

Australian Prudential Regulation Authority

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APRA

Ref no. 14/002998

26 September 2014

Via email: johnt@1earth.net

Dear [REDACTED]

Request for access to documents under *Freedom of Information Act 1982*

I write in response to your email of 21 September 2014.

1. By letter dated 10 August 2014 you requested under the *Freedom of Information Act 1982*, access to:

'231. Please provide documentation APRA have about the intermingling of various Trio Capital Funds into one back account.'

2. In a letter dated 11 August 2014, APRA consulted with you regarding the request.

3. By email dated 17 August 2014, you revised your request to:

'231. Please provide APRA's policy about fund managers who intermingle various funds into the one single bank account. We do not seek emails, we do not seek any other form of data. We expect this document is no more than seven pages. We do not want personal details. We do not seek company names.'

4. This amended request was the subject of a decision to grant access to documents, dated 15 September 2014.

5. I refer to your email dated 21 September 2014 titled 'Revised FOI 231 to APRA', in which you state:

'Unfortunately VOFF did not include a timeline in our FOI application. We should have included the time frame. The time frame is relevant to the period the Trio Capital Directors were intermingling of various funds into the single back account.'

In a revised request the applicant seek from the respondent, under the Freedom of Information Act 1982 (FOI Act):

Please provide APRA's 2006 to 2009 policy about fund managers who intermingled various funds into the one bank account. Also document that assured APRA that fund managers had access to information that informed the correct method. We do not want personal details of company names.'

The FOI Act does not provide that an Applicant may make a revised request in response to a notice of decision. APRA does not propose to enter into further correspondence about the scope of this request; instead APRA will process this request as a new FOI request (ref no. 14/002998).

I am concerned that the high volume of continuing access actions submitted by you is making it extremely difficult for APRA to meet its obligations under the FOI Act without substantially and unreasonably diverting its resources from its other operations.

APRA can only process a request that directly and clearly states the documents you are seeking. Many of your requests, because of their frequency and nature, have a tendency to lack clarity which adds to APRA's processing burden.

Your requests often include incorrect assumptions and contain many typographical errors. These errors introduce unnecessary complexity and make it difficult for me to identify the specific documents you are seeking. When this is a recurrent feature of your requests it interferes unreasonably with APRA's operations.

In the interest of assisting APRA to manage the workload created by your continued requests, I ask you to carefully consider the scope of any new request. This includes but is not limited to, the wording used when describing the documents you are seeking.

Mathew Fussell and I have offered to discuss the scope of your FOI requests prior to submission. This would enable VOFF to submit FOI requests of greater clarity and would allow APRA to process them more efficiently. I strongly encourage you to contact me on 02 9210 3156 or Mathew Fussell on 02 9210 3124 to discuss the scope of any future request.

Yours sincerely,



Hannah Cole
FOI Officer

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foi@apra.gov.au