

MEDIA STATEMENT

**DECA Industry Response to ASIC INFOSHEET 225**

The digital asset and cryptocurrency sector has long sought clarity on regulatory expectations. ASIC's draft INFO Sheet 225 does not provide that clarity. Instead, it represents a regressive and controversial application of current law, as interpreted by ASIC.

This interpretation is not law; it reflects a view that would result in a material expansion of the regulatory perimeter.

The guidance curtails and constrains the efforts of good-faith actors, industry participants who acknowledge and welcome the need for practical application of existing laws while recognising the gaps that still require legislative attention. Draft INFO Sheet 225 gives the impression of a clear licensing pathway, but this is not what it provides in practice.

This approach is inconsistent with the path to reforms the industry has been asked to actively participate in over a number of years and is also at odds with international developments, both of which focus on regulating the service providers more than the underlying digital assets.

Its release coincides with a period of increased regulatory scrutiny, litigation, and enforcement activity. However, there is no evidence to suggest heightened risks or impacts that justify this uplift in regulatory action.

This represents a missed opportunity to position Australia as a leader in global digital asset markets. We have options we've failed to utilise. The principles-based regulatory regime in Australia offers flexibility, but we have not kept pace with commensurate jurisdictions. Australia has no natural advantage in this sector, our strength lies in our people's ability to innovate and we have fallen behind.

ASIC correctly asserts its role is to enforce the current legislation, but it must do so in a fair and transparent manner, with tech neutrality as an underpinning principle. The industry is committed to working with ASIC in good faith to address these concerns. We hope and expect this collaboration to foster mutual understanding and drive meaningful progress.

It is incumbent upon both the Federal Government and the Opposition to prioritise the creation of a fit-for-purpose legal framework. Such a framework is not just a regulatory necessity; it is vital to Australia's economic future.

If this is not clear already, people are voting with their actions by investing and innovating elsewhere.

**ENDS**

**MEDIA CONTACT:**

Amy-Rose Goodey  
Managing Director  
Digital Economy Council of Australia (DECA)  
amy-rose@deca.org.au