

13 May 2011

The Trustee

Dear Sir/Madam

SUPERANNUATION FUND MERGER DISCLOSURE REQUIREMENTS

As the disclosure regulator in relation to superannuation, the Australian Securities and Investments Commission (ASIC) is looking to remind trustees of their disclosure obligations when undergoing fund merger and consolidation activities.

In circumstances of a merger, where members may be transferred between funds, our interest is in ensuring that members are adequately informed about the changes and what these changes may mean for them.

We expect trustees to:

- inform current members about the upcoming merger as it is a significant event
- provide transferring members with Product Disclosure Statements (PDSs) to explain the product that the member will hold following the merger.

As a trustee, you may also need to consider amending your PDSs for prospective members of the current fund, explaining that the merger will take place in the future.

We have publications available at www.asic.gov.au that may be able to help trustees with their disclosure obligations including:

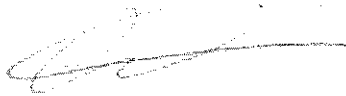
- Information Sheet 90 *As a superannuation trustee, do I need to notify members about member transfers without consent?* (INFO 90)
- Regulatory Guide 168 *Disclosure: Product Disclosure Statements (and other disclosure obligations)* (RG 168)—this regulatory guide was updated in September 2010
- Information Sheet 133 *Shorter and simpler PDSs: Superannuation, managed investment schemes and margin lending* (INFO 133), and
- Regulatory Guide 221 *Facilitating online financial services disclosures* (RG 221). This regulatory guide, and its associated Class Order 10/1219, aims to

provide greater certainty to financial services providers who provide disclosure (such as PDSs) online.

In limited circumstances, we may be able to provide relief from the disclosure requirements. Regulatory Guide 51 *Applications for relief* (RG 51), provides more information.

Please note that trustees should seek professional advice to determine how the law applies to their particular circumstances. If you have any queries regarding the disclosure requirements, or if you are considering applying for relief, please do not hesitate to contact us at www.asic.gov.au/question or phone 1300 300 630.

Yours faithfully



Gerard Fitzpatrick
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Investment Managers and Superannuation