



4 February 2015

Mr Phillip Sweeney
12 Highland Way
HIGHTON 3216 VIC

Via email: oursuperfund2012@gmail.com

Dear Mr Sweeney

FOI Request dated 23 January 2015 - Reference number: 15/000841

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 23 January 2015 (FOI Request) seeking:

Copies of the Section 35C(B) Compliance Report for the years ending 30 June 2007, 2008, 2009, 2010, 2011, 2012, 2013, and for the year ending 20 January 2014 for the fund recently known as the AusBev Superannuation Fund

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 - 11 hours	\$165.00
TOTAL	\$165.00

Please note APRA has already spent one hour conducting initial searches for documents relevant to the request. This time has been included in the estimate provided for search and retrieval time above.

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to notify APRA in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn the FOI Request.

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 \$100, I have determined that a deposit of \$41.25 (being 25% of the total estimated charge) 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.

'Protected document' and 'protected information'

I would note that charges are still payable for the search and retrieval of a 'protected document' or a document that contains 'protected information'. A 'protected document' or a document that contains 'protected information', within the meaning of section 56 of the *Australian Prudential Regulation Authority Act 1998* (APRA Act), is generally an exempt document for the purposes the FOI Act.

Under section 56, 'protected information' is information that is disclosed or obtained under or for the purposes of a prudential regulation framework law (that is, the APRA Act and the laws administered by APRA) and relates to the affairs of a financial sector entity (principally, an entity regulated by APRA or required to report financial information to APRA), a body corporate that has at any time been or is related to a body regulated by APRA or to a registered entity or a person who has been, is, or proposes to be, a customer of a body regulated by APRA or of a registered entity, other than publicly-available information. A 'protected document' is a document is given or produced that contains protected information.

Based on the type of documents that are likely to fall within the scope of the request, my preliminary view is that the documents requested will be caught by section 56 APRA Act and therefore exempt documents under section 38 of the FOI Act. Other exemptions or conditional exemptions may also apply.

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:

Mathew Fussell
Australian Prudential Regulation Authority
GPO Box 9836
SYDNEY NSW 2001

Tel: 02 9210 3000
Fax: 02 9210 3430
Email: foi@apra.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mathew Fussell', written in a cursive style.

Mathew Fussell
Australian Prudential Regulation Authority