

## Application form - Approval of transfer

**Under subsection 145(2) Superannuation Industry (Supervision) Act 1993** 

# Joint Application by transferor and transferee fund trustee(s)

Pursuant to s. 145(1) of the *Superannuation Industry (Supervision) Act 1993* (SIS Act), application should be made jointly by the trustee(s)(ie. RSE licensees) of the transferor fund AND the trustee(s) of the transferee fund.

**Transferor fund** is the fund from which all benefits of members and beneficiaries are proposed to be transferred under this Application and **transferee fund** is where the benefits will be transferred to subject to approval.

A separate application form should be used for each proposed transfer.

1.	Name of trustee(s) of transfer	ror	fun	d (A	Арр	lica	nt)									
	RSE licensee name															
	ABN															
	RSE licence number															
2.	Name of trustee(s) of transfer	ree	fun	d ( <i>i</i>	٩рр	lica	nt)									
	RSE licensee name															
	ABN															
	RSE licence number															
Of	fice use only.															
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## Details of the proposed transfer

3. Name and ABN of transferor fund

	(please attach an up-to-date copy o	f the	e goi	/ern	ing 1	rules	s of	the	fund	d)					
	Name														
	ABN														
4.	Name and ABN of transferee (please attach an up-to-date copy of			ernir	ıg ru	ıle o	f the	e fur	nd)						
	Name														
	ABN														

In support of the Application for approval of transfer, applicants should provide APRA with up-to-date copies of the governing rules together with a submission addressing all issues to be considered in accordance with s. 146 of the SIS Act.

## Section 146 Approval of transfer

- 1. APRA may approve the transfer of all benefits of members and beneficiaries in the transferor fund to the transferee fund in accordance with an application under s. 145 of the SIS Act if, and only if, APRA is satisfied that:
  - (a) either:
    - (i) reasonable attempts to bring about the transfer under another provision of this Act or under the regulations have failed; or
    - (ii) the transfer would take place under a scheme formulated under s. 142 of the SIS Act; and
  - (b) the transfer is reasonable in all the circumstances, having regard to:
    - (i) the benefit entitlements of members and beneficiaries under the governing rules of the transferor fund; and
    - (ii) the likely effect on the amount of those entitlements if those members and beneficiaries were to remain members and beneficiaries of the transferor fund; and
    - (iii) the benefit entitlements of members and beneficiaries under the governing rules of the transferee fund; and
    - (iv) the value of the assets transferred from the transferor fund to the transferee fund under the arrangement referred to in s. 144(1)(b) of the SIS Act; and
  - (c) the transfer would not adversely affect the interests of the members and beneficiaries of the transferee fund; and
  - (d) the transferee fund has an or an RSE licensee.



Please note, if trustee(s) of transferee fund is an RSE licensee(s), must ensure that it complies with Part 2A, Division 5 (Conditions on RSE licences) of the SIS Act at all times.

## Signatures

Both applicants must sign.

If trustee is a body corporate, at least two directors to sign.

If trustee is a group of individual trustees, all individual trustee to sign.

## Signature of trustee(s) of transferor fund

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## Signature of trustee(s) of transferee fund

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#### **Notes**

## **Penalties**

Applicants should note that giving false or misleading information is a serious offence (see s. 136.1, s. 137.1 and s. 137.2 of the *Criminal Code Act 1995*). Where information is disclosed to APRA as part of this application, APRA may in turn disclose that information in any of the circumstances permitted by s. 56 of the *Australian Prudential Regulation Authority Act 1998*.

### Is there a prescribed fee?

There is no application fee for Applicants seeking Approval for transfer.

## Where to lodge Approval for transfer

Australian Prudential Regulation Authority Level 26 400 George Street SYDNEY NSW 2000

GPO Box 9836 SYDNEY NSW 2001