

TREASURY EXECUTIVE MINUTE

2011/1370
Minute No.

22 March 2011

Deputy Prime Minister and Treasurer

EM - EXECUTIVE COUNCIL - APPOINTMENT OF THE FULL-TIME CHAIRPERSON OF THE AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION (ASIC)

Timing: At your earliest convenience - original papers must be lodged with the Executive Council Secretariat before close of business Friday 6 May 2011 for the Executive Council meeting of Thursday 12 May 2011.

Recommendation that you:

- **sign (but do not date)** the Executive Council Minute (Attachment A) recommending the appointment of Mr Greg Medcraft as the full-time Chairperson of the Australian Securities and Investments Commission (ASIC) for a five-year period from 13 May 2011 up to and including 12 May 2016.

Signed/Not Signed

- **sign (but do not date)** the instrument of appointment (Attachment B).

Signed/Not Signed

- **initial** the bottom right hand corner of each page of the Explanatory Memorandum including the curriculum vitae (Attachment C).

Initialled/Not Initialled

- **sign (but do not date)** the second page of the Explanatory Memorandum where indicated (Attachment C).

Signed/Not SignedSignature: 

3.5/2011

KEY POINTS

- In Executive Minute 2011/1191 dated 15 April 2011, you wrote to the Prime Minister seeking approval for the proposed appointment of Mr Greg Medcraft as the full-time Chairperson of ASIC for a five-year period from 13 May 2011 up to and including 12 May 2016.

Section 34(3)

- Under the *Australian Securities and Investments Commission Act 2001*, the Governor-General appoints the Chairperson of ASIC on advice from the Executive Council. The documentation to effect this appointment is attached.

- The following areas have been consulted in the preparation of this minute: Governance and Insolvency Unit and the Parliamentary Coordination Team.

Team Leader
Parliamentary Services Unit

Divisional Contact:

Ext:

Contact Officer:

Ext:

ADDITIONAL INFORMATION

What is ASIC?

The Australian Securities and Investments Commission (ASIC) enforces and regulates company and financial services laws to protect consumers, investors and creditors.

An independent Australian government body, ASIC has regulated financial markets, securities, futures and corporations since January 1991. From 1998, ASIC became responsible for consumer protection in superannuation, insurance, deposit taking and from 2002, credit.



TREASURER

Departmental No. **18**

Minute Paper for the Executive Council

Executive Council
Meeting No.

Subject

Australian Securities and Investments Commission Act 2001

Appointment of the Full-time Chairperson of the Australian
Securities and Investments Commission

Approved in Council

Recommended for the approval of Her Excellency
the Administrator in Council that, by instrument in
the attached form and under subsection 9(2) and
section 10 of the *Australian Securities and
Investments Commission Act 2001*, she appoint
Mr Greg Medcraft as the full-time Chairperson of the
Australian Securities and Investments Commission
for five years beginning on 13 May 2011.

.....
Marie Bashir
Administrator

Wayne Swan
Treasurer

.....
Filed in the Records
of the Council

.....
Secretary to the Executive Council

COMMONWEALTH OF AUSTRALIA

Australian Securities and Investments Commission Act 2001

**Appointment of the Full-time Chairperson of the Australian Securities
and Investments Commission**

I, PROFESSOR MARIE BASHIR, AC, CVO, Administrator of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and under subsection 9(2) and section 10 of the *Australian Securities and Investments Commission Act 2001*, appoint Greg Medcraft to be the full-time Chairperson of the Australian Securities and Investments Commission for five years beginning on 13 May 2011.

Dated

2011

Administrator

By Her Excellency's Command

A handwritten signature in black ink, appearing to read 'Wayne Swan', is written over the text 'By Her Excellency's Command'.

Wayne Swan
Treasurer

EXPLANATORY MEMORANDUM

Minute No. _____ of 2011 – Deputy Prime Minister and Treasurer

Subject - *Australian Securities and Investments Commission Act 2001*

Appointment of the Full-time Chairperson of the Australian Securities and Investments Commission

The Australian Securities and Investments Commission (ASIC) is provided for by the *Australian Securities and Investments Commission Act 2001* (the Act). The role of ASIC is to enforce corporations legislation to protect consumers, investors and creditors.

An independent Australian Government body, ASIC has regulated financial markets, securities, futures and corporations since January 1991. From 1998, ASIC became responsible for consumer protection in relation to superannuation, insurance, deposit taking and, from 2002, credit.

Subsection 9(1) of the Act provides that ASIC is to consist of not fewer than three nor more than eight members.

Subsection 9(2) of the Act provides that the Governor-General appoints the ASIC Chairperson, Deputy Chairperson and members on the nomination of the Minister, currently the Deputy Prime Minister and Treasurer.

Subsection 9(4) of the Act provides that the Minister may nominate a person as a member only if the Minister is satisfied that the person is qualified for appointment by virtue of his or her knowledge of, or experience in, one or more of the following fields, namely: business; administration of companies; financial markets; financial products and financial services; law; economics; and, accounting.

Section 10 of the Act provides that the Governor-General is to appoint as Chairperson of ASIC a person who is, or is to be, a full-time member.

Subsection 108(1) of the Act provides a person appointed as a member holds office for such term of at most five years as is specified in the instrument of appointment, but is eligible for reappointment.


The Minute proposes the appointment of Mr Greg Medcraft as the full-time Chairperson of the ASIC for five years from 13 May 2011 up to and including 12 May 2016.

Mr Medcraft spent nearly 30 years in Investment Banking at Société Générale in Australia, Asia, Europe and the Americas. More recently, he was the Managing Director and Global Head of Securitisation, based in New York.

Mr Medcraft joined the Australian Securities & Investment Commission (ASIC) as a Commissioner in February 2009. Mr Medcraft's regulatory responsibilities include Investment Banking, Investment Managers, Super Funds and Financial Advisers.

ASIC's membership currently consists of a Chairman, a Deputy Chairman and four members all on a full-time basis.

Mr Medcraft's curriculum vitae is attached.



The Minute recommends that the appointment be made in the form proposed.

1. I confirm that Mr Greg Medcraft is qualified for appointment under subsection 9(2) and subsection 9(4) of the Act as the full-time Chairperson of ASIC by virtue of his/her knowledge and experience in financial markets.



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Deputy Prime Minister and Treasurer

Authority: Subsections 9(2) and 9(4) and section 10 of
the *Australian Securities and Investments
Commission Act 2001*



CURRICULUM VITAE

Name: Gregory (Greg) MEDCRAFT

Residential Address: Section 47F

Date of birth: Section 47F

Present position: Commissioner, Australian Securities and Investments Commission

Educational and professional qualifications: 1977: Bachelor of Commerce, Melbourne University

Member, Australian Institute of Chartered Accountants

Principal and Registered Representative NASD/SEC Series 24 and 7

Relevant experience: 2007 – 2009: Chief Executive Officer, Australian Securitisation Forum, Management Consultant, Consulting Sydney

2000 – 2007: Global Head of Securitisation, Société Générale Section 47F

2007: Global Public Finance Bank Project, Société Générale Section 47F

1999 – 2000: Deputy Head, Financial Engineering, Société Générale Section 47F

1990 – 1999: Head, Structured Finance, Société Générale Section 47F

1987 – 1990: Capital Markets Division, Société Générale Section 47F

1985 – 1987: Associate Director, Corporate Finance, Société Générale Section 47F

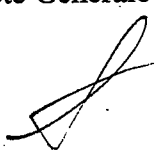
1983 – 1984: Senior Manager, Corporate Finance, Société Générale Section 47F

1981 – 1982: Manager, Corporate Finance, Société Générale Section 47F

1980: Corporate Finance Analyst, Société Générale Section 47F

1977 – 1980: Audit Group, KPMG

Current Board Memberships: 2008 – Current: Commissioner, Australian Securities and Investments Commission



2008 – Current: American-Australian Association
Pty Ltd (Director/Treasurer)

2008 – Current: Wollahra Council, NSW,
(Councillor)

Former Board Memberships: 2002 – 2007: American-Australian Association, New
York, (Director/Treasurer)

2002 – 2007: American Securitization Forum
(Director/Chairman/Deputy Chairman)

1998 – 2005: Local Government Financial Services
Pty Ltd (Director)

1996 – 1999: Wollahra Council, NSW
(Councillor/Mayor)

1992 – 1997: K.U. Children Services Pty Ltd
(Director/Deputy Chairman)

1984 – 1987: Box Hill Council, Victoria
(Councillor/Mayor)

