

Reporting Form SRF 350.0

Trustee Statement

Instruction Guide

Completion of *SRF 350.0 Trustee Statement*

This form must be completed on an annual basis by all Small APRA Funds (SAFs) and Single Member Approved Deposit Funds (SMADFs).

If a superannuation entity has no items to disclose, the form can be left blank as D2A recognises blanks as zeros; however it is still required to be submitted as part of the annual return.

Note: All forms included in the SRF 300 series should be submitted together as an annual return, not individually as separate forms.

Purpose

This form represents a statement from the Trustee(s) of the superannuation entity attesting to the superannuation entity's compliance with the following (to the extent applicable):

- *Superannuation Industry (Supervision) Act 1993* (the SIS Act); and
- *Financial Sector (Collection of Data) Act 2001* (the Collection of Data Act), and
- *Corporations Act 2001* (the Corporations Act); and
- Conditions or requirements imposed by APRA in writing.

This Guide has been prepared to assist in the completion and lodgement of the *SRF 350.0 Trustee Statement*. For ease of use, the Guide has been split into three main sections as follows:

- Lodgement and validation of and changes to *SRF 350.0 Trustee Statement*;
- General Guidance – this guidance provides principles that should be applied to **all items** throughout *SRF 350.0 Trustee Statement*; and

August 2008

- Instruction Guide for Specific Items – this guidance should be applied to the **specific items** which relate to each superannuation entity.

Lodgement and validation of *SRF 350.0 Trustee Statement*

Lodgement and authentication codes

This form must be completed and lodged to APRA either by, or on behalf of, a trustee that is a corporate or natural 'person'. (It cannot be lodged by the superannuation entity itself, as the entity is not a 'person'). Where not lodged by the trustee itself, it may be lodged on behalf the trustee by the trustee's agent, e.g. an administrator or accountant.

Once *SRF 350.0 Trustee Statement* has been completed and submitted to APRA (where submission is by the D2A system), an authentication code is generated in D2A from information entered into the form. The authentication code and date submitted appear in the footer of each page of the return ('return' equates to all 9 forms in the SRF 300 series). Any change of information entered or resubmission of the return will result in a change to the authentication code. The authentication codes and date submitted should be used by auditors to determine that the four forms audited (SRF 300.0, 310.0, 320.0 and 330.0) have been submitted.

The same authentication code on all the forms lodged will give Trustees some 'comfort' that their attestations on *SRF 350.0 Trustee Statement* relate to the other forms submitted as the return. Different authentication codes should be taken by Trustees that their attestations are not consistent with other forms and APRA may take the view that the return has therefore not been signed and authorised by the Trustee.

A receipt indicating successful lodgement of the return will be provided via email. There may be a slight delay in a receipt being provided if the submission is made in the last week of October. **Do not** resubmit your return however, as the receipt **will** be generated.

Validation and calculation of totals

When data is entered into the form, the total balances (in the greyed out cells) will not be calculated automatically. The total items will only calculate when the form is validated. Clicking on the word 'validate' in the top left hand corner of the screen and selecting 'OK' will result in the total items being calculated and the validation rules appearing for review.

There are three types of validation rules as follows:

1. **Warnings: Confirmation rules** – this rule requires the user to provide confirmation that the data entered into an item is correct, for example that a negative number is correct and should not be positive. To provide confirmation the user should click the confirm box and provide a brief description in support of the item.

Note: Descriptions entered for warnings may not always appear if the return is validated more than once. There is no need to re-enter the description as D2A has saved this description and the comments will be lodged with the return.

2. **Error: Mandatory rules** – this indicates an error in an item, for example a description and a value must be included in a table. These errors must be corrected before the return can be lodged.
3. **Cross form validations** – this also indicates an error and must be corrected before the return can be lodged, for example Totals disclosed in *SRF 310.1 Selected Disclosure of Investments* must agree with the investments reported in item 3 ‘Investments’ on *SRF 310.0 Statement of Financial Position*.

Trustee signing and authorisation

The return must be signed and authorised in one of the following ways:

1. Where a trustee lodges the annual return electronically (using the D2A system) – using a digital certificate issued by APRA for use with the D2A system. Authorisation using a digital certificate is viewed by APRA as a trustee signing and authorising the return.
2. Where a trustee manually completes the annual return and mails it to APRA’s head office – an authorised officer of the trustee must sign **every** page of the paper form (plus item 6 of *SRF 350.0 Trustee Statement*).
3. Where a trustee uses an agent (e.g. administrator/accountant) to lodge the annual return (whether on paper, or using D2A) - the Agent is required to print the return and ensure that an authorized officer of the trustee signs **every** page of each of the forms (plus item 6 of *SRF 350.0 Trustee Statement*) as evidence that the trustee has reviewed and authorised the return in total. (APRA has determined that this signed return is **not required** to be submitted to APRA, provided it is retained by the trustee and made available for onsite inspection by APRA.)

General guidance for completion of *SRF 350.0 Trustee Statement*

Annual return

Any differences between the financial statements and the annual return should be explainable by reference to the methodologies underlying the preparation of the return.

APRA expects that the Trustee will have adequate reporting systems and internal controls supporting the preparation and reporting of accurate financial and statistical information to APRA.

Important!

Do **not** respond “n/a” to any item in the form as SRF 350.0 does not recognise this response. Only Y or N can be entered into SRF 350.0.

Breach reporting and SRF 350.0

SRF 350.0 requires trustees to attest to compliance with key legislative requirements governing superannuation. The requirement to attest compliance within this form is not intended to exceed the requirements for trustees to report only significant breaches to APRA as required by section 29JA of the SIS Act. In the event a breach of any of the part of the legislative framework referred to in this form has occurred and the breach was not significant as defined in section 29JA of the SIS Act, then the trustee is not required to attest non-compliance within this form. Where non-compliance with any of the provisions referred to in this form has occurred and this non-compliance is determined to be a significant breach, then trustees are expected to attest to such non-compliance within this form.

Instruction guide for specific items

1. Trustee attestation of financial information provided to APRA

APRA Annual Return

This requires the Trustee to attest whether the financial information provided to APRA in terms of the APRA Annual Return:

- Agrees or does not agree with the accounting records of the superannuation entity in respect of the applicable financial year ended; and
- Truly or do not truly represent the transactions for the year and financial position at year end, in accordance with the provisions of the SIS Act, the Collection of Data Act and to the extent that they do not contain any requirements to the contrary, Accounting Standards and other mandatory professional reporting requirements in Australia.

Point 2 effectively means that the information reported to APRA in the eight forms designated as comprising the APRA Annual Return has been prepared in accordance with the instruction guide to the each form and the requirements of the reporting standards for each form made under the Collection of Data Act.

2. Trustee attestation of Compliance with Risk Management Plan

Important!

If the Trustee is not a registrable superannuation entity (RSE) licensee then item 2 should be left **blank**. If the Trustee is an RSE licensee then the Trustee should complete item 2 with a Y or N response.

Item 2. Trustee attestation of Compliance with the Risk Management Plan

This item requires the Trustee, if it is an RSE licensee, to attest whether the licensee's risk management strategy (RMS), and the RSE's risk management plan (RMP) comply with the specified requirements in the SIS Act, Superannuation Industry (Supervision) Regulations, and any requirements specified by APRA.

In particular, the RMS and RMP need to set out effective risk management and control systems, to identify, monitor and manage material risks that could adversely effect the operations of the licensee and the superannuation entity. The RSE licensee must also attest whether it has complied with each measure and procedure detailed in the RMS and RMP.

Item 2A. Trustee attestation of Compliance with the Licence Conditions

This item requires the Trustee, if it is an RSE licensee, to attest whether it has complied with all licence conditions imposed on its RSE licence. These include the licence conditions imposed on all licences, licence conditions imposed on groups of licences, and any additional conditions imposed on the licence of the particular licensee.

The RSE licensee must also attest that in accordance with paragraph 29JA(1) of the SIS Act, it notified APRA of all breaches of RSE licence conditions within the designated time period.

Where APRA had had reasonable grounds to believe the RSE licensee had breached a licence condition, and had given a direction to the RSE licensee to comply with the licence condition, the RSE licensee must attest whether the direction was complied with in the designated period, as required under paragraph 29JB(1) of the SIS Act.

Also, where APRA had given directions to the RSE licensee in relation to modifying the RMS, the RSE licensee must attest whether it complied with those directions within the designated time period, as required under paragraph 29JC(1) of the SIS Act.

3. Trustee attestation of Compliance with the Superannuation Industry (Supervision) Act 1993

This requires the Trustee to attest whether the superannuation entity has complied with the requirements and conditions imposed on the superannuation entity in writing by APRA and relevant statutory and regulatory requirements under the SIS Act, including those listed specifically on the form.

This includes compliance with the requirements and conditions imposed on the superannuation entity in writing by APRA and relevant statutory and regulatory requirements under the SIS Act and Regulations. Specific sections and regulations of the SIS Act are itemised on the form as the Trustee is required to attest to the compliance or non-compliance with each one.

Important!

The Trustee is required to attest to the compliance or non-compliance with each section and regulation as listed. This should be performed as follows:

1. Compliance - Where Y has been entered in item 3.1, item 3.2 should be left **blank**. Do not enter Y in any box in 3.2 or provide any commentary in the 'extent', 'reason' and 'rectification action' boxes.
2. Non-Compliance – Where N has been entered in item 3.1 (i.e. where the Trustee considers that they are not able to positively attest), each section and regulation reference listed in item 3.2 should be completed with a Y or N response.

Item 3.2

Sections and Regulations listed in item 3.2 that are not applicable to PSTs are considered to have been complied with when completing *SRF 350.0 Trustee Statement*. Do not enter n/a as *SRF 350.0 Trustee Statement* does not recognise this response. Unless there has been non-compliance with a Section or Regulation listed in item 3.2, Y should be entered for item 3.1.

Note: SIS Act s153 and Regulations 2.10(1), 2.13(1), 2.21(3), 2.33(2) and 2.43(1) have been replaced by Section 1017D of the Corporations Act. Consequently the Section and Regulation references have now been removed.

4. Trustee attestation of compliance with the *Financial Sector (Collection of Data) Act 2001*

This requires the Trustee to attest whether the superannuation entity has complied with section 13 of the Collection of Data Act. This section relates to the reporting requirements specified in the reporting standards for each reporting form.

5. Trustee attestation of compliance with applicable provisions of the *Corporations Act 2001*

This requires the Trustee to attest whether the superannuation entity has or has not complied with the relevant requirements of the applicable provisions (to the extent applicable) of the Corporations Act.

A number of applicable provisions are listed in the form and the Trustee is required to attest to each individually. This should be performed in the same manner as detailed under item 3 i.e. where Y has been entered in item 5.1, item 5.2 should be left **blank**.

Important!

The Trustee is only required to report on the sections listed in item 5.2. If the Trustee has breached a provision of the Corporations Act which is not listed in item 5.2, then this should not be reported.

Note: Provisions of s. 1013B and s. 1013E are covered by s. 1013C under item 5.

6. Trustee Signoff

This item should be left blank when the annual return, including *SRF 350.0 Trustee Statement*, is submitted electronically using the Direct to APRA (D2A) software. APRA will issue a digital certificate to Trustees that lodge their own returns, which is viewed by APRA as a Trustee signing and authorising the return.

Item 6 should be completed by an officer of the Trustee, who is authorised by the Trustee, when the annual return is lodged by an ‘Agent’ and not the Trustee. Refer additional details under “Trustee signing and authorisation” above.