

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 2/03/2021 2:54:14 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Concise Statement
File Number: VID94/2021
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
RETAIL EMPLOYEES SUPERANNUATION PTY LTD (ACN 001 987
739)
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 2/03/2021 3:49:24 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

CONCISE STATEMENT

No VID



Federal Court Of Australia
District Registry: Melbourne
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

RETAIL EMPLOYEES SUPERANNUATION PTY LTD (ACN 001 987 739)

Defendant

A. NATURE OF PROCEEDING AND RELIEF SOUGHT FROM THE COURT

1. The Defendant (**REST**) is the trustee of the Retail Employees Superannuation Trust (the **Trust**). Since July 2005, members of the Trust (**Members**) have had the option under the *Superannuation Guarantee (Administration) Act 1992 (SGA Act)*, the *Superannuation Industry (Supervision) Act 1993 (SIS Act)* and the *Superannuation Industry (Supervision) Regulations 1993 (SIS Regs)* to transfer all or part of their superannuation balance to another superannuation fund. The SIS Regs have been progressively amended. By 2012, those regulations specifically required superannuation funds to action requests for balance transfers in a timely way, and without excessive requests for information.
2. From at least February 2009 to 2 May 2018, REST made a series of representations to Members about their ability to transfer all or part of their superannuation balance to another superannuation fund. Some of the representations were made to Members generally. Some of the representations were made to Members who were employed under a workplace determination or an enterprise agreement who did not have a choice of superannuation fund and were listed in REST's database of major REST employers (**Determination Members**).
3. Members paid fees to REST for maintaining and operating the Trust. From 2009 including during the Relevant Period, REST benefitted from maintaining a higher number of members within the Trust, by discouraging, delaying or preventing Members from removing funds from the Trust, or ceasing membership of the Trust and, in the case of Determination Members, preventing them from removing funds from the Trust or ceasing membership of the Trust.
4. By virtue of the conduct summarised below, ASIC contends that REST has contravened ss 12DA(1) and 12DB(1)(i) of the *Australian Securities and Investments Commission Act 2001 (ASIC Act)* and, further or alternatively, that it has contravened s 1041H of the *Corporations Act 2001 (Corporations Act)*.
5. ASIC seeks declarations, pecuniary penalties, publication orders and ancillary orders as set out in the Originating Process.

B. MISLEADING OR DECEPTIVE REPRESENTATIONS

B.1 The Partial Transfer Representation

6. Between at least 2 March 2015 and 2 May 2018 (the **Relevant Period**) while carrying out its functions as a Trustee of the Trust, REST made representations to its Members who sought to transfer the whole of their superannuation balance, that if they remained employed by a REST employer and the REST employer would continue to make contributions to the Trust,

Filed on behalf of	Australian Securities and Investments Commission, the Plaintiff		
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then the Member could only partially transfer their superannuation balance out of the Trust (the **Partial Transfer Representation**).

7. The Partial Transfer Representation was made in the Relevant Period in the following ways:
 - a. Orally, in phone calls made by Members to the inquiry line maintained by REST, in the manner set out in **Annexure A**.
 - b. In writing, in forms distributed by REST to Members, in the manner set out in **Annexure B**.
 - c. In writing, in correspondence sent by REST to Members who had requested to transfer all of their superannuation balance, in the manner set out in Items 1 and 2 of **Annexure C**.
 - d. In writing, in notices issued by REST to all Members in June 2018 which stated that, before 3 May 2018, a Member could only transfer part of their superannuation balance, and needed to maintain a minimum account balance (SW6.0010.0001.0229).

B.2 The \$5,000 Representation

8. In the Relevant Period in the course of carrying out its functions as a Trustee of the Trust, REST made representations to its Members who sought to transfer the whole of their funds held by the Trust that, if they continued to be employed by a REST employer, then they were required to maintain a minimum amount of \$5,000 in their REST account (the **\$5,000 Representation**).
9. The \$5,000 Representation was made in the Relevant Period in the manner set out in paragraph 7.a) – 7.d) above, and further:
 - a. In writing, in the *Rest Members Guide* in use between 1 October 2014 and 30 September 2015 inclusive (SW6.0010.0001.0069) and between 1 October 2015 and 28 February 2017 inclusive (SW6.0010.0001.0129), which each stated on page 6 that “[i]f your employer continues to make contributions to REST, you can still transfer your super to another fund, but you must maintain a minimum account balance of \$5,000 in REST Super.”

B.3 Declaration Requirement Representation

10. In the Relevant Period in the course of carrying out its functions as a Trustee of the Trust, REST made representations to its Members, who sought to transfer the whole of their funds held by the Trust, that they were required to obtain a declaration from their employer:
 - a. that the Member had “choice of fund rights”; and
 - b. of the date upon which the REST employer ceased making contributions to REST, as a pre-requisite to that transfer taking place, and that a failure to provide that declaration meant that the request could be refused by REST (the **Declaration Requirement Representation**).
11. The Declaration Requirement Representation was made in the Relevant Period in the following ways:
 - a. Orally, to Members who sought information about transferring their superannuation balance, as set out in item 1 of **Annexure D**.

- b. In writing, in forms distributed by REST to Members, in the manner set out in **Annexure B**.
 - c. In writing, in correspondence sent by REST to Members in response to a request that failed to provide a declaration in the terms set out at paragraph [10] above, where REST failed or refused to process the rollover request. A copy of the template response to a rollover request which failed to provide the requested declaration is referred to in item 3 of **Annexure D**. Instances of which ASIC is aware where REST refused to action a rollover request by reason of the failure to provide the requested declaration are set out at item 2 to **Annexure D**.
12. The Board of REST resolved to cease requiring the provision of the above declaration on or about 2 May 2018.

B.4 Certificate Requirement Representation

13. In the Relevant Period in the course of carrying out its functions as a Trustee of the Trust, REST made representations to its Members who sought to transfer the whole of their superannuation balance that their request could only be processed where:
- a. they obtained a separation certificate from the Member's employer; or
 - b. provided a date of termination,
- (the **Certificate Requirement Representation**).
14. The Certificate Requirement Representation was made:
- a. Orally, to Members who sought information about transferring their superannuation balance, as set out at item 1 of **Annexure E**.
 - b. In writing, in forms distributed by REST to Members, in the manner set out in **Annexure B**.
 - c. In writing, in correspondence sent by REST to Members when a separation certificate or termination date was not provided. REST sent 31,882 letters to 24,735 Determination Members which (save for a number known to REST but unknown to ASIC) contained the Certificate Representation. Particulars of correspondence sent by REST of which ASIC is aware are included at **Annexure F**.
15. The Board of REST resolved to cease requiring the provision of the above certificates on or about 2 May 2018.

C. PRIMARY LEGAL GROUNDS FOR THE RELIEF SOUGHT

C.1 REST

16. REST is a company acting as trustee of the Trust which provides superannuation benefits for persons eligible to become members consistent with the terms of the Trust Deed (the **Deed**). In addition to its obligations under the ASIC Act and the Corporations Act, as a trustee, REST was subject to the obligation to act honestly and in good faith in its dealings with all Members.

C.2 The Representations were false, misleading or deceptive

17. The representations in **sections B.1 – B.4** above (collectively, the **REST Representations**):
- a. concerned the beneficial interest of Members in a superannuation fund within the meaning of s 12BAA(7)(f) of the ASIC Act; and

- b. involved dealing with beneficiaries of a superannuation fund as a beneficiary of the Trust within the meaning of s 1041H(2)(b)(vi) of the Corporations Act.
18. The REST Representations were made in relation to financial services and in connection with the supply of financial services, within the meaning of the ASIC Act, and in relation to a financial product, within the meaning of the Corporations Act. They were false or misleading in breach of s 12DB(1)(i) of the ASIC Act and/or misleading or deceptive or likely to mislead or deceive in breach of s 12DA(1) of the ASIC Act and/or s 1041H of the Corporations Act as follows:
- a. The **Partial Transfer Representation** was false or misleading or deceptive or likely to mislead or deceive Members because the Trust was required to permit the transfer of the whole of a Member's superannuation balance from the Trust, in accordance with reg 6.33 – 6.34 of the SIS Regs as in force during the Relevant Period.
 - b. The **\$5,000 Representation** was false or misleading or deceptive or likely to mislead or deceive because the Trust was required to permit the transfer of the whole of a Member's superannuation balance from the Trust, in accordance with reg 6.33 – 6.34 of the SIS Regs as in force during the Relevant Period. The retention of \$5,000 was not required, and was in any event, inconsistent with the obligation imposed by the SIS Regs to effect a whole of balance transfer.
 - c. The **Declaration Requirement Representation** was false or misleading or deceptive or likely to mislead or deceive because: (i) the SIS Regs prescribed the information which REST was entitled to request before processing the rollover request; and (ii) the declaration referred to at paragraph [10] above was not prescribed information. Accordingly, REST was not entitled to demand the provision of the declarations before completing the requested rollover.
 - d. The **Certificate Requirement Representation** was false or misleading or deceptive or likely to mislead or deceive because: (i) the SIS Regs prescribed the information which REST was entitled to request before processing the rollover request; and (ii) neither a separation certificate nor a termination date was prescribed information. Accordingly, REST was not entitled to demand the provision of a separation certificate or termination date before completing the requested rollover.

D. IMPACT OF AND BENEFIT GAINED FROM THE CONDUCT

19. As a result of the matters referred to above, Members seeking to remove their funds from the Trust were denied their lawful rights to superannuation portability and choice of superannuation fund and were discouraged, delayed or prevented from doing so to their detriment. Members suffered financial loss and inconvenience as a consequence.
20. REST gained a substantial financial benefit from making and acting upon the REST Representations by retaining Members in the Trust, whose employers paid financial contributions on their behalf to the Trust. REST:
- a. retained at least \$14.8m from 1,143 Members whose full balance rollover requests were refused and who transferred only part of their balances out of the Trust instead; and
 - b. significantly increased its funds under management from those and other Members whose employers continued to make contributions on Members' behalf to the Trust and/or who transferred superannuation balances from other superannuation funds into REST after Members requests to transfer out were refused by REST.

The impact on some individuals was substantial, including emotional distress and confusion. The impact caused by the conduct of REST will be illustrated by way of case studies, particulars of which will be provided prior to trial.

This Concise Statement was prepared by M W Wise QC, E A Bennett and A L Ounapuu, of counsel.

Certificate of lawyer

I, Savas Miriklis, certify to the Court that, in relation to the Concise Statement filed on behalf of the plaintiff, the factual and legal material available to me at present provides a proper basis for each allegation in the Concise Statement.

Date: 2 March 2021



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Signed by Savas Miriklis
Lawyer for the plaintiff

ANNEXURE A

ITEM 1 - PARTICULARS OF ORAL COMMUNICATIONS BY WHICH THE PARTIAL TRANSFER REPRESENTATION AND \$5,000 REPRESENTATION WERE CONVEYED

	Date	Member	DOC ID
1.	15 February 2016	[Redacted]	RST.0127.0001.0307
2.	15 January 2018	[Redacted]	RST.0127.0001.1354
3.	18 March 2016	[Redacted]	RST.0127.0001.0583
4.	7 July 2016	[Redacted]	RST.0127.0001.0500
5.	11 July 2016	[Redacted]	RST.0127.0001.0501

ANNEXURE B – PARTICULARS OF WRITTEN REPRESENTATIONS CONTAINED IN REST’S FORMS

Title	Date first made available	Date ceased	Ringtail document ID	How made available	Number of Members who received the form	Partial Transfer Representation	\$5,000 Representation	Declaration Requirement Representation	Certificate Requirement Representation
Benefit payment - rollover to another fund	May-14	Oct-15	RST.0121.0001.0118	<p>The form was made available to members who called the Rest Contact Centre:</p> <p>a) If the member specifically requested the form, this was provided via email or post.</p> <p>b) If the member generally queried how they could transfer their funds to another fund, the consultant would offer to either:</p> <ol style="list-style-type: none"> 1. Direct the member to the ATO SuperSeeker website to consolidate their superannuation accounts in that way, or 2. Provide the form via email or post. <p>The form was also made available to members who wrote to the address contact@rest.com.au with a request. The Contact Centre Correspondence team would provide the form via email.</p>	3,318	<p>Page 2: By requiring Members to indicate first, whether they had finished work with their REST employer and, if not, second, requiring Members to answer yes or no to the question “Will your REST employer continue to make contributions to REST?” and, if the answer was yes, stating: “You may only make a partial transfer”, please go to Section 5”.</p>	<p>Pages 2 and 3: By stating that: “If you are transferring or withdrawing a partial amount, you must leave a minimum balance of \$5,000 in your account.”</p>	<p>Page 2: By requiring Members to indicate yes or no to the question “Will your REST employer continue to make contributions to REST?” and, if the answer was no, stating: “Please go to Section 4”.</p> <p>Page 3, section 4: By requiring Members to obtain a declaration from their employer that it would no longer make contributions to REST as a pre-requisite to a transfer of the Member’s entire superannuation balance and stating: “Note: If you have requested to transfer your entire account balance and this section is not completed, this form will be returned. Your transfer cannot proceed until we receive this confirmation.”</p> <p>Page 6: By stating that: “if you requested a transfer of the total benefit and you haven’t finished work with your employer, Section 4 must be completed and signed by your employer.”</p>	<p>Page 2: By requiring Members to indicate whether they had finished work with their REST employer and, if the answer was yes, requiring Members to provide a termination date.</p>

Title	Date first made available	Date ceased	Ringtail document ID	How made available	Number of Members who received the form	Partial Transfer Representation	\$5,000 Representation	Declaration Requirement Representation	Certificate Requirement Representation
Benefit payment - rollover to another fund	Oct-15	Feb-16	RST.0121.0001.0124	As above.	2,141	As above.	As above.	As above, save that the statement on page 6 was found on page 5.	As above.
Benefit payment - rollover to another fund	Feb-16	Apr-18	RST.0121.0001.0132	<p>The form was made available to members who called the Rest Contact Centre:</p> <p>a) If the member specifically requested the form, this was provided via email or post.</p> <p>b) If the member generally queried how they could transfer their funds to another fund, the consultant would offer to either:</p> <ol style="list-style-type: none"> 1. Direct the member to the ATO SuperSeeker website to consolidate their superannuation accounts in that way, or 2. Provide the form via email or post. <p>The form was also made available to members who wrote to the address contact@rest.com.au with a request. The Contact Centre Correspondence team would provide the form via email.</p>	173,434	As above.	As above.	As above.	As above.
Benefit Payment Form	Apr-18	Apr-18	RST.0149.0001.0007	<p>The form was publicly available on Rest's website.</p> <p>If the member asked the Rest's Virtual Agent (an Artificial Intelligence-powered chatbot) "How do I roll out of Rest?", this would prompt the Agent to direct the member to the Benefit Payment form page.</p> <p>The form was made available to members who called the Rest Contact Centre:</p> <p>a) If the member specifically requested the form, this was provided via email or post.</p>	Not known	Page 3: By stating: <i>"If you have not finished work with your REST employer and would like to access your entire account balance, please request a declaration from your employer or payroll officer confirming that they will no longer pay contributions to REST after your account balance is transferred out, the final contribution"</i>	Page 3: By stating: <i>"If you have not finished work with your REST employer and would like to access your entire account balance, please request a declaration from your employer or payroll officer confirming that they will no longer pay contributions to REST after your account balance is transferred out, the final contribution"</i>	Page 3: By stating: <i>"If you have not finished work with your REST employer and would like to access your entire account balance, please request a declaration from your employer or payroll officer confirming that they will no longer pay contributions to REST after your account balance is transferred out, the final contribution"</i>	Page 3: By requiring Member who had finished work with their REST employer to provide a termination date and stating: <i>"If you have not finished work with your REST employer and would like to access your entire account balance, please request a declaration from your employer or payroll officer confirming that they will no longer pay"</i>

Title	Date first made available	Date ceased	Ringtail document ID	How made available	Number of Members who received the form	Partial Transfer Representation	\$5,000 Representation	Declaration Requirement Representation	Certificate Requirement Representation
				<p>b) If the member generally queried how they could transfer their funds to another fund, the consultant would offer to either:</p> <ol style="list-style-type: none"> 1. Direct the member to Rest's website to complete the online form, or 2. Provide the form via email or post. 		<p><i>date and if applicable, that you are eligible for Choice of Fund (for rollovers only)."</i></p> <p>Page 2: By requiring Members to indicate whether they wished to transfer the maximum account balance available under the partial withdrawal conditions, the total account balance, or some other amount, and stating: <i>"If you are transferring a partial amount to another fund, you must leave a minimum of \$5,000 in your account."</i></p>	<p><i>date and if applicable, that you are eligible for Choice of Fund (for rollovers only)."</i></p> <p>Page 2: By stating: <i>"If you are transferring a partial amount to another fund, you must leave a minimum of \$5,000 in your account."</i></p>	<p><i>date and if applicable, that you are eligible for Choice of Fund (for rollovers only)."</i></p>	<p><i>contributions to REST after your account balance is transferred out, the final contribution date and if applicable, that you are eligible for Choice of Fund (for rollovers only). Alternatively, please provide an employment separation certificate if available."</i></p> <p>Page 4: By requiring a Member to attach an employer declaration or employment separation certificate (if available) to confirm employment status.</p>

**ANNEXURE C – PARTICULARS OF WRITTEN COMMUNICATIONS BY WHICH
THE PARTIAL TRANSFER REPRESENTATION AND \$5,000 REPRESENTATION
WERE CONVEYED TO MEMBERS WHO HAD REQUESTED A WHOLE OF
BALANCE ROLLOVER**

Item 1 – The following Members received specific written communications containing the Partial Transfer Representation and/or \$5,000 Representation

No	Date	Description	DOC ID
1.	4 September 2015	REST Benefit Payment Form – [redacted]	RST.0127.0001.0771
2.	23 November 2015	REST Benefit Payment Form – [redacted]	RST.0127.0001.0784
3.	18 Feb 2016	Letter from REST to [redacted]	RST.0127.0001.0430
4.	2 March 2016	Letter from REST to [redacted]	RST.0127.0001.0321
5.	04 Mar 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0292
6.	29 Mar 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0656
7.	3 May 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0614
8.	1 Jun 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0665
9.	12 Jul 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0458
10.	14 Jul 2016	Letter from REST to [redacted]	RST.0127.0001.0512
11.	16 July 2016	REST Benefit Payment Form – [redacted]	RST.0127.0001.0489
12.	17 February 2017	Letter from REST to [redacted]	RET.0013.0001.0648
13.	01 Mar 2017	REST Benefit Payment Form – [redacted]	RST.0127.0001.0131
14.	9 Nov 2017	REST Benefit Payment Form - [redacted]	RST.0127.0001.0362

Item 2 – The following Members requested to transfer their whole superannuation balance but instead left some amount behind and, accordingly, it is to be inferred that REST made the Partial Transfer Representation and/or \$5,000 Representation to them

No	Member
1.	[Redacted]
2.	[Redacted]
3.	[Redacted]
4.	[Redacted]
5.	[Redacted]
6.	[Redacted]
7.	[Redacted]
8.	[Redacted]
9.	[Redacted]
10.	[Redacted]
11.	[Redacted]
12.	[Redacted]
13.	[Redacted]
14.	[Redacted]
15.	[Redacted]
16.	[Redacted]
17.	[Redacted]
18.	[Redacted]
19.	[Redacted]
20.	[Redacted]
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22.	[Redacted]
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24.	[Redacted]
25.	[Redacted]
26.	[Redacted]
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45.	[Redacted]
46.	[Redacted]
47.	[Redacted]
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51.	[Redacted]
52.	[Redacted]
53.	[Redacted]
54.	[Redacted]
55.	[Redacted]
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90.	[Redacted]
91.	[Redacted]
92.	[Redacted]
93.	[Redacted]
94.	[Redacted]
95.	[Redacted]
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1138.	[Redacted]
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1140.	[Redacted]
1141.	[Redacted]
1142.	[Redacted]
1143.	[Redacted]

ANNEXURE D

ITEM 1 - PARTICULARS OF ORAL COMMUNICATIONS BY WHICH THE DECLARATION REQUIREMENT REPRESENTATION WAS CONVEYED

Date	Member	DOC ID
4 August 2016	[Redacted]	RST.0127.0001.0472
21 January 2016	[Redacted]	RST.0127.0001.0308
10 February 2016	[Redacted]	RST.0127.0001.0306
15 February 2016	[Redacted]	RST.0127.0001.0307
1 September 2017	[Redacted]	RST.0127.0001.1265
15 January 2018	[Redacted]	RST.0127.0001.1354
15 January 2018	[Redacted]	RST.0127.0001.1355
2 February 2018	[Redacted]	RST.0127.0001.1350
21 February 2018	[Redacted]	RST.0127.0001.1360
18 September 2018	[Redacted]	RST.0127.0001.1216
8 December 2016	[Redacted]	RST.0127.0001.0142
9 December 2016	[Redacted]	RST.0127.0001.0143
7 January 2016	[Redacted]	RST.0127.0001.1236
1 December 2017	[Redacted]	RST.0127.0001.0858
18 March 2016	[Redacted]	RST.0127.0001.0583
3 May 2016	[Redacted]	RST.0127.0001.0581
18 November 2016	[Redacted]	RST.0127.0001.0976
12 January 2017	[Redacted]	RST.0127.0001.0975
3 May 2016	[Redacted]	RST.0127.0001.0540
6 October 2015	[Redacted]	RST.0127.0001.0394
13 January 2016	[Redacted]	RST.0127.0001.0395

ITEM 2 – PARTICULARS OF INSTANCES WHERE REST REFUSED TO ACTION A ROLLOVER REQUEST BY REASON OF A FAILURE TO PROVIDE AN EMPLOYER DECLARATION

Date	Member	DOC ID
28 July 2016	[Redacted]	RST.0127.0001.0468
18 January 2016	[Redacted]	RST.0127.0001.0302
21 December 2017	[Redacted]	RST.0127.0001.1349
15 January 2018	[Redacted]	RST.0127.0001.1355
2 February 2018	[Redacted]	RST.0127.0001.1350
21 February 2018	[Redacted]	RST.0127.0001.1356
27 February 2018	[Redacted]	RST.0127.0001.1359
22 September 2015	[Redacted]	RST.0127.0001.0797
1 December 2016	[Redacted]	RST.0127.0001.0141
14 February 2017	[Redacted]	RST.0127.0001.0146
21 February 2017	[Redacted]	RST.0127.0001.0148
25 February 2017	[Redacted]	RST.0127.0001.0151
17 December 2015	[Redacted]	RST.0127.0001.1221
17 December 2015	[Redacted]	RST.0127.0001.1250
7 January 2016	[Redacted]	RST.0127.0001.1236

21 January 2016	[Redacted]	RST.0127.0001.1239
26 April 2016	[Redacted]	RST.0127.0001.1226
26 April 2016	[Redacted]	RST.0127.0001.1251
15 October 2015	[Redacted]	RST.0127.0001.0860
16 October 2015	[Redacted]	RST.0127.0001.0857
3 December 2015	[Redacted]	RST.0127.0001.0865
3 December 2015	[Redacted]	RST.0127.0001.0899
1 December 2017	[Redacted]	RST.0127.0001.0858
1 December 2017	[Redacted]	RST.0127.0001.0869
1 December 2017	[Redacted]	RST.0127.0001.0900
7 December 2017	[Redacted]	RST.0127.0001.0885
2 May 2015	[Redacted]	RST.0127.0001.0698
9 March 2016	[Redacted]	RST.0127.0001.0577
9 March 2016	[Redacted]	RST.0127.0001.0650
18 March 2016	[Redacted]	RST.0127.0001.0583
27 April 2016	[Redacted]	RST.0127.0001.0592
27 April 2016	[Redacted]	RST.0127.0001.0651
3 May 2016	[Redacted]	RST.0127.0001.0581
3 May 2016	[Redacted]	RST.0127.0001.0614
23 May 2016	[Redacted]	RST.0127.0001.0596
23 May 2016	[Redacted]	RST.0127.0001.0652
27 May 2016	[Redacted]	RST.0127.0001.0600
1 June 2016	[Redacted]	RST.0127.0001.0665
21 May 2015	[Redacted]	RST.0127.0001.0024
20 June 2016	[Redacted]	RST.0127.0001.0187
10 November 2016	[Redacted]	RST.0127.0001.0971
11 January 2017	[Redacted]	RST.0127.0001.0983
13 January 2017	[Redacted]	RST.0127.0001.1066
8 February 2017	[Redacted]	RST.0127.0001.0675
5 April 2017	[Redacted]	RST.0127.0001.0679
5 April 2017	[Redacted]	RST.0127.0001.0688
10 April 2017	[Redacted]	RST.0127.0001.0680
10 April 2017	[Redacted]	RST.0127.0001.0689
20 July 2017	[Redacted]	RST.0127.0001.0690
20 July 2017	[Redacted]	RST.0127.0001.0691
8 February 2018	[Redacted]	RST.0127.0001.0676
26 April 2016	[Redacted]	RST.0127.0001.0536
3 May 2016	[Redacted]	RST.0127.0001.0540
27 May 2016	[Redacted]	RST.0127.0001.0559
6 June 2016	[Redacted]	RST.0127.0001.0546
Undated	[Redacted]	RST.0127.0001.0551
20 October 2015	[Redacted]	RST.0127.0001.0735
14 December 2015	[Redacted]	RST.0127.0001.0739
7 September 2017	[Redacted]	RST.0127.0001.0763
7 September 2017	[Redacted]	RST.0127.0001.0764
15 August 2017	[Redacted]	RST.0127.0001.0042
25 April 2015	[Redacted]	RST.0127.0001.0389
25 April 2015	[Redacted]	RST.0127.0001.0446

26 September 2015	[Redacted]	RST.0127.0001.0398
26 September 2015	[Redacted]	RST.0127.0001.0447
6 October 2015	[Redacted]	RST.0127.0001.0394
13 October 2015	[Redacted]	RST.0127.0001.0402
13 January 2016	[Redacted]	RST.0127.0001.0395
18 February 2016	[Redacted]	RST.0127.0001.0430
29 June 2016	[Redacted]	RST.0127.0001.0495
29 June 2016	[Redacted]	RST.0127.0001.0522

ITEM 3 – TEMPLATE CORRESPONDENCE

Date	Description	DOC ID
14 November 2016	REST template letter	RST.0121.0001.0117

ANNEXURE E

ITEM 1 – PARTICULARS OF ORAL COMMUNICATIONS BY WHICH THE CERTIFICATE REQUIREMENT REPRESENTATION WAS CONVEYED TO MEMBERS

Date	Member	DOC ID
10 February 2016	[Redacted]	RST.0127.0001.0306
1 September 2017	[Redacted]	RST.0127.0001.1265
15 January 2018	[Redacted]	RST.0127.0001.1354
21 February 2017	[Redacted]	RST.0127.0001.0147
21 February 2017	[Redacted]	RST.0127.0001.0148
1 December 2017	[Redacted]	RST.0127.0001.0858

**ANNEXURE F —
PARTICULARS OF WRITTEN COMMUNICATIONS BY WHICH THE
CERTIFICATE REQUIREMENT REPRESENTATION WAS CONVEYED TO
MEMBERS**

Date	Member	DOC ID
28 Jul 2016	[Redacted]	RST.0127.0001.0468
28 Mar 2017	[Redacted]	RST.0127.0001.0099
28 Mar 2017	[Redacted]	RST.0127.0001.0118
12 April 2017	[Redacted]	RST.0127.0001.0105
18 January 2016	[Redacted]	RST.0127.0001.0302
30 January 2016	[Redacted]	RST.0127.0001.0309
24 Jul 2017	[Redacted]	RST.0127.0001.1330
28 Aug 2017	[Redacted]	RST.0127.0001.1272
21 Dec 2017	[Redacted]	RST.0127.0001.1349
02 Feb 2018	[Redacted]	RST.0127.0001.1358
27 Feb 2018	[Redacted]	RST.0127.0001.1359
31 Oct 2018	[Redacted]	RST.0127.0001.1485
13 Nov 2018	[Redacted]	RST.0127.0001.1496
01 Mar 2018	[Redacted]	RST.0127.0001.0030
01 Mar 2018	[Redacted]	RST.0127.0001.0035
14 Dec 2017	[Redacted]	RST.0127.0001.1215
14 Dec 2017	[Redacted]	RST.0127.0001.0928
31 Jan 2018	[Redacted]	RST.0127.0001.0929
01 Dec 2016	[Redacted]	RST.0127.0001.0141
10 Dec 2016	[Redacted]	RST.0127.0001.0150
14 Feb 2017	[Redacted]	RST.0127.0001.0146
25 February 2017	[Redacted]	RST.0127.0001.0151
26 Apr 2016	[Redacted]	RST.0127.0001.1226
8 May 2016	[Redacted]	RST.0127.0001.1233
15 Oct 2015	[Redacted]	RST.0127.0001.0860
01 Dec 2017	[Redacted]	RST.0127.0001.0869
01 Dec 2017	[Redacted]	RST.0127.0001.0876
07 Dec 2017	[Redacted]	RST.0127.0001.0885
09 Mar 2016	[Redacted]	RST.0127.0001.0577
09 Mar 2016	[Redacted]	RST.0127.0001.0650
20 March 2016	[Redacted]	RST.0127.0001.0623
16 April 2016	[Redacted]	RST.0127.0001.0626
27 Apr 2016	[Redacted]	RST.0127.0001.0592
27 Apr 2016	[Redacted]	RST.0127.0001.0651
8 May 2016	[Redacted]	RST.0127.0001.0629
23 May 2016	[Redacted]	RST.0127.0001.0596
23 May 2016	[Redacted]	RST.0127.0001.0652
27 May 2016	[Redacted]	RST.0127.0001.0600
5 June 2016	[Redacted]	RST.0127.0001.0632
18 June 2016	[Redacted]	RST.0127.0001.0635
9 July 2016	[Redacted]	RST.0127.0001.0638
21 May 2015	[Redacted]	RST.0127.0001.0011

10 Nov 2016	[Redacted]	RST.0127.0001.0971
19 November 2016	[Redacted]	RST.0127.0001.0978
08 Feb 2017	[Redacted]	RST.0127.0001.0675
18 February 2017	[Redacted]	RST.0127.0001.0685
05 Apr 2017	[Redacted]	RST.0127.0001.0679
10 Apr 2017	[Redacted]	RST.0127.0001.0680
10 Apr 2017	[Redacted]	RST.0127.0001.0689
22 April 2017	[Redacted]	RST.0127.0001.0686
20 Jul 2017	[Redacted]	RST.0127.0001.0690
20 Jul 2017	[Redacted]	RST.0127.0001.0691
08 Feb 2018	[Redacted]	RST.0127.0001.0676
26 Apr 2016	[Redacted]	RST.0127.0001.0536
8 May 2016	[Redacted]	RST.0127.0001.0541
7 May 2015	[Redacted]	RST.0127.0001.0745
1 November 2015	[Redacted]	RST.0127.0001.0747
26 December 2015	[Redacted]	RST.0127.0001.0750
07 Sep 2017	[Redacted]	RST.0127.0001.0763
07 Sep 2017	[Redacted]	RST.0127.0001.0764
15 Aug 2017	[Redacted]	RST.0127.0001.0042
26 Sep 2015	[Redacted]	RST.0127.0001.0398
10 October 2015	[Redacted]	RST.0127.0001.0405
13 Oct 2015	[Redacted]	RST.0127.0001.0402
27 October 2015	[Redacted]	RST.0127.0001.0408
29 Jun 2016	[Redacted]	RST.0127.0001.0495
29 Jun 2016	[Redacted]	RST.0127.0001.0522
9 July 2016	[Redacted]	RST.0127.0001.0502

The 31,882 letters sent to 24,735 Determination Members are calculated by reference to Tab “Paragraph 12.e” of REST’s s 912C Statement dated 18 March 2020 and by excluding Determination Members whose requests for rollover were rejected for reasons other than failure to comply with the Certificate Requirements alleged in paragraph 13.a) and 13.b).

The qualification to the number of letters “known to REST but unknown to ASIC” is referred to in correspondence from REST’s Solicitors, Allens, dated 18 March 2020.