



**Australian  
Competition &  
Consumer  
Commission**

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**Sent via email**

Dear Sir/Madam

**The Association of Superannuation Funds of Australia applications for authorisation  
– A91548 & A91549 – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received applications for authorisation from the Association of Superannuation Funds of Australia. The ACCC invites you to comment on the application.

Please see the ACCC's publication [Authorisation process – the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

**The Applications for Authorisation**

The Association of Superannuation Funds of Australia (ASFA) seeks authorisation for certain stewardship arrangements for the Superannuation Transaction Network (STN). The STN consists of a series of gateways, which are network entry and/or exit points, operated by 'Gateway Operators' for, or on behalf of employers and superannuation funds, for the purpose of routing, switching and packaging the data comprised in rollover messages or contributions passing between employers and funds, being Superannuation Transaction Messages.

Specifically, the ASFA, on behalf of a new self-regulatory body, the Gateway Network Governance Body (GNGB) and currently and future Gateway Operators who become signatories to a new Memorandum of Understanding (MoU) for participants in the STN, seeks authorisation for GNGB and the Gateway Operators to make and give effect to provisions of the MoU concerning:

- the application and effect of the MoU – (clause 2 of MoU);
- acceptance by GNGB of applicant parties as Gateway Operators - (clause 4);
- the role of GNGB concerning access and entry and exit of Gateway Operators to or from the MoU – (clause 5 (c))
- fees payable by the Gateway Operators – (clause 6.1 and 12);
- rights to use the STN to exchange messages – (clause 6.2);
- dispute resolution – (clause 10); and
- remedies for non-compliance by Gateway Operators with STN procedures, including probation and termination – (clause 11).

The Australian Tax Office (ATO) has interim stewardship of the STN. The applications for authorisation have been lodged in the context of the development and handover of this role to an industry sponsored body.

ASFA seeks authorisation for 5 years.

A full copy of the applications for authorisation is attached and available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>.

### **Interim authorisation**

ASFA has requested for interim authorisation from 1 September 2016 for the Gateway Operators and GNGB to make and give effect to the provisions of clause 2, 4 and 5(c) of the new MoU, which deal with applications by and acceptance of parties as Gateway Operators by GNGB.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

### **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Submissions in relation to interim authorisation should be provided by **12 August 2016**.

If you intend to provide a submission in relation to the substantive applications for authorisation, please do so by **26 August 2016**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91548 & A91549 - The Association of Superannuation Funds of Australia – Submission".

Alternatively, if you would like to provide comments orally, please contact Saraj Bhullar on (03) 9290 1941 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

## Timetable

The ACCC will progress its assessment of the applications in a timely manner. An indicative timetable is set out below for your information.

<b>29 July 2016</b>	Lodgement of applications and supporting submission.
<b>3 August 2016</b>	Public consultation process begins.
<b>12 August 2016</b>	Closing date for submissions on interim authorisation.
<b>26 August 2016</b>	Closing date for submissions from interested parties.
<b>August 2016</b>	ACCC decision regarding interim authorisation.
<b>September 2016</b>	Applicant responds to issues raised in the public consultation process.
<b>October 2016</b>	Draft determination.
<b>October/November 2016</b>	Public consultation on draft determination including any conference if called.
<b>December 2016</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the applications at the draft and final determination stages. If you are able to please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the applications.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Saraj Bhullar on (03) 9290 1941 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Gavin Jones  
Director  
Adjudication

## List of Interested Parties – The Association of Superannuation Funds of Australia – Applications for authorisation – A91548 & A91549

Affiliation of Superannuation Practitioners Limited
Australia Post
Australian Business Software Industry Association (ABSIA)
Australian Chamber of Commerce & Industry (ACCI)
Australian Information Industry Association
Australian Institute of Superannuation Trustees (AIST)
Australian Payments and Clearing Association (APCA)
Australian Payroll Association
Australian Prudential Regulatory Authority (APRA)
Australian Securities and Investment Commission (ASIC)
Australian Taxation Office (ATO)
Class Super
ClickSuper
Financial Ombudsman Service Australia
Financial Planning Association Australia (FPA)
Financial Services Council (FSC)
Gateway Association and Transaction Exchange Pty Ltd (GATE)
GSBT
Industry Funds Forum
Industry Super Australia
LUCRF Super
MessageXchange
Ozedi
Rockfast International
SMSF Association
SMSF DataFlow
SMSF Members Association
Sunsuper
SuperChoice
Wealth Within
Westpac