

Australian Prudential Regulation Authority

400 George Street (Level 26) T 02 9210 3000  
Sydney NSW 2000 F 02 9210 3411  
GPO Box 9836 W www.apra.gov.au  
Sydney NSW 2001



APRA

Ref no. 14/002748  
Your Ref no. 207

8 September 2014

Dear [REDACTED]

**Request for information under the *Freedom of Information Act 1982***

I refer to your email dated 31 July 2014, seeking a copy of:

'207. Any documents of risk level of the Trio Capital fund in June 2008 to July 2009.'

In a letter dated 11 August 2014, I undertook a request consultation process in accordance with section 24 of the Act and notified you under subsection 24AB(2) of the FOI Act of my intention as a delegate to refuse access to the documents subject of the request, on the basis that the processing work involved would substantially and unreasonably divert the resources of APRA from its other operations.

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

207. Please provide document that shows that information about a defunct fund is exempt under APRA's Secrecy Act. VOFF only seek the one document. We do not seek emails, we do not seek any other form of data. We expect this document is no more than five pages. We do not want personal details. We do not seek company names.'

This amended request is the subject of the attached decision.

***Notice of decision***

I attach a notice of decision with statement of reasons. The statement of reasons sets out your rights of review.

Please contact me on 02 9210 3156 or [foi@apra.gov.au](mailto:foi@apra.gov.au) if you have any queries.

Yours sincerely

Hannah Cole  
Senior APRAinfo Officer  
Australian Prudential Regulation Authority

**NOTICE OF DECISION MADE UNDER SECTION 23  
OF THE FREEDOM OF INFORMATION ACT 1982 (the FOI Act)  
WITH REASONS FOR DECISION PROVIDED UNDER SECTION 26**

- Applicant:** Mr Paul Matters
- Decision-maker:** Hannah Cole, an authorised officer of the Australian Prudential Regulation Authority (APRA) for the purposes of section 23(1) of the FOI Act.
- Relevant documents:** A copy of the document that shows that information about a defunct fund is exempt under APRA's Secrecy Act.
- My decision:** Grant access to the document in the Schedule.

**MATERIAL FACTS**

1. By email dated 31 July 2014, the Applicant requested:

'207. Any documents of risk level of the Trio Capital fund in June 2008 to July 2009.
2. Letter dated 11 August 2014, APRA consulted with the Applicant in accordance with section 24 of the FOI Act.
3. Email dated 17 August 2014, you revised the request to:

'207. Please provide document that shows that information about a defunct fund is exempt under APRA's Secrecy Act. VOFF only seek the one document. We do not seek emails, we do not seek any other form of data. We expect this document is no more than five pages. We do not want personal details. We do not seek company names.'

This amended request (the request) is the subject of the decision.

**EVIDENCE AND MATERIAL RELIED ON**

4. In making my decision, I have relied on the following evidence and material:
  - a) the Applicant's request received by APRA on 31 July 2014;
  - b) letter from FOI Officer to the Applicant dated 11 August 2014;
  - c) email from Applicant to FOI Officer dated 17 August 2014;
  - d) Document set out in the attached Schedule;
  - e) relevant sections of the *Australian Prudential Regulation Authority Act 1998*;
  - f) Relevant sections of the *Freedom of Information Act 1982*; and
  - g) Guidelines issued by the Office of the Australian Information Commissioner to date.

**REASONS FOR DECISION**

5. I do not consider that any exemptions or conditional exemptions in the FOI Act apply to the document in the Schedule. Therefore I have decided to grant access to the document in the Schedule.

**COMPLAINTS TO THE INFORMATION COMMISSIONER**

6. You may complain to the Commissioner concerning action taken by this agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Commissioner will conduct a completely independent investigation of your complaint.
7. You may complain to the Commissioner either orally or in writing, by any of the methods below.
  - Telephone: 1300 363 992
  - email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
  - GPO Box 2999, Canberra ACT 2601
  - website at [www.oaic.gov.au](http://www.oaic.gov.au)



Hannah Cole  
Australian Prudential Regulation Authority

Date: 8 September 2014

**Schedule of Documents - Freedom of Information**

*Mr Paul Matters - A copy of the document that shows that information about a defunct fund is exempt under APRA's Secrecy Act.*

	Description of document	Release/ Non-release
1	Section 56 of the <i>Australian Prudential Regulation Authority Act 1998</i>	Release

