

# EXPOSURE DRAFT

EXPOSURE DRAFT
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Inserts for

## **Treasury Laws Amendment (Measures for Consultation) Regulations 2023: Financial reporting and auditing of registrable superannuation entities**

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### **Commencement information**

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Schedule 1	The later of: (a) the start of the day after this instrument is registered; and (b) the same time as Schedule 6 to the <i>Treasury Laws Amendment (2022 Measures No. 4) Act 2023</i> commences.	

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## Schedule 1—Amendments

### *Corporations Regulations 2001*

#### 1 After paragraph 1.0.08(1)(d)

Insert:

- ; or (e) if the disclosing entity is a registrable superannuation entity:
  - (i) the entity's ABN; and
  - (ii) the dates on which the financial year to which the document relates begins and ends; and
  - (iii) the name of the entity and its RSE licensee; and
  - (iv) a statement of certification in accordance with regulation 1.0.16.

#### 2 At the end of regulation 1.0.16

Add:

- (4) A document relating to a registrable superannuation entity that is to be certified or verified must be certified or verified in the approved form and signed by a director of the entity.

Note: For directors of registrable superannuation entities, see section 345AAC of the Act.

#### 3 Subregulation 2M.3.01(3) (definition of *parent entity*)

After “registered scheme”, insert “, registrable superannuation entity”.

#### 4 At the end of Part 2M.3

Add:

##### **2M.3.04 Prescribed details—annual directors' report of a registrable superannuation entity**

- (1) For the purposes of paragraph 300C(1)(a) of the Act, the details in the following table in relation to the remuneration of each member of the key management personnel of a registrable superannuation entity are prescribed.

Prescribed details		
Item	Applicable members	Details
<b>General</b>		
1	Each member	The name of the member
2	Each member who: <ul style="list-style-type: none"><li>(a) began to hold a position as a member of the key management personnel during the current financial year; or</li><li>(b) retired from a position as a member of the key management personnel during the current financial year</li></ul>	The date on which the member: <ul style="list-style-type: none"><li>(a) began holding the position; or</li><li>(b) retired from the position</li></ul>
3	Each member whose position changed during the current financial year	Both of the following: <ul style="list-style-type: none"><li>(a) the member's name and position;</li><li>(b) when the change occurred</li></ul>

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<b>Prescribed details</b>		
<b>Item</b>	<b>Applicable members</b>	<b>Details</b>
4	Each member who retired during the current financial year	Both of the following: (a) the member's name and position; (b) when the retirement took effect
<b>Payments and benefits</b>		
5	Each member	The short-term employee benefits of the member for the 2 most recently completed financial years, divided into at least the following components: (a) cash salary, fees and short-term compensated absences; (b) short-term cash profit-sharing and other bonuses; (c) non-monetary benefits; (d) other short-term employee benefits
6	Each member	The post-employment benefits of the member for the 2 most recently completed financial years, divided into at least the following components: (a) pension and superannuation benefits; (b) other post-employment benefits
7	Each member	The long-term employee benefits other than benefits mentioned in items 5 and 6 for the member for the 2 most recently completed financial years (any amount attributable to a long-term incentive plan being separately identified)
8	Each member whose position as a member of the key management personnel was terminated during the current financial year	The member's termination benefits
9	Each member who: (a) began to hold a position as a member of the key management personnel during the most recently completed financial year; and (b) received a payment as part of the consideration for agreeing to hold the position	Details of the payment, including: (a) the monetary value of the payment; and (b) the date of the payment
10	Each member	The share-based payments made to the member during the 2 most recently completed financial years, divided into at least the following components: (a) equity-settled share-based payment transactions, showing separately: (i) shares and units; and (ii) options and rights; (b) cash-settled share-based payment transactions; (c) all other forms of share-based payment compensation (including hybrids)

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**Prescribed details**

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<b>Item</b>	<b>Applicable members</b>	<b>Details</b>
<b>Compensation</b>		
11	If a grant of a cash bonus, performance-related bonus or share-based payment compensation benefit, whether part of a specific contract for services or not, was made to a member during the most recently completed financial year—each such member	<p>The terms and conditions of each grant affecting compensation, including the following:</p> <ul style="list-style-type: none"><li>(a) the grant date;</li><li>(b) the nature of the compensation granted;</li><li>(c) the service and performance criteria used to determine the amount of compensation;</li><li>(d) if there has been any alteration of the terms or conditions of the grant since the grant date—the date, details and effect of each alteration;</li><li>(e) the percentage of the bonus or grant for the financial year that was paid to the member, or that vested in the member, in the financial year;</li><li>(f) the percentage of the bonus or grant for the financial year that was forfeited by the member (because the member did not meet the service and performance criteria for the bonus or grant) in the financial year;</li><li>(g) the financial years, after the most recently completed financial year, for which the bonus or grant will be payable if the member meets the service and performance criteria for the bonus or grant;</li><li>(h) estimates of the maximum and minimum possible total value of the bonus or grant (other than option grants) for financial years after the most recently completed financial year</li></ul>
12	If, during the most recently completed financial year, a contract for services was negotiated between the RSE licensee and a member—each such member	<p>An explanation of:</p> <ul style="list-style-type: none"><li>(a) how the amount of compensation was determined; and</li><li>(b) how the terms of the contract affect compensation in future periods</li></ul>

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**Prescribed details**

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<b>Item</b>	<b>Applicable members</b>	<b>Details</b>
13	If the terms of share-based payment transactions (including options or rights) granted as compensation to a member were altered or modified by the RSE licensee during the most recently completed financial year—each such member	All of the following: <ul style="list-style-type: none"><li>(a) the date of the alteration or modification;</li><li>(b) the market price of the underlying equity instrument at the date of the alteration or modification;</li><li>(c) the terms of the grant of compensation immediately before the alteration or modification, including:<ul style="list-style-type: none"><li>(i) the number and class of the underlying equity instruments;</li><li>(ii) the exercise price for any option or other right affected by the alteration or modification, immediately before and after the alteration or modification; and</li><li>(iii) the time remaining until expiry of the underlying equity instruments; and</li><li>(iv) each other condition in the terms affecting the vesting or exercise of an option or other right; and</li></ul></li><li>(d) the modified or altered terms;</li><li>(e) the difference between:<ul style="list-style-type: none"><li>(i) the total of the fair value of the options or other rights affected by the alteration or modification immediately before the alteration or modification; and</li><li>(ii) the total of the fair value of the options or other rights immediately after the alteration or modification</li></ul></li></ul>

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**Prescribed details**

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Item	Applicable members	Details
14	If, during the most recently completed financial year, options and rights over an equity instrument issued or issuable by the RSE licensee or by a related body corporate were provided as compensation to a member—each such member	All of the following: (a) the number of options and the number of rights that, during the financial year, were: (i) granted; and (ii) vested; (b) the terms and conditions of each grant made during the financial year, including: (i) the fair value per option or right at grant date; and (ii) the exercise price per share or unit; and (iii) the amount, if any, paid or payable by the member; and (iv) the expiry date of the grant; and (v) when the options or rights may be exercised; and (vi) a summary of the service and performance criteria that must be met before the beneficial interest vests in the member
15	If an equity instrument that is issuable by the RSE licensee or a related body corporate was issued as a result of the exercise, during the most recently completed financial year, of options and rights that were granted as compensation to a member—each such member	All of the following: (a) how many equity instruments were issued; (b) if the number of options or rights exercised differs from the number of equity instruments disclosed under paragraph (a)—how many options or rights were exercised; (c) the amount paid under each instrument; (d) the amount payable under each instrument that is yet to be paid
16	If an amount attributable to the service of a member for the most recently completed financial year is paid to an organisation or entity rather than to the member—each such member	Both of the following: (a) the amount; (b) the name of the organisation or entity

(2) If:

- (a) a member of the key management personnel receives a payment, benefit or compensation from a related party of the registrable superannuation entity; and
- (b) all or part of the payment, benefit or compensation relates to work performed for the registrable superannuation entity;

then, to the extent that the payment, benefit or compensation relates to that work, the table applies to the payment, benefit or compensation in the same way as if it were paid or given by the registrable superannuation entity.

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- (3) The details referred to in item 14 or 15 of the table must be separated into each class of equity instrument, and each class of equity instrument must be identified by:
- (a) the name of the issuing entity;
  - (b) the class of equity instrument; and
  - (c) if the instrument is an option or right—the class and number of equity instruments for which it may be exercised.

*Accounting standards apply to the reporting of prescribed details*

- (4) The details are to be determined in accordance with the requirements of any relevant accounting standards.
- (5) If an expression used in the table in subregulation (1), or in subregulations (2) or (3), is defined in a relevant accounting standard, the expression has the meaning given by the standard.

## 5 Subregulation 7.9.01(1) (definition of *fund information*)

Repeal the definition, substitute:

*fund information*, in relation to a superannuation product or an RSA product, means information required to be given under this Part.

## 6 At the end of Division 2E of Part 7.9

Add:

### Subdivision 2E.3—Additional obligations to provide information

#### 7.9.07ZB Obligation to provide information to the holder of a superannuation product via website

- (1) This regulation is made for the purposes of paragraph 1017DA(1)(a) of the Act.
- (2) The trustee of a superannuation entity must provide the holder of a superannuation product (being an interest in that entity) with the information, relating to the entity and any relevant sub-plan (within the meaning of section 1017C of the Act), specified in an item in the table in subregulation (3).
- (3) Subject to subregulations (5) to (7), the information specified in an item in the following table must be provided by making it publicly available on the entity's website:
- (a) if, immediately before 1 July 2023, the information was required under subsection 29QB(1) of the SIS Act to be made available on the entity's website—on 1 July 2023; or
  - (b) otherwise—at the time specified in that item.

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#### Information to be provided

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Item	Information	Time information must be made publicly available
1	The current trust deed and any material not incorporated in the current version of the trust deed	Either: (a) no later than 20 business days after the deed or material begins to apply; or

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<b>Information to be provided</b>		
<b>Item</b>	<b>Information</b>	<b>Time information must be made publicly available</b>
		(b) if the deed or material is amended or replaced—the later of: <ul style="list-style-type: none"> <li>(i) the date of the amendment or replacement; and</li> <li>(ii) the effective date of the amendment or replacement</li> </ul>
2	The governing rules	Either: <ul style="list-style-type: none"> <li>(a) no later than 20 business days after the governing rules begin to apply; or</li> <li>(b) if the governing rules are amended or replaced—the later of:               <ul style="list-style-type: none"> <li>(i) the date of the amendment or replacement; and</li> <li>(ii) the effective date of the amendment or replacement</li> </ul> </li> </ul>
3	The rules relating to the nomination, appointment and removal of the trustee or a director of the trustee	Either: <ul style="list-style-type: none"> <li>(a) no later than 20 business days after the rules begin to apply; or</li> <li>(b) if the rules are amended or replaced—the later of:               <ul style="list-style-type: none"> <li>(i) the date of the amendment or replacement; and</li> <li>(ii) the effective date of the amendment or replacement</li> </ul> </li> </ul>
4	The most recent actuarial report, provided in relation to the entity under a provision of the RSE licensee law, for each defined benefit fund or each defined benefit sub-fund in each defined benefit fund	For each report, no later than 20 business days after the trustee receives the report
5	The most recent Product Disclosure Statement, Supplementary Product Disclosure Statement or Replacement Product Disclosure Statement, for the product	No later than 20 business days after the statement is first given to a person in respect of a recommendation, issue or sale of the product
6	If on 31 August in a financial year (the <i>notification year</i> ) both of the following circumstances exist: <ul style="list-style-type: none"> <li>(a) APRA has given the trustee a notification of a determination under subsection 60C(2) of the SIS Act that the requirement in subsection 60D(1) of that Act has not been met for a Part 6A product (within the meaning of that Act) offered by the entity, in relation to the previous financial year;</li> <li>(b) APRA had not given the trustee a notification of another determination under subsection 60C(2) of the SIS</li> </ul>	1 business day after 31 August in the notification year

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<b>Information to be provided</b>		
<b>Item</b>	<b>Information</b>	<b>Time information must be made publicly available</b>
	Act that the requirement in subsection 60D(1) had not been met for the Part 6A product, in relation to the financial year 2 years before the notification year; a description of those circumstances	
7	The Financial Services Guide	No later than 20 business days after the Financial Services Guide is first given to a person under section 941A or 941B of the Act
8	A summary of each change or event that the holder has been notified of under section 1017B of the Act in the previous 2 years	No later than 20 business days after the most recent notice is given
9	The register of relevant interests, and the register of relevant duties, provided in relation to the entity under a provision of the RSE licensee law	No later than 20 business days after the end of each period of 3 months ending on 31 March, 30 June, 30 September or 31 December
10	A summary of the conflicts management policy	Either: (a) no later than 20 business days after the policy begins to apply; or (b) if the policy is amended or replaced—the later of: (i) the date of the amendment or replacement; and (ii) the effective date of the amendment or replacement
11	The proxy voting policies	For each policy—either: (a) no later than 20 business days after the policy begins to apply; or (b) if the policy is amended or replaced—the later of: (i) the date of the amendment or replacement; and (ii) the effective date of the amendment or replacement
12	A summary of when, during the previous financial year of the entity, and how the entity has exercised its voting rights in relation to shares in listed companies	No later than 20 business days after the end of the previous financial year
13	If the trustee is a body corporate—the constitution of the body corporate	Either: (a) no later than 20 business days after the constitution begins to apply; or (b) if the constitution is amended or replaced—the later of: (i) the date of the amendment or replacement; and (ii) the effective date of the amendment or replacement
14	The annual financial statement of the	The day that the annual financial statement is

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Information to be provided		
Item	Information	Time information must be made publicly available
	trustee for the previous financial year of the entity	first lodged with ASIC or provided to a member of the entity

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- (4) The information must be:
- (a) readily accessible from the entity's website; and
  - (b) kept up to date.

*Exception—personal information*

- (5) If:
- (a) the trustee is required under subregulations (2) and (3) to make available a document referred to in item 1, 2, 4, 5 or 8 of the table in subregulation (3); and
  - (b) the document contains personal information in relation to a beneficiary or former beneficiary of the registrable superannuation entity;
- the trustee may instead comply with the requirement by making available a version of the document that has been redacted to exclude personal information (within the meaning of the *Privacy Act 1988*) in relation to a beneficiary or former beneficiary of the registrable superannuation entity.

*Transitional exceptions—standard employer-sponsored sub-plan*

- (6) If:
- (a) before 1 July 2024, the trustee is required under subregulations (2) and (3) to make available a document referred to in item 1, 2, 4, 5 or 8 of the table in subregulation (3); and
  - (b) the document only relates to the entity because it relates to a standard employer-sponsored sub-plan;
- the trustee may instead comply with the requirement by making the document available on 1 July 2024.

- (7) If:
- (a) before 1 July 2024, the trustee is required under subregulations (2) and (3) to make available a document referred to in item 1, 2, 4, 5 or 8 of the table in subregulation (3); and
  - (b) the document contains information that only relates to the registrable entity because it relates to a standard employer-sponsored sub-plan;
- then, until 1 July 2024, the trustee may instead comply with the requirement by making available a version of the document that has been redacted to exclude information that only relates to the registrable entity because it relates to a standard employer-sponsored sub-plan.

- (8) A **standard employer-sponsored sub-plan** means a segment of a public offer superannuation fund (within the meaning of the SIS Act) for which each member of the segment is:
- (a) a standard employer-sponsored member (within the meaning of the SIS Act); or
  - (b) a member of a class that is a prescribed class for the purposes of sub-subparagraph 18(1)(a)(ii)(B) of the SIS Act.

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## 7.9.07ZC Transitional obligation to provide information to the holder of a superannuation product via website

- (1) This regulation is made for the purposes of paragraph 1017DA(1)(a) of the Act.
- (2) The trustee of a superannuation entity (other than an entity referred to in subparagraph (b)(i), (ii) or (iii) of the definition of *registrable superannuation entity* in section 9 of the Act or a self managed superannuation fund) must provide the holder of a superannuation product (being an interest in that entity) with the information, relating to the entity and any relevant sub-plan (within the meaning of section 1017C of the Act), specified in subregulations (3) and (5).

### *Remuneration details*

- (3) The information is:
  - (a) if immediately before 1 July 2023, the trustee was required under section 29QB of the SIS Act to ensure that details of remuneration were made publicly available in relation to a financial year—the details set out in regulation 2M.3.04 in relation to the remuneration of each member of the key management personnel of the superannuation entity for that financial year; and
  - (b) the details set out in regulation 2M.3.04 in relation to the remuneration of each member of the key management personnel of the superannuation entity for the financial year of the entity that commences on or after 1 July 2022.
- (4) The information referred to in subregulation (3) must be provided by making it publicly available on the entity's website throughout the period:
  - (a) starting on:
    - (i) if the information is information specified in paragraph (3)(a)—1 July 2023; and
    - (ii) if the information is information specified in paragraph (3)(b)—the day that is no later than 3 months after the end of the financial year commencing on or after 1 July 2022; and
  - (b) ending on the day the entity first reports to members under section 314AA of the Act.

### *Annual report*

- (5) If, immediately before 1 July 2023 the trustee was required under section 29QB of the SIS Act to ensure that an annual report was made publicly available on the entity's website, the information is the annual report.
- (6) Subject to subregulation (7), the information referred to in subregulation (5) must be provided by making it publicly available throughout the period:
  - (a) starting on 1 July 2023; and
  - (b) ending on the next later day that the entity provides a periodic fund information report under regulation 7.9.32.
- (7) Subregulations 7.9.07ZB(5) to (7) apply to the requirement under this regulation to provide the information referred to in subregulation (5) of this regulation in the same way subregulations 7.9.07ZB(5) to (7) would apply if the information were a document referred to in item 1 of the table in subregulation 7.9.07ZB(3).

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Note: Subregulations 7.9.07ZB(5) to (7) permit later provision of information or provision of redacted information in certain circumstances, for example, in relation to standard employer-sponsored sub-plans.

*Information must be readily accessible*

- (8) The information referred to in subregulations (3) and (5) must be readily accessible from the entity's website.

## **7 After regulation 7.9.31**

Insert:

### **7.9.31A Trustee of superannuation entity must provide fund information to holders of interests in the entity**

For the purposes of paragraph 1017DA(1)(a) of the Act, the trustee of a superannuation entity must provide the holder of a superannuation product (being an interest in that entity) with the following fund information relating to the entity and any relevant sub-plan (within the meaning of section 1017C of the Act):

- (a) the name and ABN of each outsourced service provider that has provided, at any time in the previous 12 months, a service which may affect a material business activity of the entity;
- (b) the following information about each member of the key management personnel of the entity:
  - (i) the member's name;
  - (ii) the member's qualifications;
  - (iii) a summary of the member's experience as a trustee or board member, including the periods during which the member served as a trustee or board member;
- (c) the record of attendance at board meetings for each director of the entity for:
  - (i) the last 7 financial years; or
  - (ii) if a director has served for a period of less than 7 years—that period; and
- (d) the fund information specified in Subdivisions 5.6 and 5.7 of this Division that is applicable to the entity.

## **8 Regulation 7.9.32 (heading)**

Repeal the heading, substitute:

### **7.9.32 Fund information must be provided in a periodic fund information report for each fund reporting period**

#### **9 Subregulation 7.9.32(1)**

Repeal the subregulation, substitute:

- (1) For the purposes of subsection 1017DA(1) of the Act, fund information must be provided, in accordance with this regulation, to the product holder, in a periodic fund information report for each fund reporting period during which the holder holds the product.

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## 10 Subregulations 7.9.32(3) and (4)

Repeal the subregulations, substitute:

- (3) The periodic fund information report must be provided as soon as practicable after, and in any event within 3 months after, the end of the reporting period to which it relates.

## 11 Subregulation 7.9.32(5)

Repeal the subregulation (including the example), substitute:

- (5) Fund information in relation to a particular product holder need not all be provided in respect of the same fund reporting period.

## 12 At the end of regulation 7.9.32

Add:

*Information must be provided on website and, if holder elects, in hard copy or electronic copy*

- (6) The trustee must provide the periodic fund information report to the holder:
  - (a) by making it publicly available on the superannuation entity's website; and
  - (b) if the holder elects to have a hard copy or electronic copy of the periodic fund information report—by sending the report to the holder, in that form, until the holder notifies the trustee that a hard copy or electronic copy is no longer required.
- (7) The periodic fund information report must be readily accessible from the entity's website.
- (8) Subregulations (6) and (7) do not apply to a self managed superannuation fund.

## 13 Regulation 7.9.33

Omit "For subsection 1017DA(2) of the Act, a reference in Subdivisions 5.5 to 5.7 to a periodic fund report", substitute "For the purposes of subsection 1017DA(1) of the Act, a reference in Subdivisions 5.5 to 5.7 of this Division to a periodic fund information report".

## 14 Paragraph 7.9.33(b)

Omit "periodic statement", substitute "periodic fund information report".

## 15 Regulations 7.9.35 and 7.9.36

Omit "For paragraph 1017DA(1)(a) of the Act, fund information must include", substitute "Fund information includes".

## 16 Subregulation 7.9.37(1)

Omit "For paragraph 1017DA(1)(a) of the Act, fund information must include", substitute "Fund information includes".

## 17 Paragraph 7.9.37(1)(e)

Repeal the paragraph.

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## **18 After subregulation 7.9.37(1)**

Insert:

- (1A) Subregulation (1) does not apply to a self managed superannuation fund. Fund information for a self managed superannuation fund includes the ultimate source (including, for example, the fund's reserves, the members' accounts or the employer) from which payments in connection with superannuation contributions surcharges or advance instalments of surcharge will be drawn.

## **19 Subregulation 7.9.37(5)**

Repeal the subregulation.

## **20 Regulation 7.9.38**

Repeal the regulation.

## **21 Regulation 7.9.41**

Omit "For subsection 1017DA(1) of the Act, fund information must include", substitute "Fund information includes".

## **22 Subregulation 7.9.42(1)**

Omit "For subsection 1017DA(1) of the Act, and subject to subregulations (2) and (3), fund information must include", substitute "Subject to subregulations (2) and (3), fund information includes".

## **23 Paragraph 7.9.42(1)(c)**

Repeal the paragraph.

## **24 Subregulation 7.9.42(4)**

Repeal the subregulation.

## **25 Paragraphs 7.9.45(2)(d) and (f)**

Repeal the paragraphs, substitute:

- (d) the most recent periodic fund information report given under regulation 7.9.32 to product holders of interests in the fund or the trust.

Note: See also Subdivision 2.4.3 of the SIS Regulations in relation to the calculation of derivatives charge ratio (which relates to fund information referred to in regulation 7.9.37 of this instrument).

## **26 Subregulation 7.9.45(3)**

Repeal the subregulation.

## **27 At the end of subregulation 7.9.75A(3)**

Add:

- ; (e) making the information publicly available on the superannuation entity's website.

## **28 Regulation 7.9.75BA**

Repeal the regulation.

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## 29 In the appropriate position in Chapter 10

Insert:

### **Part 10.50—Application provisions relating to [Schedule 1 to the Treasury Laws Amendment (Measures for Consultation) Regulations 2023]**

#### **10.50.01 Application of amendments relating to financial reporting and auditing of registrable superannuation entities**

- (1) The amendments made by [Schedule 1 to the *Treasury Laws Amendment (Measures for Consultation) Regulations 2023*] to Divisions 1, 5 and 8 of Part 7.9 apply in relation to a fund reporting period beginning on or after 1 July 2023.
- (2) Despite the repeal of regulation 7.9.75BA by [Schedule 1 to the *Treasury Laws Amendment (Measures for Consultation) Regulations 2023*], an election by a holder given under that regulation before the commencement of that Schedule, has effect on and after the commencement of that Schedule as if it had been given for the purposes of regulation 7.9.32 (as amended by that Schedule).

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

##### **30 Paragraph 2.10(1)(b)**

Omit “each of the following”, substitute “both of the following”.

##### **31 Subparagraph 2.10(1)(b)(iii)**

Repeal the subparagraph.

##### **32 Subparagraph 2.10(1)(d)(ii)**

Repeal the subparagraph, substitute:

- (ii) the most recent periodic fund information report given under regulation 7.9.32 of the *Corporations Regulations 2001* to holders of interests in the entity;

##### **33 Subregulation 2.10(1) (note 1)**

Repeal the note.

##### **34 Subregulation 2.10(1) (note 2)**

Omit “Note 2”, substitute “Note”.

##### **35 Paragraph 2.10(2)(a)**

Repeal the paragraph.

##### **36 Regulation 2.17**

Repeal the regulation.

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## **37 Paragraphs 2.33(2)(a), (b) and (c)**

Repeal the paragraphs, substitute:

- (a) the most recent periodic fund information report given under regulation 7.9.32 of the *Corporations Regulations 2001* to holders of interests in the entity;
- (b) the reports (if any) the entity is required to provide to members under subsection 314AA(1) of the *Corporations Act 2001* at the time of the request.

## **38 Regulations 2.37 and 2.38**

Repeal the regulations.

## **39 Regulation 9.03 (heading)**

Repeal the heading, substitute:

### **9.03 Obligations of actuaries and auditors—solvency**

## **40 Subregulations 9.03(1) and (3)**

After “paragraph 130(1)(a)”, insert “, 130AA(1)(a) or 130AA(2)(a)”.

## **41 Subregulations 9.03(4) and (5)**

Omit “paragraph 130(1)(b)”, substitute “paragraphs 130(1)(b), 130AA(1)(b) and 130AA(2)(b)”.

## **42 Regulation 9.04 (heading)**

Repeal the heading, substitute:

### **9.04 When the financial position of an entity is unsatisfactory**

## **43 Regulation 9.04**

Omit “subsection 130(7)”, insert “subsections 130(7) and 130AA(12)”.