DISCUSSION PAPER

Strengthening Financial Resilience in Superannuation

November 2021

Contents

Executive summary

The financial resilience of the superannuation industry is critical to ensuring stability. Every RSE licensee must be financially resilient to ensure the continued delivery of improved member outcomes and the ability to operate in the best financial interests of beneficiaries.

Prudential Standard SPS 515 Strategic Planning and Member Outcomes (SPS 515) requires RSE licensees to set and execute their strategic objectives to deliver member outcomes using available financial resources.

Prudent management of financial resources

RSE licensees must ensure they have access to adequate financial resources to fund their business operations. Every RSE licensee must form a view of their required level and structure of financial resources and manage these to suit their particular circumstances. Financial resources are used to operate the business, deliver on the business plan, and fund contingency expenditure items. Sources of these financial resources include fee revenue, capital injections, indemnification from a related party and management of reserves in the fund. In the event of a contingency, insurance may support RSE licensee financial resilience.

Financial resources must be managed to ensure the duty to act in the best financial interests of beneficiaries is being met. Robust planning and preparation for the risk of unexpected expenditure are key to achieving financial resilience.

Consultation

Over recent years, the superannuation landscape has changed considerably and further changes in industry structure and composition are anticipated in the future. In light of this, APRA is seeking to better understand current approaches to the management of financial resources, the role and use of the operational risk financial requirement (ORFR), reserving practices, and protections afforded to RSE licensees via insurance, and how these practices might need to adapt over time.

APRA welcomes views from stakeholders across the superannuation industry, particularly RSE licensees, about current practices and how such practices may evolve. Submissions to this Discussion Paper are requested to be provided no later than 11 March 2022. Information provided in response to this paper will inform the need for enhancements to the prudential framework to ensure that RSE licensees prudently manage their financial resilience in the best financial interests of beneficiaries. Any such potential enhancements will be the subject of further industry consultation following the review of responses to this Discussion Paper.

Glossary

BPR	Business performance review
FSR (Hayne) Act	Financial Sector Reform (Hayne Royal Commission Response) Act 2020
ORFR	Operational Risk Financial Requirement
RSE licensee	Registrable superannuation entity licensee
SIS Act	Superannuation Industry (Supervision) Act 1993
YFYS	Treasury Laws Amendment (Your Future, Your Super) Act 2021

Chapter 1 - Introduction

1.1 Background

A prudent RSE licensee takes equitable, forward-looking approaches to ensuring they have access to adequate financial resources, consistent with their obligations to act in the best financial interests of members and the sole purpose test. RSE licensee financial resilience is important to ongoing business operations, delivery of the business plan and funding contingencies. RSE licensees operate under a range of different structures which vary in complexity and impact their ability to access resources.

Prudential Standard SPS 515 Strategic Planning and Member Outcomes (SPS 515) requires a forward-looking perspective towards business resilience and sustainability. *Prudential Standard SPS 114 Operational Risk Financial Requirement* (SPS 114) also sets out requirements to address the financial impact of operational risk on members.

Since SPS 114 and SPS 515 were introduced, there have been significant reforms that have shaped the operating environment for the superannuation industry. In addition to the Government's recent Your Future, Your Super reforms (YFYS reforms), a number of legislative changes were made following the Financial Services Royal Commission. These changes prohibited body corporate RSE licensees from having a duty to act in the interests of another person and clarified and limited the scope of the indemnification provisions in the SIS Act, further restricting RSE licensees' access to trust assets to pay penalties from 1 January 2022.[1]

As the commencement date for the latter legislative change approaches, consideration must also be given to the sustainability of business operations if a penalty is levied and how RSE licensees manage this risk.

1.2 Purpose of this paper

Due to the wide range of structures, funding sources and potential risks, there are varied industry practices to managing financial resources. Changes in the operating environment, combined with increasing complexity in RSE licensee business operations, continue to drive evolution in industry practices.

This Discussion Paper seeks to support a deeper understanding of how RSE licensees not only fund day-to-day costs and strategic initiatives, but also the range of funding mechanisms and approaches to address contingency expenditure now and into the future. It also outlines recent APRA insights across relevant industry practices, in particular where APRA considers there is an opportunity for RSE licensees to improve their practices.

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[1] Financial Sector Reform (Hayne Royal Commission Response) Act 2020 (FSR (Hayne) Act).

In particular, APRA is seeking to gain further insight into current and emerging approaches to:

- the adequacy, purpose and management of financial resources;
- the financial resources available to RSE licensees;
- financial projections in business planning practices; and
- RSE licensees' provisioning for contingencies.

Chapter 2 - Financial resources: purpose and sources

RSE licensees should ensure they have access to adequate financial resources to fund their business operations at all times. APRA's prudential framework has, to date, included requirements and guidance that cover some aspects of RSE licensee management of financial resources: SPS 515, *Prudential Practice Guide SPG 515 Strategic Planning* (SPG 515) and SPS 114 and its associated prudential guidance.[2]

2.1 RSE licensee financial resources: purpose and structures

An RSE licensee is responsible for determining the level of financial resources necessary to meet their business needs. Broadly speaking, the financial resources that RSE licensees require to support the ongoing soundness of their business operations can be categorised as resources required to:

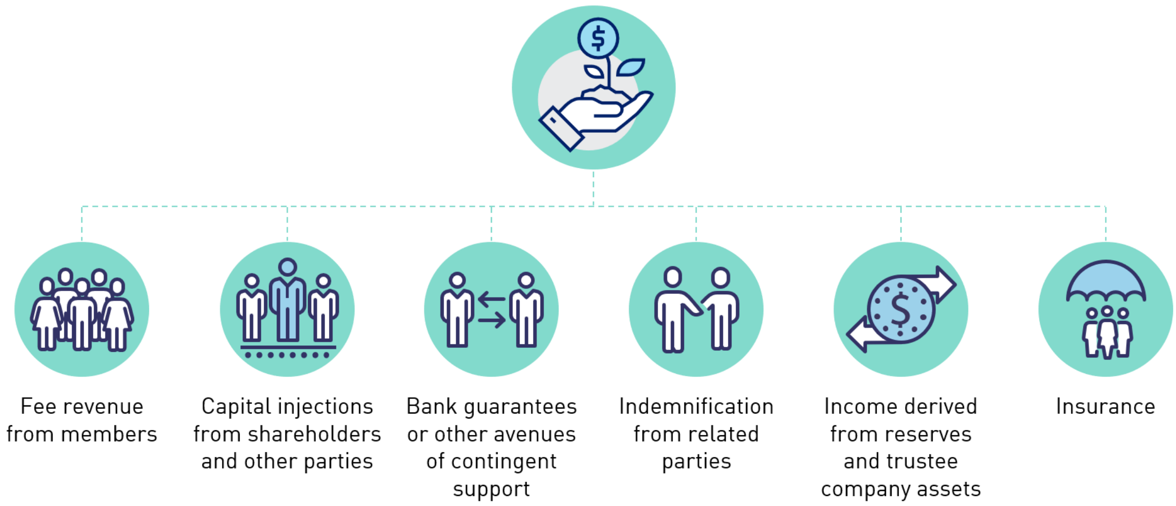
2.2 Sources of financial resources

RSE licensees can obtain the financial resources used to fund their activities and contingency events from a number of sources external to the trustee company. These sources may include:

- fee revenue from fees charged to members of an RSE;
- capital injections from shareholders or other parties;

[2] *Prudential Practice Guide SPG 114 Operation Risk Financial Requirement*

- bank guarantees or other avenues of contingent support;
- indemnification from a related party in certain circumstances;
- income derived from the management of reserves in the fund or investment of assets held in the personal capacity of the RSE licensee; and
- insurance (provided by an external or captive insurer).



These sources, including considerations for RSE licensee decisions to access these sources of funding, are discussed in the table below.

Source	Relevant considerations
Fee revenue from members	RSE licensees may hold surplus revenue as retained earnings (in the RSE licensee's personal capacity) or in a fund reserve. If held in the RSE licensee's personal capacity, the governing rules and company constitution or agreement must permit the RSE licensee to charge a trustee fee, or to establish reserves outside the fund.
Capital injections from shareholders or other parties	Increasing variation in ownership and business structures is changing mechanisms for providing financial support to RSE licensee business operations, giving rise to varied funding risks. Relationships with capital providers may at times introduce a lack of alignment between the RSE licensee's fiduciary obligations and the capital provider's objectives.
Indemnification from related parties	Indemnifications may be reliant on the related party's financial strength and willingness to enter into the arrangement.
Income derived from the management of reserves in the fund or investment of assets held in the personal capacity of the RSE licensee	An RSE licensee needs to ensure that resources held in reserves in the fund, or as a personal asset of the trustee company, is managed efficiently. Such efficient management, arising, for example, from unit pricing activities and differentials arising from tax and insurance premium reserves, gives rise to questions about the appropriate use of the income consistent with the RSE licensee's fiduciary obligations.
Insurance	Discussed further in section 3.4

2.2.1 Fee setting considerations

Fee design and setting must support member outcomes and meet obligations to act in the best financial interests of beneficiaries and comply with the sole purpose test.

APRA expects the following principles to inform the RSE licensee's decisions and for consideration of these principles to be supported by appropriate documentary evidence.

Key principles:

- Setting a fee: An RSE licensee would ensure that the level of a fee was appropriate and proportionate, and regularly reviewed. In the event that an RSE licensee is building a financial contingency reserve by way of charging a fee (as discussed in section 3.5), APRA expects the reserve generated would not be excessive, and expects that the purpose of the fee and level of this reserve would be transparent, evidence-based and aligned with the stated purpose of the reserve.

- Legal duties: An RSE licensee must be satisfied that the proposed exercise of their powers to: (i) amend their trust deed in order to introduce a power to charge a trustee fee; and/or (ii) exercise such a power, is in the best financial interests of beneficiaries.

- Evidence of purpose: When seeking a new trustee fee power, or using an existing power for the first time, an RSE licensee will document how the power is to be used, and that proposed use of the fee power is to be approved by the Board. When implementing a new fee to members, or revising an existing fee to members, an RSE licensee will document the need for the fee and why a fee is appropriate giving regard to current reserve levels.

- Tax implications: Prior to deciding to charge a fee, an RSE licensee would investigate, understand and take into account the tax consequences of the fee design and capital management.

- Prudent management: An RSE licensee will raise and manage fee revenue prudently and transparently, including in respect of its subsequent disbursement and its management as trustee capital. For a financial contingency reserve at the trustee company level, an RSE licensee would have safeguards in place to ensure prudent management of the capital generated for that purpose. This would, at a minimum, include a capital management plan which would restrict the permitted use of this capital.

- Other avenues: Prior to charging a trustee fee (or using RSE licensee capital generated from such a fee for contingency events), APRA expects that an RSE licensee would have diligently explored and exhausted all other avenues for raising or using financial resources. Full details of alternative avenues pursued for building or using financial resources should be clearly evidenced and actively challenged by the Board.

These principles are general in nature, and specific fees must be considered on their individual facts. Importantly, an RSE licensee must be satisfied that the charging of a fee complies with their legal duties and obligations.

Sources of financial resources questions	
Sources	1. What sources of funding and support are used by RSE licensees to address each of the three purposes of financial resources set out in 2.1? Is this likely to change in the near term, and if so, how? 2. When establishing or reviewing a trustee fee to be charged to members, how do RSE licensees determine the appropriateness and level of the fee? How do the sources of funding influence fee design? 3. Are there additional relevant considerations to those detailed in the table that affect how and when RSE licensees can access external financial resources? If so, please provide details.

Chapter 3 - Managing financial resources

An RSE licensee can structure their financial resources in a manner that best suits their particular circumstances, with RSE licensees able to hold financial resources in the RSE licensee's personal capacity on the corporate balance sheet or as fund reserves (or a combination of the two). Decisions about these structures are informed by:

- the size, business mix and complexity of business operations;
- the RSE licensee's constitution;
- the fund's governing rules; and
- arrangements to retain profits or pay dividends.

Regardless of the financial structures an RSE licensee chooses, or is required to have in place, trust assets must be managed prudently and, importantly, in line with the best financial interests of beneficiaries and the sole purpose test. This means the RSE licensee must have robust planning processes to identify and provision for the cost of expected activities whilst also being prepared to respond to the risk of unexpected expenditure.

3.1 Implementation of SPS 515: financial projections and planning

SPS 515 requires RSE licensees to pay attention to how they secure and manage sufficient financial resources to achieve their strategic objectives and deliver improved member outcomes.

When considering the ongoing financial soundness of their business operations, APRA expects RSE licensees to assess and project their current and future level of required financial resources to provide a sound strategy for accumulation of financial resources. To the extent these strategies concern fees paid by members, there are heightened requirements regarding equitable fee design and an increased focus on acting in the best financial interests of beneficiaries.

As previously communicated to the superannuation industry[3], APRA has recently benchmarked RSE licensee practices across a number of key provisions in SPS 515, including how effectively RSE licensees have embedded the role of financial projections in business planning.

This review found that:

- Reserves were not included as an explicit line item in RSE licensee financial projections, even where the business plan otherwise noted that reserves would be used to fund

[3] Findings from APRA's superannuation thematic reviews | APRA

strategic initiatives. This raises questions as to whether reserves held for this purpose are and will remain adequate to support the business plan.

- It is not common for RSE licensees to stress test their financial projections when undertaking the Business Performance Review and/or when setting the next business plan. While scenario and stress testing are not specific requirements, they represent better business practice and such testing allows an RSE licensee to demonstrate resilience under adverse internal and external scenarios.

In summary, RSE licensee practices require improvement. To ensure that RSE licensees make improvements to their financial projections and planning, APRA intends to explore how the prudential standards and guidance might be updated to set enhanced requirements and expectations supporting robust financial management practice. This may include specific requirements on projections, and on incorporating scenario testing into the RSE licensee's planning processes.

Implementation of SPS 515 questions	
Assessment of resources	4. How do RSE licensees determine the adequacy of their financial resources to address each of the three purposes of financial resources set out in 2.1? Are further enhancements to these processes anticipated? 5. How do RSE licensees monitor the adequacy of financial resources? Which factors would trigger a review of resources? 6. To what extent does scenario testing inform the financial projections in the business plan? How does scenario testing inform the determination and assessment of the adequacy of financial resources?

Business plan

12. An RSE licensee's business plan must, at a minimum, specify:

a) The key initiatives it will undertake to achieve the RSE licensee's strategic objectives, including the expected results of each initiative;

b) The financial projections over at least the next three years that demonstrate the ongoing financial soundness of the RSE licensee's business operations;

c) The key assumptions that inform the RSE licensee's financial projections under paragraph (b) and how these assumptions take into account the material risks that have been identified under the risk management framework; and

d) The key performance indicators that the RSE licensee will use to monitor its performance against the business plan and the triggers that will prompt action by the RSE licensee where expected outcomes are not being achieved.

3.2 Role of ORFR financial resources in supporting ongoing financial soundness

Section 52(8) of the SIS Act requires RSE licensees to formulate, regularly review and give effect to a risk management strategy relating to activities, or proposed activities, of the RSE licensee, to the extent they are relevant, and operational risks, and to maintain and manage financial resources to cover operational risks. This covenant is supplemented by SPS 114 and *Prudential Practice Guide SPG 114 Operational Risk Financial Requirement* (SPG 114), which have been in place since 2013.

SPS 114 and the ORFR seek to address the operational risks associated with the RSE licensee's business operations. An RSE licensee must determine an ORFR target amount reflecting the size, business mix and complexity of the RSE licensee's business operations.[4]

SPS 114 permits RSE licensees to hold the required ORFR financial resources as trustee capital, a reserve in the RSE, or a combination of the two. This was intended to reflect the range of financial resourcing models across the superannuation industry.

Whilst these financial resources were intended to be used by RSE licensees to make good any losses to members caused by operational risk events, it is evident that RSE licensees are reluctant to call on these financial resources, even where they would be entitled to do so under the provisions of the standard. Instead, RSE licensees are calling on other financial resources (in the form of other reserves or external sources of capital) following an operational risk event. This means that information about such events may not be reported to APRA and potentially reduces the efficiency of the money held to meet the ORFR.

APRA undertook a post-implementation review (PIR) of its superannuation prudential framework in 2018-19, which included a review of the ORFR.[5] The PIR found that SPS 114 and the associated guidance led to sufficient reserves being held by RSE licensees to cover operation risk events. The PIR also identified areas for further review, including strengthening the way RSE licensees assess operational risk events.

ORFR questions	
Operational risk events	7. Have there been instances where an RSE licensee experienced an operational risk event that would have permitted them to call on the ORFR financial resources? a) If so, did the RSE licensee use the ORFR financial resources to make good any loss experienced by members? b) If the RSE licensee decided to not call upon the ORFR financial resources, what were the factors that influenced the decision?
Financial soundness	8. Are RSE licensees likely to change their approach to the use and maintenance of the ORFR?

[4] Refer to paragraph 8 of SPS 114.

[5] Review of APRA's 2013 superannuation prudential framework

ORFR questions	
	9. Are there any other views you wish to provide about the role of the ORFR in supporting RSE licensee financial soundness, including any potential improvements?

3.3 Other reserving practices: supervisory observations

In addition to ORFR reserves, fund reserves generally take the form of general, administration, insurance, and investment reserves. Section 115(1) of the SIS Act allows an RSE licensee to maintain a reserve for a particular purpose, unless governing rules prohibit this. Section 52(2)(h)(i) of the SIS Act further requires an RSE licensee to maintain a strategy for the prudent management of any reserves.

SPG 515 expects that an RSE licensee's strategy for managing reserves would address how much is required and how to equitably attribute the accumulation of reserves across different cohorts of members, including consideration of intergenerational issues.[6]

Further, SPG 515 contains APRA's expectations regarding the prudent management of reserves in the context of member outcomes. APRA expects that an RSE licensee would develop reserving policies which clearly identify the purpose and size of the reserve, as well as the ongoing process for the management of the reserve in a fair and equitable manner.[7]

APRA has, through the course of its supervisory activities and analysis of data reported by RSE licensees, identified a number of issues that raise questions about the prudent management of reserves, including where existing practices could be improved.[8] As such, APRA is seeking further information on industry practices across aspects such as reserve target amounts and tolerance levels, the purposes of each reserve, and the use, funding and replenishment approach for reserves.

The key issues of concern are:

- *Setting target reserve amounts*: APRA recognises that target reserve amounts will differ across different RSE licensee business models and funding structures. However, APRA has observed instances where RSE licensees have found it challenging to determine appropriate reserve target amounts. This is particularly the case where the purpose of the reserve may not be clearly defined.

- *Review of reserves and reserving policies*: SPG 515 makes clear that RSE licensees should seek to conduct a periodic review to ascertain that reserves remain appropriate, and that controls and procedures implemented ensure reserves are used only for their intended purposes. However, APRA has observed a lack of clearly articulated processes for

[6] Refer to paragraph 61 of SPG 515.

[7] Refer to paragraph 58 and 59 of SPG 515.

[8] APRA collects general reserving data under *Reporting Standard SRS 320 Statement of Financial Position*. This covers the type of reserves held at fund level, annual transfers into and out of reserves, annual earnings and losses on reserves, and closing balances.

undertaking these periodic reviews, as well as limited evidence of such reviews taking place (and the results being acted upon).

Reserving questions	
Reserves	10. To what extent are reserving policies driven or limited by requirements in trust deeds? Please provide reserving policies, where possible. 11. How often are reserving policies reviewed? Is there a defined framework and what factors are considered in the review process? 12. For all reserves held by RSE licensees: a) For what specific purpose are the reserves held and used? b) How are these reserves initially funded, maintained and replenished? c) How is the target amount for these reserves held? How are financial projections and stress testing utilised in determining target amounts? d) How are reserves invested, and how does the RSE licensee ensure that the investment strategy for each reserve aligns with the purpose of the reserve? How do liquidity management considerations inform these decisions? e) What controls are in place to ensure reserving approaches are equitable for members in both how the reserve is built (e.g. fee), managed and used? 13. Are RSE licensees likely to change their approach to the type and purpose of reserves held? If so, why? 14. How have the RSE licensee's reserving practices and policies been amended to ensure compliance with the best financial interests duty?

3.4 Insurance

Acquiring insurance may strengthen an RSE licensee's ability to respond to challenges which could impact their resilience. Given insurance policies are typically tailored to suit individual RSE licensees, APRA would like to better understand the specific coverage afforded to RSE licensees through insurance, including approaches to choosing cover and assessing its continuing adequacy.

APRA is also seeking information on the extent to which RSE licensees can make use of insurance policies held by a parent company or related entity. This includes how RSE licensees understand and mitigate the potential risks of such arrangements, such as if the insurance policy was to lapse, and how these risks can be mitigated.

The scope of this request is any insurance that relates to the operations of the RSE licensee and directors and executives of the RSE licensee. Group life insurance is out of scope.

Insurance questions	
Insurance coverage	15. Please provide a summary of the insurance coverage held by the RSE licensee and/or the RSE licensee directors. a) How is this insurance held (by the RSE licensee directly or by a related entity)? Where it is held by a related entity, please describe any contingencies in place in the event the insurance becomes unavailable. b) For any director's liability insurance (such as Directors and Officers Insurance and Professional Indemnity), please provide information about

Insurance questions	
	the terms of the contract, such as: limits, deductibles, exclusions and the basis of cover (Losses occurring or Claims Made form). 16. What factors are considered when making decisions regarding the types and levels of insurance acquired? How are these factors prioritised when deciding on insurance arrangements? 17. What are the challenges, if any, in obtaining and renewing insurance coverage and how are RSE licensees managing these challenges?
Adequacy of coverage	18. How does the RSE licensee and/or the RSE licensee directors determine the types and levels of insurance coverage needed to address risks that could impact their resilience? 19. How does the RSE licensee and/or the RSE licensee directors assess the continuing adequacy of insurance coverage, and how often is this assessment undertaken? 20. What contingencies are in place for a scenario in which an insurance claim is unsuccessful, or if insurance becomes unavailable or is perceived as not representing value for money?
Other information	21. Please provide any other information that may be relevant to inform APRA's understanding of the insurance coverage held by the RSE licensee and/or the RSE licensee directors.

3.5 Funding contingency expenditure items

An RSE licensee is responsible for determining the financial resources necessary to fund contingency events. Typical events and circumstances that may require contingency provisioning include:

- remediating losses experienced by members;
- spending to fix the root cause of losses experienced by members and other unplanned or uncommitted material expenditure e.g. essential changes to systems and processes to address industry risks and requirements;
- restructures of the RSE licensee's business operations, including product closures, mergers and successor fund transfers (SFTs); and
- paying penalties levied on the RSE licensee.

Contingency and resolution planning

Later in 2021 APRA will consult on prudential standards designed to enhance the readiness of all APRA-regulated entities to deal with financial stress and failure. For RSE licensees this emphasises the importance of having plans in place to ensure obligations to members can continue to be met. In certain instances, such as for restructures, these plans will need to be supported by access to financial resources to enable those plans to be executed.

As discussed above, financial resources held to satisfy the ORFR are intended to be used by RSE licensees to make good losses to members caused by operational risk events, so are intended to be one of the primary sources of money used to remediate member losses.[9]

APRA expects an RSE licensee planning to undertake a product closure, merger or SFT would take account of the costs associated with doing so in the financial projections under the RSE licensee's business plan so that it does not unduly impact their members.

The costs associated with a restructure will depend on a variety of factors. To ensure that adequate financial resources are available to restructure an RSE licensee's business operations, whether expressly factored into the RSE licensee's business plan or not, an RSE licensee should assess the likelihood of a restructure being required, and the costs involved based on their structure, in order to determine the financial resources required. This will also assist RSE licensees to implement any preparatory measures required to ensure the orderly and timely execution of a business restructure.

Payment of penalties

The *Financial Sector Reform (Royal Commission Response) Act 2020*, commencing 1 January 2022, extends existing prohibitions in the SIS Act that prevent the use of trust assets, by way of indemnification, to pay an increased number of specified penalties incurred for contravening a Commonwealth law.

APRA is aware of the challenges RSE licensees are facing when considering this matter. Each RSE licensee must determine a way forward based on their own circumstances and with their own advice. Ultimately, this reform means industry will need to continue the work of implementing better practices, improving compliance controls and embedding improved governance practices to avoid non-compliance with the RSE licensee's obligations. This work, done effectively, will help to minimise the risk of incurring penalties.

Whilst APRA expects industry to improve practices, it is important to plan for circumstances where RSE licensees are faced with a penalty for which they do not have recourse to assets of their fund.

To mitigate these circumstances, some RSE licensees are looking to build a financial contingency reserve on the trustee balance sheet. APRA expects the fee setting principles, outlined above in section 2.2.1, would inform the RSE licensee's decisions regarding the creation and maintenance of such a reserve on the trustee balance sheet, including the necessary quantum and its use.

In such circumstances, APRA expects an RSE licensee would, when demonstrating that a fee charged to build a financial contingency reserve meets the obligation to act in the best financial interests of beneficiaries, ensure full details of alternative avenues pursued for building or using financial resources are clearly documented.

[9] Subject to restrictions in Section 56(2) of the SIS Act.

In providing judicial advice to an RSE licensee, the Supreme Court of Queensland recently concluded that a particular RSE licensee was justified in consenting to an amendment to the trust deed to create a power to charge and retain for its own benefit, remuneration which it determined to be reasonable.[10]

As there are a number of applications for judicial advice that are still before the Courts, it is likely that matters that should inform RSE licensee decisions to amend their trust deed for such purposes will continue to evolve. Given the potential for evolution in these matters, the contingency expenditure questions provided below (questions 22 to 26 inclusive) do not seek to pre-empt the advice still to be delivered or any particular proposed approach by an RSE licensee. APRA will take into account the judicial advice in these matters when considering next steps, including potential prudential framework enhancements.

Contingency expenditure questions	
Funding restructures	22. How do RSE licensees provision for contingency expenditure items? To what degree does this form part of the RSE licensees' business planning process? 23. How do RSE licensees fund restructures of their business operations?
Penalties	24. How are RSE licensees sourcing funds for the payment of civil or administrative penalties from 1 January 2022? To what degree have alternate avenues been considered when settling on the source of funding? 25. If intending to build financial resources of the RSE licensee by deducting amounts from existing reserves, how would affected reserves be replenished and how might this approach affect fees charged to members? 26. How are RSE licensees estimating the quantum of funds to be held at the trustee company level for the purpose of paying penalties? What options would be available for reducing a surplus at trustee company level in the event that the provisioning requires adjustment?

[10] Re QSuper Board [2021] QSC 276 | Supreme Court of Queensland - Trial Division Caselaw (queenslandjudgments.com.au)

Chapter 4 - Consultation

4.1 Request for submissions

APRA invites written submissions on the questions set out in this Discussion Paper.

Written submissions from RSE licensees are requested to be submitted through APRA Connect.

Written submissions from other industry stakeholders should be sent to superannuation.policy@apra.gov.au by 11 March 2022 and addressed to:

General Manager
Policy Development
Policy and Advice Division
Australian Prudential Regulation Authority

4.2 Important disclosure requirements – publication of submissions

All information in submissions will be made available to the public on the APRA website unless a respondent expressly requests that all or part of the submission is to remain in confidence.

Automatically generated confidentiality statements in emails do not suffice for this purpose.

Respondents who would like part of their submission to remain in confidence should provide this information marked as confidential in a separate attachment.

Submissions may be the subject of a request for access made under the Freedom of Information Act 1982 (FOIA).

APRA will determine such requests, if any, in accordance with the provisions of the FOIA. Information in the submission about any APRA-regulated entity that is not in the public domain and that is identified as confidential will be protected by section 56 of the Australian Prudential Regulation Authority Act 1998 and will therefore be exempt from production under the FOIA.