

H) FILE NOTE WRITTEN BY FOI OFFICER ON 18 FEBRUARY 2014



## Note for file

Ref no:14/000311

Tuesday, 18 February 2014

### Search for Documents

In January & February 2014, APRA received a number of FOI requests seeking copies of applications for a 'successor fund transfer' as required by subsection 145(2) of the *Superannuation Industry (Supervision) Act 1993* that have been received by APRA (either in relation to specific entities or more generally, the most recent application form (s) received by APRA), or for approval letters sent by APRA in response to a transfer application under subsection 145 (2) of the SIS Act.

In processing these requests I performed a search of TRIM, the N\ drive and the Statutory Instruments Precedents database. I have been unable to locate any documents relevant to the requests.

I also had a number of conversations with staff in the relevant specialist areas of APRA to confirm that APRA does not hold any documents relevant to this request.

On 5 February 2014 Ben Carruthers (Senior Manager, Litigation) advised this application form is only necessary in an instance where APRA was 'requiring' the transfer of the funds. I.e. transfer of funds was at APRA's initiation rather than that of the trustees. The 145(2) application form is not relevant for a normal successor fund transfer. Ben advised that he was unaware of an instance where APRA had required this form but suggested that I discuss the matter further with John Dow.

On 6 February 2014 John Dow (Head Super Team, Industry Technical Services) advised that he wasn't aware of an instance where APRA had ever required an application form for approval of transfer under subsection 145 (2). John advised that if APRA had ever required one it would have been the result of Enforcement action. John suggested that I confirm this with Louis Serret.

On 18 February 2014 Louis Serret (General Manager, Enforcement) advised that he was sure we have not received a 145(2) form in the last 5 years, at least, and that he wasn't aware of an occasion prior to that where we had received a form. Louis advised there were only one or two instances that he could think of that where this form may have been relevant. Louis suggested that I confirm this with Graham Marshall.

On 18 February 2014 Graham Marshall (Manager Technical Operations, Enforcement) advised that he did not believe APRA had ever received an approval of transfer application form under subsection 142(5) of the SIS Act.



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Considering the information above, I am satisfied that APRA has never received application for approval of transfer under section 145(2) of the SIS Act.

Further, I am satisfied that APRA has never created an approval letter in relation to an approval of transfer under subsection 145(2) of the SIS Act as APRA has never received an application.

APRA has taken all reasonable steps to locate the documents relevant to the requests. No relevant documents exist.

Hannah Cole  
FOI Officer -Secretary Group