and anything in this instrument not elsewhere covered by this table	The day after this instrument is registered.	13 December 2022
2. Schedule 1, Part 1	The day after this instrument is registered.	13 December 2022
3. Schedule 1, Part 2.	The day after the end of the period of 3 months beginning on the day this instrument is registered.	12 March 2023

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

## 3 Authority

This instrument is made under the following:

- (a) the *Corporations Act 2001*;
- (b) the *Foreign Acquisitions and Takeovers Act 1975*;
- (c) the *Income Tax Assessment Act 1997*;
- (d) the *National Consumer Credit Protection Act 2009*;
- (e) the *Superannuation Industry (Supervision) Act 1993*;
- (f) the *Superannuation (Unclaimed Money and Lost Members) Act 1999*.

## 4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

## **Schedule 1—Amendments**

### **Part 1—Amendments commencing day after registration**

#### **Division 1—Takeovers**

##### *Corporations Regulations 2001*

###### **1 Part 6.5**

Repeal the Part.

###### **2 Division 40 of Part 10.2**

Repeal the Division.

#### **Division 2—Trustee companies**

##### *Corporations Regulations 2001*

###### **3 Schedule 8AA (note to Schedule heading)**

Repeal the note, substitute:

(regulation 5D.1.01A)

#### **Division 3—Service of contravention notice**

##### *Superannuation Industry (Supervision) Regulations 1994*

###### **4 Regulation 11.02A**

Repeal the regulation.

#### **Division 4—Payment to a KiwiSaver scheme provider**

##### *Superannuation (Unclaimed Money and Lost Members) Regulations 2019*

###### **5 Subsection 20(1)**

After “21E(2)(aa)(iii)”, insert “, 22B(2)(aa)(iii)”.

#### **Division 5—Prescribing public sector superannuation schemes**

##### *Superannuation (Unclaimed Money and Lost Members) Regulations 2019*

###### **6 Section 15 (after table item 10)**

Insert:

10A	Gold State Super Scheme	<i>State Superannuation Act 2000 (WA)</i>
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## 7 Section 16 (after table item 9)

Insert:

9A Gold State Super Scheme *State Superannuation Act 2000* (WA)

## 8 Section 16 (at the end of the table)

Add:

11 Electricity Industry Superannuation Scheme *Electricity Corporations Act 1994* (SA)

## 9 After section 17

Insert:

### 17A Voluntary payments to the Commissioner—prescribed schemes

For the purposes of section 22D of the Act, each public sector superannuation scheme mentioned in the table is prescribed.

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#### Prescribed public sector superannuation schemes

Item	Scheme	Act or governing rules under which scheme is established
1	Electricity Industry Superannuation Scheme	<i>Electricity Corporations Act 1994</i> (SA)
2	Tasmanian Ambulance Service Superannuation Scheme	<i>Public Sector Superannuation Reform Act 2016</i> (Tas.)
3	State Fire Commission Superannuation Scheme	<i>Public Sector Superannuation Reform Act 2016</i> (Tas.)
4	Retirement Benefits Fund Contributory Scheme	<i>Public Sector Superannuation Reform Act 2016</i> (Tas.)
5	Northern Territory Government and Public Authorities' Superannuation Scheme	<i>Superannuation Act 1986</i> (NT)
6	Northern Territory Supplementary Superannuation Scheme	<i>Northern Territory Supplementary Superannuation Scheme Instrument</i> , dated 4 January 1989 (NT)
7	Northern Territory Police Supplementary Benefit Scheme	Northern Territory Police Supplementary Benefit Scheme Trust Deed and Rules

## Division 6—Continuous disclosure

### *Corporations Regulations 2001*

#### 10 Regulation 1.0.10

Omit “section 1001B”, substitute “section 675 or 675A”.

## **Division 7—Foreign Acquisitions and Takeovers Regulation 2015**

### *Foreign Acquisitions and Takeovers Regulation 2015*

#### **11 Section 5 (note to the definition of *tenement*)**

Omit “in this section, and”, substitute “,”.

#### **12 Section 16 (note)**

Repeal the note, substitute:

Note: Section 16A of the Act defines *interest* of a specified percentage in a business.  
Section 17 of the Act defines *interest* of a specified percentage in an entity.

## **Division 8—Correcting cross-reference in the Income Tax Assessment (1997 Act) Regulations 2021**

### *Income Tax Assessment (1997 Act) Regulations 2021*

#### **13 Subsection 31-15.07(2)**

Omit “31-15.05”, substitute “31-15.04”.

## **Division 9—Renumbering regulation of the Corporations Regulations 2001**

### *Corporations Regulations 2001*

#### **14 Regulation 9.12.04 (the regulation 9.12.04 inserted by item 2 of Schedule 1 to the *Corporations Amendment Regulation 2013 (No. 2)*)**

Renumber as regulation 9.12.03A.

## **Division 10—Court order copies**

### *Corporations Regulations 2001*

#### **15 Paragraphs 1.0.20(c) and (d)**

Repeal the paragraphs.

## **Division 11—Repealing a subregulation of the Corporations Regulations 2001**

### *Corporations Regulations 2001*

#### **16 Subregulation 5.3B.25(4)**

Repeal the subregulation.



## **Division 12—Consideration for acquisitions**

### ***Foreign Acquisitions and Takeovers Regulation 2015***

#### **17 Paragraph 14(4A)(b)**

Omit “years.”, substitute “years; and”.

#### **18 After paragraph 14(4A)(b)**

Insert:

- (c) there is an agreement relating to the acquisition that sets out the value of the consideration and the parties to the agreement are dealing at arm’s length (see paragraph (3)(b)).

#### **19 In the appropriate position in Part 7**

Insert:

#### **80 Application of the *Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2022***

The amendments of this instrument made by Division 12 of Schedule 1 to the *Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2022* apply in relation to an action taken, or proposed to be taken, on or after the commencement of that Division.

## **Division 13—Employee share schemes**

### ***Corporations Regulations 2001***

#### **20 Paragraph 7.8.21A(e)**

Repeal the paragraph.

## Part 2—Amendments with other commencements

### *National Consumer Credit Protection Regulations 2010*

#### **21 Subregulation 3(1) (definition of *fundraising special purpose entity*)**

Repeal the definition.

Note: This item and the following item fix a typographical error.

#### **22 Subregulation 3(1)**

Insert:

*fund raising special purpose entity* has the meaning given by subsection 5(1) of the Act as modified by item 3.2 of Schedule 3.

#### **23 Subregulation 3(1) (definition of *securitisation entity*)**

Omit “section 5”, substitute “subsection 5(1)”.

#### **24 Subregulation 3(1) (definition of *servicing agreement*)**

Omit “section 5”, substitute “subsection 5(1)”.

#### **25 Subregulation 3(1)**

Insert:

*special purpose funding entity* has the meaning given by subsection 5(1) of the Act as modified by item 3.4 of Schedule 3.

#### **26 Regulation 25E (note)**

Omit “section 5”, substitute “subsection 5(1)”.

#### **27 Subregulations 28LD(1) and (2)**

After “licensee”, insert “or special purpose funding entity”.

#### **28 Item 3.1 of Schedule 3 (heading)**

Omit “Section 5”, substitute “Subsection 5(1)”.

#### **29 After item 3.1 of Schedule 3**

Insert:

#### **3.1A Subsection 5(1), after definition of *examination***

*insert*

*exempt special purpose funding entity* has the same meaning as in the *National Consumer Credit Protection Regulations 2010*.

#### **30 Items 3.2, 3.3 and 3.4 of Schedule 3 (heading)**

Omit “Section 5”, substitute “Subsection 5(1)”.

**31 After item 3.33 of Schedule 3**

Insert:

**3.33A Sections 133DB to 133DE**

*omit each mention of*

licensee

*insert*

special purpose funding entity