



Treasury Laws Amendment (Miscellaneous and Technical Amendments) Regulations 2022

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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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> |
|-----|-------------------------|---|

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.

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