

2019-2020-2021

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

---

FINANCIAL ACCOUNTABILITY REGIME (CONSEQUENTIAL AMENDMENTS  
AND TRANSITIONAL PROVISIONS) BILL 2021

---

EXPLANATORY MEMORANDUM

(Circulated by authority of the  
Treasurer, the Hon Josh Frydenberg MP)



---

## ***Table of contents***

---

Glossary.....	5
Chapter 1      Consequential Amendments and Transitional Provisions .....	7



---

## ***Glossary***

---

The following abbreviations and acronyms are used throughout this explanatory memorandum.

<b><i>Abbreviation</i></b>	<b><i>Definition</i></b>
APRA	The Australian Prudential Regulation Authority
ASIC	The Australian Securities and Investments Commission
the Bill	The Financial Accountability Regime (Consequential Amendments and Transitional Provisions) Bill 2021
Financial Services Royal Commission	Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry
the Regulator	Generally, the Regulator is both APRA and ASIC. However, if an accountable entity does <i>not</i> hold an Australian financial services licence or an Australian credit licence, then the Regulator for that accountable entity and its significant related entities and accountable persons is only APRA.



---

# Chapter 1 Consequential Amendments and Transitional Provisions

---

## Outline of chapter

1.1 The Financial Accountability Regime (Consequential Amendments and Transitional Provisions) Bill 2021 operates together with the Financial Accountability Regime Bill 2021 and gives effect to recommendations 3.9, 4.12, 6.6, 6.7 and 6.8 of the Financial Services Royal Commission to establish the Financial Accountability Regime.

1.2 The Financial Accountability Regime (Consequential Amendments and Transitional Provisions) Bill 2021:

- makes consequential amendments to various Commonwealth laws to support the Financial Accountability Regime; and
- provides for transitional arrangements relating to the repeal of the Banking Executive Accountability Regime under the *Banking Act 1959*.

1.3 Throughout this chapter, ‘the Bill’ refers to the Financial Accountability Regime (Consequential Amendments and Transitional Provisions) Bill 2021.

## Summary of new law

1.4 The Bill supports the Financial Accountability Regime Bill 2021 to establish the Financial Accountability Regime by:

- making consequential amendments to various Commonwealth laws at the commencement of the Financial Accountability Regime to ensure the regime functions appropriately;
- repealing the Banking Executive Accountability Regime following the application of the Financial Accountability Regime to the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies); and
- postponing the application of the deferred remuneration obligations under the Financial Accountability Regime so that the obligations apply to the banking sector (authorised deposit-taking institutions and their authorised non-operating

---

holding companies) six months after the rest of the Financial Accountability Regime applies to that sector.

- The existing deferred remuneration obligations under the Banking Executive Accountability Regime continue to apply to the banking sector (authorised deposit-taking institutions and their subsidiaries) during the six-month deferral period.

## Detailed explanation of new law

### *Consequential amendments relating to the establishment of the Financial Accountability Regime*

1.5 The Bill makes a number of consequential amendments to enable APRA to use its existing powers under the *Banking Act 1959* in relation to the Financial Accountability Regime. The changes include allowing APRA to:

- revoke the authorisation of an authorised deposit-taking institution or its authorised non-operating holding company for failure to comply with the Financial Accountability Regime; and
- require an auditor of an authorised deposit-taking institution, its authorised non-operating holding company or a significant related entity to provide information that will assist APRA in performing functions under the Financial Accountability Regime.

*[Schedule 1 items 18, 19 and 22 to 24; sections 9A, 11AB, 16B, 16BA and 16C of the Banking Act 1959]*

1.6 The Bill applies the standard liability protections under the *Australian Prudential Regulatory Authority Act 1998* for APRA staff in relation to actions APRA staff take under the Financial Accountability Regime. *[Schedule 1 item 12; section 58 of the Australian Prudential Regulation Authority Act 1998]*

1.7 The Bill makes amendments to the *Australian Prudential Regulation Authority Act 1998* to replicate the secrecy provisions relating to the Banking Executive Accountability Regime for the Financial Accountability Regime. Information provided to APRA is subject to the secrecy provisions in the *Australian Prudential Regulation Authority Act 1998*. The Bill applies these provisions to information collected under the Banking Executive Accountability Regime by making amendments to the definitions of *protected information*, *protected document* and *prudential regulation framework law*. The Bill also introduces exemptions in the secrecy provisions to allow for the sharing of information between APRA



---

and ASIC under the mechanisms in section 36 of the *Financial Accountability Regime Act 2021* and sharing of information to regulated entities and individuals. A defendant bears an evidential burden in relation to exemptions established by item 10; this is justified and not unduly onerous as the information subject to the new provisions would be peculiarly within the knowledge and control of the defendant. *[Schedule 1 items 1 and 5 to 11; sections 3 and 56 of the Australian Prudential Regulation Authority Act 1998]*

1.8 The Bill amends the *Financial Regulator Assessment Authority Act 2021* to allow individuals working for the Financial Regulator Assessment Authority to disclose the fact that directions have been given under the Financial Accountability Regime. *[Schedule 1 items 27 and 28; section 40 of the Financial Regulator Assessment Authority Act 2021]*

1.9 The Bill amends the *Financial Sector (Transfer and Restructure) Act 1999* to allow businesses undertaking a restructure because of an order under the Financial Accountability Regime to take advantage of the regulatory relief under that Act in certain circumstances. *[Schedule 1 item 29, section 36B of the Financial Sector (Transfer and Restructure) Act 1999]*

1.10 The Bill amends the *Payment Systems and Netting Act 1998* to ensure the directions given under the Financial Accountability Regime operate consistently with the legal framework governing payment systems in Australia. *[Schedule 1 items 66 to 67, section 5 of the Payment Systems and Netting Act 1998]*

#### ***Consequential amendments to the insurance and superannuation legislation***

1.11 The Bill amends the *Insurance Act 1973*, *Life Insurance Act 1995*, *Private Health Insurance Act (Prudential Supervision) Act 2015* and the *Superannuation Industry (Supervision) Act 1993* in similar ways to amendments of legislation applying to the banking sector.

1.12 The Bill gives APRA the power to revoke the authorisation for accountable entities under those Acts and clarifies the roles of auditors and actuaries of those entities under the Financial Accountability Regime.

1.13 The Bill amends the *Insurance Act 1973* to:

- extend APRA's power to revoke a general insurer's authorisation or a non-operating holding company of a general insurer's authorisation for failure to comply with certain laws, to a failure to comply with the Financial Accountability Regime; *[Schedule 1 items 30 and 31, sections 15 and 21 of the Insurance Act 1973]*
- have a person disqualified from being able to act for a general insurer or a general insurer's authorised non-operating holding company if the person has committed

---

an offence under the Financial Accountability Regime;  
*[Schedule 1 item 32, section 25 of the Insurance Act 1973]*

- require a general insurer to end an auditor or actuary's appointment if they fail to comply with a requirement of the Financial Accountability Regime; *[Schedule 1 items 33 to 35, sections 43 and 44 of the Insurance Act 1973]*
- extend APRA's power to refer an auditor or actuary to a professional association for auditors and actuaries for failing to carry out their duties under certain laws, if they consider that the auditor or actuary has failed to perform their duties under the Financial Accountability Regime; *[Schedule 1 item 36, section 48 of the Insurance Act 1973]*
- extend the duties for auditors and actuaries to provide information to APRA to assist APRA performing its duties under certain legislation, to situations where APRA is performing duties under the Financial Accountability Regime; *[Schedule 1 items 37 to 39, sections 49 to 49B of the Insurance Act 1973]*
- expand the grounds upon which a general insurer can be put under judicial management for failing to comply with certain legislation, to include failing to comply with the Financial Accountability Regime; and *[Schedule 1 items 40 to 42, sections 62M, 62W and 62ZOY of the Insurance Act 1973]*
- ensure that institution of proceedings against a body corporate under the Financial Accountability Regime does not prevent winding up or statutory management. *[Schedule 1 item 43, section 129AA of the Insurance Act 1973]*

1.14 The Bill amends the *Life Insurance Act 1995* to:

- allow APRA to refuse to register a company under that Act if the company is unlikely to be able to meet the obligations under the Financial Accountability Regime; *[Schedule 1 item 44, section 21 of the Life Insurance Act 1995]*
- allow APRA to revoke a life company's registration, or a non-operating holding company of a life company's registration, for failure to comply with the Financial Accountability Regime; *[Schedule 1 items 45 and 46, sections 26 and 28 of the Life Insurance Act 1995]*
- require a life company to end the appointment of an auditor or actuary if the life company is satisfied that the auditor or actuary has failed to perform their duties under the Financial Accountability Regime; *[Schedule 1 items 47 and 53, sections 85 and 94 of the Life Insurance Act 1995]*

- 
- expand the obligations for auditors and actuaries to report information to APRA, either by their own motion or by request, to situations where there have been breaches of the Financial Accountability Regime; *[Schedule 1 items 48 to 52 and 54 to 58, sections 88 to 89 and 95 to 99 of the Life Insurance Act 1995]*
  - allow APRA to direct a life company to remove an actuary if they have failed to perform their duties under the Financial Accountability Regime; *[Schedule 1 item 59, section 125A of the Life Insurance Act 1995]*
  - ensure that institution of proceedings against a body corporate under the Financial Accountability Regime does not prevent winding up or statutory management; *[Schedule 1 items 60 and 61, sections 166 and 179AY of the Life Insurance Act 1995]*
  - ensure individuals who commit offences against the Financial Accountability Regime cannot act as directors, principal executive officers or otherwise act for life companies; and *[Schedule 1 item 62, section 245 of the Life Insurance Act 1995]*
  - ensure that institution of proceedings against a body corporate under the *Life Insurance Act 1995* does not prevent the institution of proceedings under the Financial Accountability Regime. *[Schedule 1 item 63, section 248 of the Life Insurance Act 1995]*

1.15 The Bill amends the *Private Health Insurance (Prudential Supervision) Act 2015* to:

- provide APRA the ability to cancel a private health insurers registration if APRA is satisfied the insurer has failed to comply with a requirement of the Financial Accountability Regime, and make the decision reviewable under the Act; *[Schedule 1 items 69 and 78, sections 21 and 168 of the Private Health Insurance (Prudential Supervision) Act 2015]*
- ensure the appointment of an individual an external manager of a health benefits fund, does not affect the operation of the Financial Accountability Regime; *[Schedule 1 item 70, section 84 of the Private Health Insurance (Prudential Supervision) Act 2015]*
- expand the obligations of private health insurers to terminate actuaries to situations where the actuary has failed to perform their statutory functions under the Financial Accountability Regime; *[Schedule 1 items 71 to 72, section 107 of the Private Health Insurance (Prudential Supervision) Act 2015]*
- expand the obligations of actuaries to inform the private health insurer and APRA, on their own motion or by request, to assist APRA perform its functions under the Financial

---

Accountability Regime; and *[Schedule 1 items 73 to 76, sections 110 to 113 of the Private Health Insurance (Prudential Supervision) Act 2015]*

- ensure individuals who commit offences against the Financial Accountability Regime cannot act as officers or appointed actuaries for private health insurers. *[Schedule 1 item 77, sections 119 and 120 of the Private Health Insurance (Prudential Supervision) Act 2015]*

1.16 The Bill also makes amendments to the *Superannuation Industry (Supervision) Act 1993* to:

- ensure that the Regulator considers the Financial Accountability Regime in granting and imposing conditions on RSE licenses, by including the Financial Accountability Regime in the definition of **RSE licensee law**; *[Schedule 1 item 79, section 10 of the Superannuation Industry (Supervision) Act 1993]*
- expand the obligations of auditors and actuaries to provide superannuation entities or the Regulator information when there is likely to have been a breach of the law, to situations in which there have been breaches of the Financial Accountability Regime, by amending the definition of **regulatory provision**; *[Schedule 1 items 80 and 82 and 83, sections 38A, 129 and 130A of the Superannuation Industry (Supervision) Act 1993]*
- expand the ability for a court to disqualify an individual from being a superannuation trustee for breaching certain legislation to include breaches of the Financial Accountability Regime; *[Schedule 1 item 81, section 126H of the Superannuation Industry (Supervision) Act 1993]*
- expand the ability for a court to order the disqualification of an individual from being an auditor or actuary for a superannuation entity for breaches of certain legislation, to include breaches of the Financial Accountability Regime; *[Schedule 1 item 84, section 130D of the Superannuation Industry (Supervision) Act 1993]*
- expand the ability of APRA to direct the removal of an auditor or actuary for a superannuation entity, or direct a matter to an auditor or actuary's professional organisation for breaches of certain legislation to include breaches of the Financial Accountability Regime; and *[Schedule 1 items 85 and 86, sections 131AA and 131A of the Superannuation Industry (Supervision) Act 1993]*
- expand the ability of a court to stop the payment of money to protect certain creditors for certain breaches of legislation to include breaches of the Financial Accountability Regime.

1.17 The amendments to the provisions which allow for the revocations of licences of insurers and superannuation entities apply regardless of whether the relevant breaches occur prior to the commencement of the Bill. *[Schedule 2 items 24 and 26 to 28]*

1.18 The amendments to the *Life Insurance Act 1984* do not apply in relation to pending applications of life companies to be registered under that Act, when the Financial Application Regime applies. *[Schedule 2 item 25]*

***Consequential amendments relating to the joint administration of the Financial Accountability regime by APRA and ASIC***

1.19 The Bill makes the following consequential amendments to facilitate the joint administration of the Financial Accountability Regime by APRA and ASIC. The changes include:

- amending the *Australian Securities and Investments Commission Act 2001* to allow ASIC to enforce the Financial Accountability Regime; *[Schedule 1 item 15, section 12A of the Australian Securities and Investments Commission Act]*
- applying the secrecy obligations for information collected under the Financial Accountability Regime to ASIC regardless of whether ASIC obtained the information before or after the commencement of the Financial Accountability Regime; *[Schedule 1 item 17]*
- requiring APRA and ASIC to each include information about investigations conducted under the Financial Accountability Regime in their respective annual reports from the 2022–23 financial year onwards; *[Schedule 1 item 13 and Schedule 2 item 32, section 59 of the Australian Prudential Regulation Authority Act 1998; Schedule 1 items 16 and 17, sections 136, 337 and 337A of the Australian Securities and Investments Commission Act 2001]*
- amending the *Australian Prudential Regulation Authority Act 1998* to ensure that it does not prevent staff engaged by ASIC from performing functions in relation to the Financial Accountability Regime (for example, conducting investigations); and *[Schedule 1 items 2 and 3, section 48 of the Australian Prudential Regulation Authority Act 1998]*
- requiring that fees, charges or penalties paid to APRA under the Financial Accountability Regime are not credited to APRA’s Special Account. *[Schedule 1 item 4, section 53 of the Australian Prudential Regulation Authority Act 1998]*

1.20 APRA is not however authorised to disclose information about the affairs of a particular person as part of the information included in its

---

annual report. *[Schedule 1 item 14, section 59 of the Australian Prudential Regulation Authority Act 1998]*

### ***Amendments relating to the repeal of the Banking Executive Accountability Regime***

1.21 The Bill repeals the Banking Executive Accountability Regime when the Financial Accountability Regime applies to the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies). *[Schedule 1 Part 2]*

1.22 APRA can however continue to take action against contraventions of obligations that occur while provisions of the Banking Executive Accountability Regime apply. *[Schedule 2]*

1.23 The Bill also amends the *Banking Act 1959* and the *Australian Prudential Regulation Authority Act 1998* to remove references and provisions relating to the Banking Executive Accountability Regime. *[Schedule 1 items 88 to 101]*

1.24 The Bill makes a consequential amendment to the *National Consumer Credit Protection Act 2009*. Currently the *National Consumer Credit Protection Act 2009* relies on the definition of **large ADI** under the *Banking Act 1959*. As this definition is repealed along with the Banking Executive Accountability Regime, the Bill introduces an instrument making power into the *National Consumer Credit Protection Act 2009* which allows a Minister to define a **large ADI** for the purpose of that Act. *[Schedule 1 items 64 and 65]*

#### *Continuing application of the Banking Executive Accountability Regime*

1.25 The Banking Executive Accountability Regime will continue to apply to the banking sector (authorised deposit-taking institutions and their subsidiaries) before the application of the Financial Accountability Regime. *[Schedule 2 item 18]*

1.26 Some obligations under the Banking Executive Accountability Regime will continue to apply to the banking sector (authorised deposit-taking institutions and their subsidiaries) after the application of the Financial Accountability Regime to enable the transition from the Banking Executive Accountability Regime.

1.27 This means that:

- APRA must still be notified of relevant changes in an accountability statement or an accountability map, or of a notification event, under the Banking Executive Accountability Regime as per the existing timeframes; *[Schedule 2 item 14]*
- directions to re-allocate responsibilities given under the Banking Executive Accountability Regime will continue to

---

have force as directions under the Financial Accountability Regime; *[Schedule 2 item 15]*

- directions for non-compliance given under the Banking Executive Accountability Regime will continue to have force; *[Schedule 2 item 19]*
- enforceable undertakings and injunctions under the Banking Executive Accountability Regime will continue to have force; and *[Schedule 2 item 21]*
- APRA will continue to be able to exercise its powers under the Banking Executive Accountability Regime to investigate non-compliance in the same manner and subject to the same obligations as before the application of the Financial Accountability Regime (including secrecy obligations). *[Schedule 2 item 24]*

1.28 In addition, the Financial Accountability Regime can be used to take action in relation to breaches of the Banking Executive Accountability Regime. Specifically, under the Financial Accountability Regime:

- a non-compliance direction may be made in relation to breaches of the Banking Executive Accountability Regime; *[Schedule 2 item 16]*
- an accountable person may be disqualified in relation to breaches under the Banking Executive Accountability Regime; *[Schedule 2 item 9]*
- any accountable person disqualified under the Banking Executive Accountability Regime will continue to be disqualified under the Financial Accountability Regime on the same terms; and *[Schedule 2 item 5]*
- the authority of an authorised deposit-taking institution may be revoked in relation to breaches of the Banking Executive Accountability Regime, regardless of whether the breach was before or after the application of the Financial Accountability Regime to the authorised deposit-taking institutions. *[Schedule 2 item 17]*

1.29 Information collected under the Banking Executive Accountability Regime can be used to investigate breaches under the Financial Accountability Regime. This can occur regardless of whether the relevant breach occurred before or after the commencement of the Financial Accountability Regime. However, the restrictions on sharing information between APRA and ASIC in relation to such information brought in as part of the Financial Accountability Regime will apply to that information. *[Schedule 2 items 29, 31 and 33]*

---

1.30 Decisions made under the Banking Executive Accountability Regime can continue to be reviewed under the Banking Executive Accountability Regime, according to the existing review procedures. *[Schedule 2 item 20]*

1.31 The Bill also makes other technical amendments in relation to the transition from the Banking Executive Accountability Regime to the Financial Accountability Regime. These amendments ensure:

- a person who has been convicted of an offence against the Financial Accountability Regime is disqualified under the *Banking Act 1959*; *[Schedule 1 item 25, section 20 of the Banking Act 1959]*
- proceedings against a body corporate for an offence against the Financial Accountability Regime will not prevent the institution of proceedings for the winding-up of the body corporate on a ground that relates to the offence; and *[Schedule 1 item 26, section 69BA of the Banking Act 1959]*
- the Financial Accountability Regime continues to apply where a body corporate is under statutory management under the *Banking Act 1959*. *[Schedule 1 items 20 and 21, section 15D of the Banking Act 1959]*

#### ***Application and transitional provisions***

1.32 The Bill sets out how the different sectors in the financial system will transition into the Financial Accountability Regime.

1.33 The transition will be different for the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies) and the other sectors in the financial system. This is because the banking sector (authorised deposit-taking institutions and their subsidiaries) is currently subject to the Banking Executive Accountability Regime and will need specific arrangements to transition to the Financial Accountability Regime. There is no existing equivalent for the other sectors in the financial system.

#### ***Transitional arrangements for the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies)***

##### ***Application of the Financial Accountability Regime***

1.34 The majority of the obligations under the Financial Accountability Regime will apply to the banking sector on the later of:

- 1 July 2022; or



- 
- six months after the Financial Accountability Regime Bill 2021 receives Royal Assent (see section 8(2) of the Financial Accountability Regime Bill 2021).

1.35 On that date, authorised deposit-taking institutions and their authorised non-operating holding companies will become accountable entities. This means on that date they must:

- begin complying with their obligations under the Financial Accountability Regime, including accountability, key personnel, and notification obligations; and
- have provided an accountability map and appropriate accountability statements to APRA under the Financial Accountability Regime, and keep these up-to-date.

1.36 Accountability statements provided to APRA under the Banking Executive Accountability Regime will automatically transition to be accountability statements under the Financial Accountability Regime. *[Schedule 2 item 13]*

1.37 The deferred remuneration obligations under the Financial Accountability Regime will apply to the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies) six months later (see the section on deferred remuneration below).

*The transitioning of accountable persons*

1.38 Accountable persons of entities in the banking sector (authorised deposit-taking institutions and their subsidiaries) will automatically have their registration transitioned from the Banking Executive Accountability Regime to the Financial Accountability Regime. This only applies where the person will continue to be an accountable person under the Financial Accountability Regime *[Schedule 2 items 4 and 13]*

1.39 Any applications to register accountable persons under the Banking Executive Accountability Regime that are pending at the time the Financial Accountability Regime commences, will be considered to be applications for registration under the Financial Accountability Regime. *[Schedule 2 item 6]*

1.40 A person who became an accountable person under the Banking Executive Accountability Regime on a temporary basis (i.e., due to an unexpected vacancy or for a short period) will be taken to be a new temporary accountable person when the Financial Accountability Regime starts to apply to the sector. *[Schedule 2 item 7]*

1.41 Entities in the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies) can

---

register new accountable persons in the 30 days prior to the Financial Accountability Regime applying to the sector. *[Schedule 2 item 8]*

*Deferred remuneration*

1.42 The Financial Accountability Regime deferred remuneration obligations for the banking sector (authorised deposit-taking institutions and their authorised non-operating holding companies) will apply when the decision to provide remuneration occurs in first financial year that begins six months after the Financial Accountability Regime applies to the banking sector. *[Schedule 2 item 11]*

1.43 Remuneration that was decided to be provided to an accountable person before the first financial year starting six months after the Financial Accountability Regime applies to the banking sector (authorised deposit-taking institutions and their subsidiaries) will still be subject to the deferred remuneration rules under the Banking Executive Accountability Regime. *[Schedule 2 item 10]*

1.44 The deferred remuneration obligations under the Banking Executive Accountability Regime will also continue to apply despite the repeal of the Banking Executive Accountability Regime to accountable people who do not transition to Financial Accountability Regime until the period for the deferral finishes. *[Schedule 2 item 12]*

***Transitional arrangements for insurance and superannuation sectors***

1.45 The Financial Accountability Regime will apply to the insurance and superannuation sectors (other than authorised deposit-taking institutions or their authorised non-operating holding companies) from the later of:

- six months after commencement of the Minister’s declaration that the Financial Accountability Regime will apply to that sector; or
- or the day specified in the Minister’s declaration. (see section 8(4) of the Financial Accountability Regime Bill 2021).

1.46 The Minister can make these instruments at any time after the Financial Accountability Regime Bill 2021 receives Royal Assent. At this stage, the proposed commencement day for these other sectors is expected to be later of 1 July 2023 or 18 months after commencement of the Financial Accountability Regime.

1.47 The Financial Accountability Regime will apply in full to the entities included in the Minister’s declaration on that date.

1.48 This will include the deferred remuneration obligations, which will apply to remuneration that was determined after the start of the first financial year after Financial Accountability Regime applies to the sector. *[Schedule 2 item 23]*

---

1.49 Accountable entities in the other sectors of the financial system (other than authorised deposit-taking institutions or their authorised non-operating holding companies) can apply early to register accountable people under the Financial Accountability Regime 30 days before the Financial Accountability Regime applies to the sector. *[Schedule 2 item 22]*

***Miscellaneous amendments***

1.50 The Bill creates a series of definitions to aid in the transitional arrangements and clarifies it does not limit the application of the *Acts Interpretations Act 1901*. *[Schedule 2 items 1 and 2]*

1.51 The Bill provides that compensation may be payable in relation to acquisition of property on other than just terms as a result of the operation of the Banking Executive Accountability Regime or Financial Accountability Regime as applied under the Bill. *[Schedule 2 item 3]*

1.52 APRA is not required to seek ASIC's agreement to exercise its powers under the transition from the Banking Executive Accountability Regime to the Financial Accountability Regime. *[Schedule 2 item 30]*

1.53 APRA and ASIC may jointly make rules prescribing transitional arrangements under the Bill. *[Schedule 2 item 34]*