



## **TAXATION**

### **Notice of data exchange for skilled visa program compliance**

The Department of Home Affairs has issued a notice that it will obtain data from the ATO to identify whether business sponsors are complying with their obligations.

### **Latest issue of ATO's interpretation NOW! released**

The ATO has released Episode 120 of its series on statutory interpretation entitled interpretation NOW!.

### **Fraudster sentenced to jail: ATO media release**

A woman has been sentenced to 18 months imprisonment for tax fraud, identity and counterfeiting fraud, and social security fraud.

### **PAYG withholding schedules for 2025-26 released**

The new Instrument makes available 15 withholding schedules providing information calculating the withholding amounts required under the PAYG system.

## **GST**

### **Simplified GST calculation for certain government entities: draft legislative instrument**

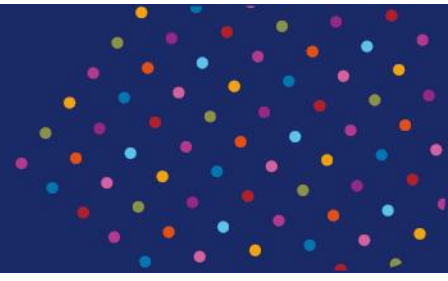
The draft instrument allows certain government entities to use a simplified accounting method for calculating GST on food sales in prisons and detention institutions.

### **Adjustment note extension for certain utility providers: draft legislative instrument**

The draft instrument extends the time period within which public utility providers and electricity distributors must issue adjustment notes under certain conditions.

### **Attribution rules for collecting societies: draft legislative instrument**

The draft instrument sets out attribution rules for supplies and acquisitions made by copyright owners and collecting societies as defined under the Copyright Act 1968.



## **FINANCIAL SERVICES**

### **ASIC uncovers widespread compliance plan deficiencies in the managed investment industry**

ASIC's review of compliance plans for responsible entities operating in the managed investment industry has uncovered failures to adequately address important requirements.

### **ASIC renews warning for AFS licensees ahead of deadline for financial advisers**

ASIC has urged relevant providers and their authorising AFS licensees to immediately check all relevant information on the Financial Advisers Register.

### **APRA publishes updated frequently asked questions for licensing**

APRA has made some minor amendments to its FAQs including incorporating changes from the introduction of the Financial Accountability Regime.

### **Limited no-action position for specified written consents: ASIC**

A limited no-action position has been granted in response to a specific issue raised by the advice industry about the inclusion of account numbers in specified written consents.

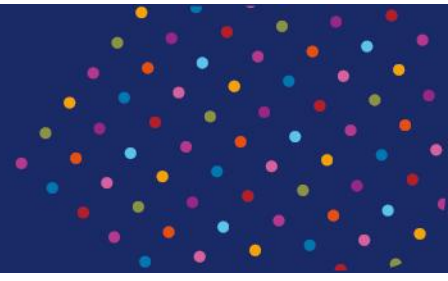
### **ASIC shares industry feedback on Australia's evolving capital markets**

ASIC has released a number of public submissions in response to its discussion paper on Australia's evolving capital markets.

## **SUPERANNUATION**

### **ASIC issues infringement notice to Australian Retirement Trust for misleading super performance data**

ASIC has issued an infringement notice to ART for allegedly publishing misleading data on its website.



## **REGULATOR NEWS**

### **ASIC News**

Updates from ASIC in the past week including media releases, news, articles and speeches.

### **APRA news**

Updates from APRA in the past week including media releases, news, articles and speeches.



## **TAXATION**

### **Notice of data exchange for skilled visa program compliance**

The Department of Home Affairs, including the Australian Border Force, has issued a [notice](#) that it will obtain data from the ATO to identify whether business sponsors are complying with their sponsorship obligations (eg, paying visa holders correctly) and whether temporary skilled visa holders are complying with their visa conditions (eg, to work only for an approved employer).

Information shared are biographical details, including name, address and date of birth of individuals who are, or were in the 3 most recent financial years, holders of Skills in Demand or Temporary Skills Shortage (subclass 482) primary visas.

The details will be electronically matched against ATO data holdings. Where there is an identity match, the ATO will return Single Touch Payroll employment data for the relevant individual(s). It is estimated that records will be shared relating to around 58,000 individuals.

### **Latest issue of ATO's interpretation NOW! released**

The ATO has released [Episode 120](#) of its series on statutory interpretation entitled interpretation NOW!.

### **Fraudster sentenced to jail: ATO media release**

The ATO has issued a [media release](#) in relation to a woman who has been sentenced to 18 months of imprisonment for tax fraud, identity and counterfeiting fraud, and social security fraud.

The woman allegedly supplied false information to the Tax Practitioners Board (TPB) to register as a tax agent, gaining access to ATO systems and linking unsuspecting taxpayers to her profile without their consent. She also allegedly obtained \$51,464 and attempted to claim a further \$12,093 by lodging 10 fraudulent BAS's using the identities of 3 victims.

A search warrant executed revealed the woman possessed multiple documents in other individuals' names including bank cards, drivers licenses and birth certificates.

The ATO said that it has strengthened its systems against fraud and financial crime through prevention, early detection, containment and consequences, such as the jail time.

### **PAYG withholding schedules for 2025-26 released**

The ATO has registered the [Taxation Administration \(Withholding Schedules\) Instrument 2025](#). The instrument makes available 15 withholding schedules providing information for calculating the withholding amount required by an entity under the pay as you go ("PAYG") system.

The 15 withholding schedules in the instrument are made for the purposes of collecting income tax, Medicare levy, Higher Education Loan Program, Student Start-up Loans, Australian



Apprenticeship Support Loans, VET Student Loans and Financial Supplement repayments.

The schedules cover, among other things:

- calculating amounts to be withheld;
- tax table for actors;
- tax table for unused leave payments on termination of employment;
- tax table for commissions;
- tax table for seniors;
- tax table for superannuation lump sums; and
- tax table for superannuation income streams.

Withholding schedules 5, 8, 12 and 13 have been updated. The other 11 withholding schedules remain the same as in the 2024 instrument.

The instrument repeals and replaces the previous legislative instrument Taxation Administration Withholding Schedules 2024, registered on 11 June 2024.

**Date of effect:** 1 July 2025

## **GST**

### **Simplified GST calculation for certain government entities: draft legislative instrument**

The ATO has issued the draft instrument, [A New Tax System \(Goods and Services Tax\) \(Simplified Accounting Methods - Government Entities Selling Food in Prisons and Detention Institutions\) Determination 2025](#) (LI 2025/D8). The instrument allows certain government entities to use a Simplified Accounting Method (SAM) for calculating GST net amounts on food sales in prisons and detention institutions. The aim is to reduce compliance costs for these entities, which face challenges in distinguishing between taxable and GST-free supplies due to their sales environments.

By way of background, the Instrument applies to government entities that sell both taxable and GST-free food in prisons and institutions through a sub-entity. It introduces two methods for calculating GST: Method A (stock purchases method) and Method B (snapshot method), both designed to simplify the calculation of GST payable and input tax credits.

Once finalised, the Instrument replaces a previous determination set to expire in 2025, maintaining the same substantive effects.

**Date of effect:** The day following registration on the Federal Register of Legislation.

**Comments** are due by 2 July 2025.

### **Adjustment note extension for certain utility providers: draft legislative instrument**

The ATO has issued the draft legislative instrument, [A New Tax System \(Goods and Services Tax\) \(Extension of Time to Issue an Adjustment Note - Electricity Distributors and Public Utility Providers\) Determination 2025](#) (LI 2025/D9). The draft Instrument is designed to extend the time period within which public utility providers and electricity distributors must issue adjustment notes under certain conditions. The variation allows the timeframe for issuing an adjustment note from 28 days to 98 days or until the next invoice is normally issued, allowing alignment with suppliers' regular billing cycles.

Once finalised, the Instrument repeals and replaces the following 3 instruments set to sunset on October 1, 2025, maintaining the same substantive effects:

- Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 35) 2015;
- Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 36) 2015; and
- Goods and Services Tax: Extension of Time to Issue An Adjustment Note Determination (No. 37) 2015 - Supplies made by electricity distributors to electricity retailers.

**Date of effect:** The day following registration on the Federal Register of Legislation.

**Comments** are due by 2 July 2025.

## **Attribution rules for collecting societies: draft legislative instrument**

The ATO has issued the draft legislative instrument, [A New Tax System \(Goods and Services Tax\) \(Attribution Rules - Supplies and Acquisitions Relating to Collecting Societies\) Determination 2025](#) (LI 2025/D10). The draft Instrument sets out particular attribution rules for supplies and acquisitions made by copyright owners and collecting societies as defined under the Copyright Act 1968. The instrument is necessary to prevent Div 29 of the A New Tax System (Goods and Services Tax) Act 1999 applying inappropriately to such arrangements.

By way of background, the Instrument modifies the basic attribution rules for GST and input tax credits concerning supplies made by collecting societies to copyright owners and supplies by copyright owners to third parties. The rules allow for attribution based on the awareness of the transaction rather than merely on receipt or issuance of invoices, which helps in cases where there is a delay in transaction recognition.

Once finalised, the Instrument replaces the previous 2015 determination, maintaining its substantive effect but ensuring continued relevance and applicability beyond its sunset date in 2025.

**Date of effect:** The day following registration on the Federal Register of Legislation.

**Comments** are due by 2 July 2025.

## **FINANCIAL SERVICES**

### **ASIC uncovers widespread compliance plan deficiencies in the**





## managed investment industry

ASIC has published a [review](#) of the compliance plans of 50 responsible entities (REs) that operate 45% of all registered managed funds and hold 47% of the approximately \$2 trillion value of all registered managed fund sector assets.

The regulator found that most of the compliance plans failed to adequately address the most important requirements across the design and distribution obligation (DDO), internal dispute resolution (IDR) and reportable situations (RS) regimes.

ASIC has written to some REs about its concerns with their compliance plans and is investigating others for potential breaches of their legal obligations.

## ASIC renews warning for AFS licensees ahead of deadline for financial advisers

ASIC is [urging](#) relevant providers and their authorising AFS licensees to immediately check all relevant information on the Financial Advisers Register.

ASIC has conducted a second spot check of the Financial Advisers Register, focusing on the accuracy of relevant provider qualifications. This information is critical in the lead up to 1 January 2026 when all relevant providers must meet the qualifications standard.

As of 28 May 2025, of 4,604 relevant providers have yet to meet the qualifications standard. The spot check also identified ongoing errors and inconsistencies in the Financial Advisers Register.

To assist AFS licensees perform some of the required checks, ASIC has provided a [one-off temporary dataset](#) on the ASIC website. Any incorrect or outdated information must be corrected by lodging a "maintain" transaction via [ASIC Connect](#).

After 1 January 2026, ASIC will undertake a compliance program, relying on records on the Financial Advisers Register to determine if relevant providers remain authorised to provide personal advice to retail clients.

## APRA publishes updated frequently asked questions for licensing

APRA has made some minor amendments to its [Licensing process - frequently asked questions](#).

The updates incorporate changes from the introduction of the Financial Accountability Regime (FAR) and remove duplication of commentary reflected in APRA's Information paper "[ADIs: New entrants - a pathway to sustainability](#)".

## Limited no-action position for specified written consents: ASIC

Following an issue raised by the advice industry, ASIC has [announced](#) it is granting a limited no-action position on issues in relation to the inclusion of account numbers in a client's written



consent for the deduction, or arranging of the deduction, of ongoing advice fees.

Specifically, ASIC does not intend to take action for a breach of s 962S of the Corporations Act 2001 (Corporations Act) and s 99FA of the Superannuation Industry (Supervision) Act 1993 where:

- written consent was given by a client under s 962S of the Corporations Act for the fee recipient to deduct or arrange to deduct fees under an ongoing fee arrangement (OFA) from 10 January 2025 until 5 September 2025;
- an account number was not included in the consent, and
- in the case of superannuation, a trustee deducted from the relevant member's account the advice fees as set out in the consent.

ASIC makes clear that relying on its no-action position does not prevent an OFA terminating under s 962WA where a written consent was not compliant because it did not include the account number. Nor does the no-action position prevent third parties from taking legal action in relation to the conduct.

In order to rely on ASIC's no-action position, the Australian financial services licensee or representative (ie fee recipient) must enter into a new OFA with the client and seek a new written consent for the fee recipient to deduct or arrange to deduct ongoing fees, including to cover the period where any fees were deducted under a non-compliant written consent.

ASIC warns the revised OFA must comply with all the requirements in s 962T of the Corporations Act. If this is not in place by 5 September 2025, the fee recipient must take steps to stop receiving fees.

ASIC is also calling for financial advisers and superannuation trustees to review their processes for the oversight of advice fee deductions and ensure that any written consents comply with the Corporations Act requirements.

## **ASIC shares industry feedback on Australia's evolving capital markets**

ASIC has [released](#) over 50 public submissions in response to its discussion paper entitled [Australia's evolving capital markets: A discussion paper on the dynamics between public and private markets](#). Released in February this year, the paper explored the changing dynamics in capital markets in Australia and abroad, including declining listings on public markets, the rapid growth in investment capital allocated to private markets and the growing significance of superannuation funds in markets.

Key themes from the feedback include the need for public market adjustments, the recognition of private markets' growth, the importance of private credit, and the influence of superannuation as a mature investment force in Australia. Further work is also on the cards to incorporate international insights and enhance data collection and transparency in private markets.

ASIC said that it will consider streamlining IPOs and adjusting disclosure requirements, balancing the urgency to enhance public markets' attractiveness with cautious adjustments in private markets. ASIC also plans to announce actionable ideas and roadmaps for both market



types in the upcoming quarters, supported by further stakeholder feedback and expert insights.

## **SUPERANNUATION**

### **ASIC issues infringement notice to Australian Retirement Trust for misleading super performance data**

ASIC [announced](#) that Australian Retirement Trust Pty Ltd (ART), Australia's second-largest superannuation fund, has paid an \$18,780 infringement notice for allegedly publishing misleading performance data on its website.

The concern related to ART's publication of outdated performance data for its MySuper product, the Lifecycle Investment Strategy, between July 2023 and July 2024. The 2023 Super Savings Product Dashboard displayed performance figures from the financial year ending June 2022, which were more favourable than the actual figures for the year ending June 2023.

ASIC's Regulatory Guide 53 ([RG 53](#)) provides industry guidance on the appropriate use of past performance information in promotional material.

## **REGULATOR NEWS**

### **ASIC News**

ASIC has released the following updates in its Newsroom section:

- [6 JUNE 2025 – NEWS ITEM – ASIC grants limited no-action position for deficient advice fee written consents](#) – ASIC has called on financial advisers and superannuation trustees to ensure they are complying with client consent requirements when entering into ongoing fee arrangements (OFAs) in response to a specific issue raised by the advice industry about the inclusion of account numbers in a client's written consent for the deduction or arranging of the deduction of ongoing advice fees. To rely on the no-action position, the AFS licensee or representative (fee recipient) must enter a new OFA (compliant with s 962T of the Corporations Act) with the client and seek a new written consent including to cover the period where fees were deducted under a non-compliant written consent. If not in place by 5 September 2025, the fee recipient must take steps to stop receiving fees. Superannuation trustees should review their processes for oversight of advice fee deductions and ensure written consents comply with the Corporations Act. The no-action position is given in accordance with ASIC's policy in [RG 108](#).
- [5 JUNE 2025 – MEDIA RELEASE – Full Federal Court finds Auto & General did not include an unfair contract term in its insurance contracts](#) – The Full Federal Court has dismissed ASIC's appeal against an earlier Federal Court ruling that a term in house and contents insurance policies issued by Auto & General Insurance Company Limited (Auto & General) was not unfair. The term required policy holders to notify Auto & General if "*anything*" changed in their home and contents. ASIC alleged that the term was unfair as ASIC considered it imposed an unclear disclosure obligation on policyholders, could mislead or confuse policy holders as to their obligations and rights under the contract, and suggests that Auto & General has a broader right to refuse claims or reduce the amount payable under claims if the policyholder does not meet the

notification obligation than under the Insurance Contracts Act. ASIC is considering the decision. The judgment can be found [here](#).

- [5 JUNE 2025 – NEWS ITEM – ASIC and APRA provide update on review of life insurance premium practices](#) – ASIC and APRA have released an update on the progress life companies (life insurers and friendly societies) have made in addressing issues related to premium increases, product design, and disclosure and marketing materials. The latest review identified a number of improvements, however, actions to address increasing premium volatility through product design are still at an early stage. The letter can be found [here](#).
- [5 JUNE 2025 – ARTICLE – Home insurance claims handling improvements need to go further, ASIC says](#) – ASIC's review of insurers' claims handling practices following the major floods of 2022 ([REP 768](#)) found weaknesses across key areas. ASIC undertook a review of the action plans of 7 insurers (6 that participated in REP 768 and an additional insurer) to assess how home insurers had addressed the areas of improvement identified. ASIC's review revealed that progress had been made, but was inconsistent across the industry and more work was required. Some of ASIC's high-level observations included the oversight of independent experts needed work; consumers deserved better information around cash settlement processes; claims handling improvement programs remain inconsistent. ASIC said that insurers should assess their claims handling programs against some of the better and poorer practices identified by ASIC in the review and take steps to make meaningful improvements. ASIC reminded insurers that insurance claims handling remains an enforcement priority in 2025 and evidence of serious misconduct may result in enforcement action.
- [5 JUNE 2025 – NEWS ITEM – ASIC tells home insurers: Fix your oversight of independent experts and improve communication on cash settlements](#) – ASIC has found that home insurers need to improve their oversight of independent experts and provide better information to consumers when offering cash settlements following a recent review assessing how general insurers had addressed areas for improvement identified in [REP 768](#) (released in August 2023).
- [4 JUNE 2025 – SPEECH – Here to stay, here to grow: The future of Australia's public and private markets](#) – ASIC Commissioner Simone Constant presented at the Conexus Fiduciary Investors Symposium in the Blue Mountains, speaking about ASIC's work in public and private markets. Ms Constant shared 3 key insights and some early direction of travel in ASIC's thinking: private markets are here to stay and grow; the role of superannuation in shaping and facilitating access to private markets; and more work is needed on data and transparency for ASIC to be well informed about private and public markets.
- [4 JUNE 2025 – NEWS ITEM – ASIC Commissioner Simone Constant spoke to Conexus Financial editor-in-chief Aleks Vickovich at Conexus Fiduciary Investors Symposium](#) – ASIC Commissioner Simone Constant's remarks at the Symposium were followed by a facilitated conversation with Conexus Financial editor-in-chief Aleks Vickovich.
- [4 JUNE 2025 – MEDIA RELEASE – The future of Australia's public and private markets – ASIC shares industry feedback and next steps](#) – ASIC has released more than [50 public submissions](#) received in response to its [discussion paper on the evolving dynamics between public and private markets](#) released in February 2025. ASIC continues to meet with domestic and international stakeholders, receiving almost 90 submissions. ASIC Chair Joe Longo said the agency was closely considering the submissions to inform its next steps.
- [4 JUNE 2025 – MEDIA RELEASE – ASIC sues RAMS for systemic misconduct in arranging home loans](#) – ASIC has commenced civil penalty proceedings in the Federal

Court against RAMS (RAMS) Financial Group for systemic misconduct in arranging home loans, alleging that RAMS breached its obligations as an Australian Credit Licensee and engaged in widespread unlicensed conduct between June 2019-April 2023. RAMS, a wholly owned subsidiary of Westpac Banking Corporation, admits it conducted business with unlicensed persons, failed to properly supervise its representatives and failed to have adequate policies and procedures in place, resulting in widespread misconduct by its franchisees and their staff. ASIC is seeking declarations and pecuniary penalties against RAMS.

- [3 JUNE 2025 – NEWS ITEM – ASIC renews warning for AFS licensees ahead of deadline for financial advisers](#) – ASIC has urged relevant providers and their authorising AFS licensees to check all relevant information on the Financial Adviser Register. ASIC has conducted a second spot check of the Register focusing on accuracy of provider qualifications, critical in the lead up to 1 January 2026 when all relevant providers must meet the qualifications standard. Licensee reviews of the Register should focus on the relevant providers qualification(s), authorisation history, ability to provide tax (financial) advice services, business address and contact details. To assist AFS licensees perform some of these checks, ASIC has provided a one-off [temporary dataset](#) on the ASIC website which includes relevant providers' capacity to provide tax (financial) advice services and information on qualification and training courses.
- [3 JUNE 2025 – MEDIA RELEASE – ASIC sues Choosi for allegedly misleading customers through its insurance comparison service](#) – ASIC is suing insurance comparison provider Choosi Pty Ltd for allegedly misleading prospective customers through its funeral and life insurance comparison services. ASIC alleges that, from at least 2019 and ongoing, Choosi only compared policies issued by a single insurer (with one limited exception) – Greenstone Financial Services Pty Ltd, a company associated with Choosi – while claiming it compared products from a range of insurers. ASIC alleges that at least 4,225 funeral insurance policies and 9,478 life insurance policies were sold during this period with Choosi receiving \$61 million in commissions. ASIC alleges the misleading representations were made on Choosi's website, social media and TV commercials and advertorials.
- [2 JUNE 2025 – MEDIA RELEASE – ASIC imposes conditions on the registration of Sydney company auditor](#) – ASIC has imposed conditions on the registration of company auditor Allan Facey of MNSA Pty Ltd. After review of Facey's audit of an ASX-listed company's financial report for the year ending 30 June 2023, ASIC was concerned that he had not adequately and properly carried out his auditor duties in compliance with Australian Auditing Standards. In response to ASIC's concerns, Facey proposed conditions be imposed on his registration that ASIC accepts will address the conduct: undertaking further professional education; and engaging an independent registered company auditor to review and report to ASIC on 3 financial reports completed by him for the year ending 30 June 2025, and on a root cause analysis and remedial actions implemented as a result of ASIC's review.
- [2 JUNE 2025 – ARTICLE – Review of managed fund compliance plans: 'Failing to plan is planning to fail'](#) – ASIC has published an article exploring the results of its review of a cross-section of compliance plans used by responsible entities (REs) of registered managed investment schemes, focusing on the adequacy of the treatment of the regulatory obligations in compliance plans. ASIC encourages REs to review its findings and consider ASIC's suggestions in conjunction with ASIC guidance on how REs should meet their compliance plan obligations (see [RG 132](#)).
- [2 JUNE 2025 – MEDIA RELEASE – ASIC uncovers widespread compliance plan deficiencies in the managed investment industry](#) – An ASIC review has found that the

responsible entities (REs) of a combined total of nearly \$1 trillion in managed investments are failing to maintain adequate compliance plans. ASIC assessed 50 compliance plans used by REs in the operation of 1,471 funds and found most failed to adequately address the most important requirements across the design and distribution obligation, internal dispute resolution and reportable situations regimes. ASIC has called on REs to address inadequacies and gaps in their compliance plans.

- [30 MAY 2025 – MEDIA RELEASE – Australian Retirement Trust pays infringement notice over allegedly misleading performance data](#) – Australian Retirement Trust (ART) has paid \$18,780 to comply with an infringement notice issued by ASIC over allegedly misleading performance data published on ART's website. Between July 2023-July 2024 ART published out of date performance data for its default MySuper product, the Lifecycle Investment Strategy, causing ASIC to be concerned consumers would believe the performance of the Strategy was better than it was.

## APRA news

APRA has released the following updates in its News and publications section:

- [5 JUNE 2025 – MEDIA RELEASES – ASIC and APRA provide update on review of life insurance premium practices](#) – ASIC and APRA have released an update on the progress life companies (life insurers and friendly societies) have made in addressing issues related to premium increases, product design, and disclosure and marketing materials. The latest review identified a number of improvements, however, actions to address increasing premium volatility through product design are still at an early stage. The letter can be found [here](#).
- [2 JUNE 2025 – MEDIA RELEASES – APRA publishes updated frequently asked questions for licensing](#) – APRA has made some minor amendments to FAQs for APRA's licensing process incorporating changes from the introduction of the FAR.