

Australian Prudential Regulation Authority

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Sydney NSW 2000 F 02 9210 3411  
GPO Box 9836 W www.apra.gov.au  
Sydney NSW 2001



APRA

07 October 2014

Via email: [REDACTED]

Dear [REDACTED]

FOI Request dated 21 September 2014 - Reference number: 14/002998

Notice under section 29 of the Freedom of Information Act 1982

I refer to your request under section 15 of the *Freedom of Information Act 1982* (the Act) dated 21 September 2014 (FOI Request) seeking:

*'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.'*

Notice of charge in respect of processing the FOI Request

I have decided, under regulation 3 of the *Freedom of Information (Charges) Regulations 1982* (the Regulations), that you are liable to pay a charge in respect of processing the FOI Request. My preliminary assessment of that charge is as follows:

Charges in respect of processing the FOI Request

Search and retrieval time @ \$15.00 per hour - two hours	\$30.00
<b>TOTAL</b>	<b>\$30.00</b>

You are required to notify APRA in writing within 30 days of receipt of this letter if you:

- (a) agree to pay the charge; or
- (b) contend that the charge:
  - (i) has been wrongly assessed; or
  - (ii) should be reduced, or should not be imposed, or both; or
- (c) withdraw your request.

If you fail to notify APRA in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn the FOI Request.

Section 29 of the FOI Act does not provide that an Applicant may make a revised request in response to a notice of charge. APRA does not propose to enter into further

correspondence about the scope of this request, nor process this request should the scope be modified.

If you contend that the charge has been wrongfully assessed, or should be reduced or not imposed, you should give full reasons for so contending. In deciding whether to reduce or not impose a charge, APRA must, among other things, take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access to the documents is in the general public interest.

As the estimated charge exceeds \$25, but does not exceed \$100, I have determined that a deposit of \$20 is payable if the charge is imposed.

Please note that the preliminary assessment of the charge is made based on the amount of time spent to search for documents that may be relevant to your FOI request.

If any documents are located, the decision whether to release those documents would only be made by APRA after consultation with any affected parties and on the basis of any applicable exemptions under the Act, such as documents to which statutory secrecy provisions apply. Accordingly, it is possible that notwithstanding your payment of the charge, APRA may fail locate any documents or decide to release none or a small number of any documents retrieved and examined.

#### Information already publically available

I note that APRA's archived guidance for trustees is accessible on the APRA website at <http://www.apra.gov.au/Super/Pages/Archived-Superannuation-Guidance.aspx>

The material listed below may be of relevance to your request:

- a) *Cross Industry Circular No. 1* 'Custodian Requirements for APRA Supervised Entities' (November 2000); and
- b) *Superannuation Circular No. II.D.1* 'Managing Investments and Investment Choice' (March 2006)

My preliminary view is that the documents listed above requested are likely to fall within the scope of the request.

#### Time period for processing the FOI Request

In accordance with section 31 of the Act, the time period for processing the FOI Request is suspended from the day that you receive this notice and resumes on either the day that the charge (in full or the required deposit) is received by APRA or the day on which APRA makes a decision not to impose a charge.

Payment of any deposit or charge should be made by crossed cheque made out to "Australian Prudential Regulation Authority". Please send the cheque directly to:

The FOI Co-ordinator  
Australian Prudential Regulation Authority  
GPO Box 9836  
SYDNEY NSW 2001

Please direct all further communication in respect of this FOI Request to the attention of:

Hannah Cole  
Australian Prudential Regulation Authority  
GPO Box 9836  
SYDNEY NSW 2001

Tel: 02 9210 3156  
Fax: 02 9210 3430  
Email: [foi@apra.gov.au](mailto:foi@apra.gov.au)

Yours sincerely



Hannah Cole  
FOI Officer  
Australian Prudential Regulation Authority