ASIC
Australian Securities & Investments Commission

Commission Enforcement Committee Meeting 193

3 April 2025

APT Strategy Pty Ltd (deregistered) / CAS-163046-D3Z0L3

s 22

s 47E (d)

s 22

s 22

Draft Resolution

1. That the Committee:

s 42

s 47E (d)

Executive Summary

s 22

[redacted]

4. APT was placed into liquidation in March 2024 (partly due to an unpaid AFCA determination) and deregistered in January 2025, upon finalisation of the liquidation. ASIC is aware of at least 38 complaints that have been made to AFCA about APT and CYS's conduct, 15 of which cannot be dealt with by AFCA (or compensated by the CSLR) because they were made after APT's deregistration. At least one complaint made prior to APT's deregistration has already been determined by AFCA and paid by the CSLR, and three other claims have been determined (but not paid by the CSLR).

5. [redacted] We anticipate that action by ASIC to have receivers and ultimately liquidators appointed [redacted] will result in many more APT clients seeking to lodge complaints with AFCA, but being shut out as a result of APT's deregistration. [redacted]

Regulatory context

6. This matter falls within ASIC's 2025 enforcement priority regarding '*misconduct exploiting superannuation savings*' and the business plan priority relating to superannuation misconduct.

7. [redacted] this has occurred in the context of ASIC's ongoing investigation into APT, CYS and the individual officers responsible for the consumer harm caused by those companies. In conjunction with the [redacted] investigation, our aim is to remove bad actors from the industry and send a general deterrence message to those conducting similar super-rollover models, that inappropriate advice, including personal advice disguised as general advice, will not be tolerated.

Reinstatement Proceeding

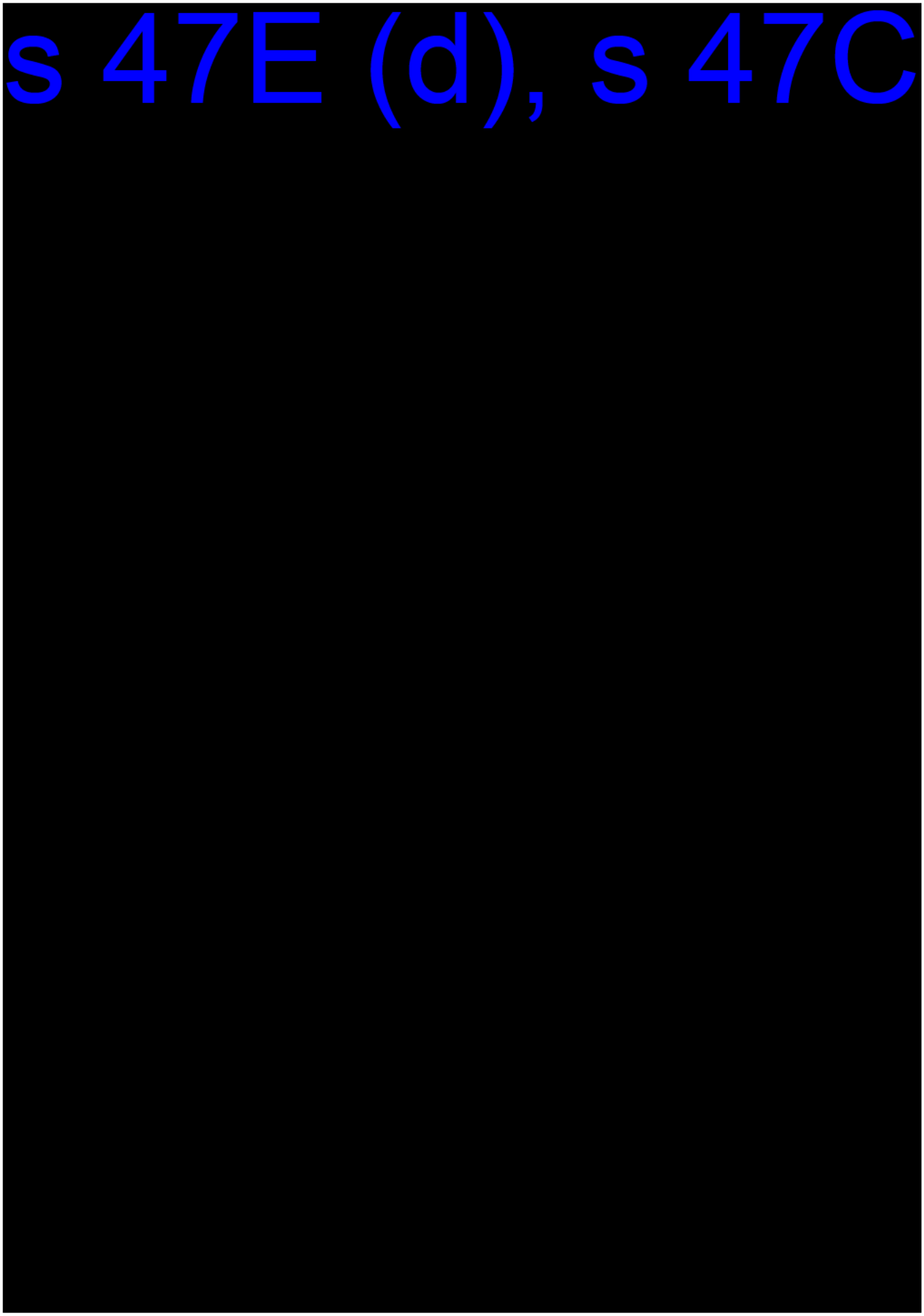
8. AFCA cannot make any determinations for complaints lodged against an AFCA member after its deregistration as a company, which is now the case for APT. For consumers to access the CSLR, they first need an eligible unpaid AFCA determination in their favour.

9. Moreover, for AFCA to make further determinations, not only must APT be reinstated as a company, but it must also retain its AFCA membership. The

team's ongoing discussions with AFCA about retaining membership are discussed at paragraphs 18-20 below.

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s 47E (d)


s 47E (d), s 47C

s 47E (d), s 47C

s 22

Significant Legal Issues

s 42, s 47E (d)

s 42, s 47E (d)

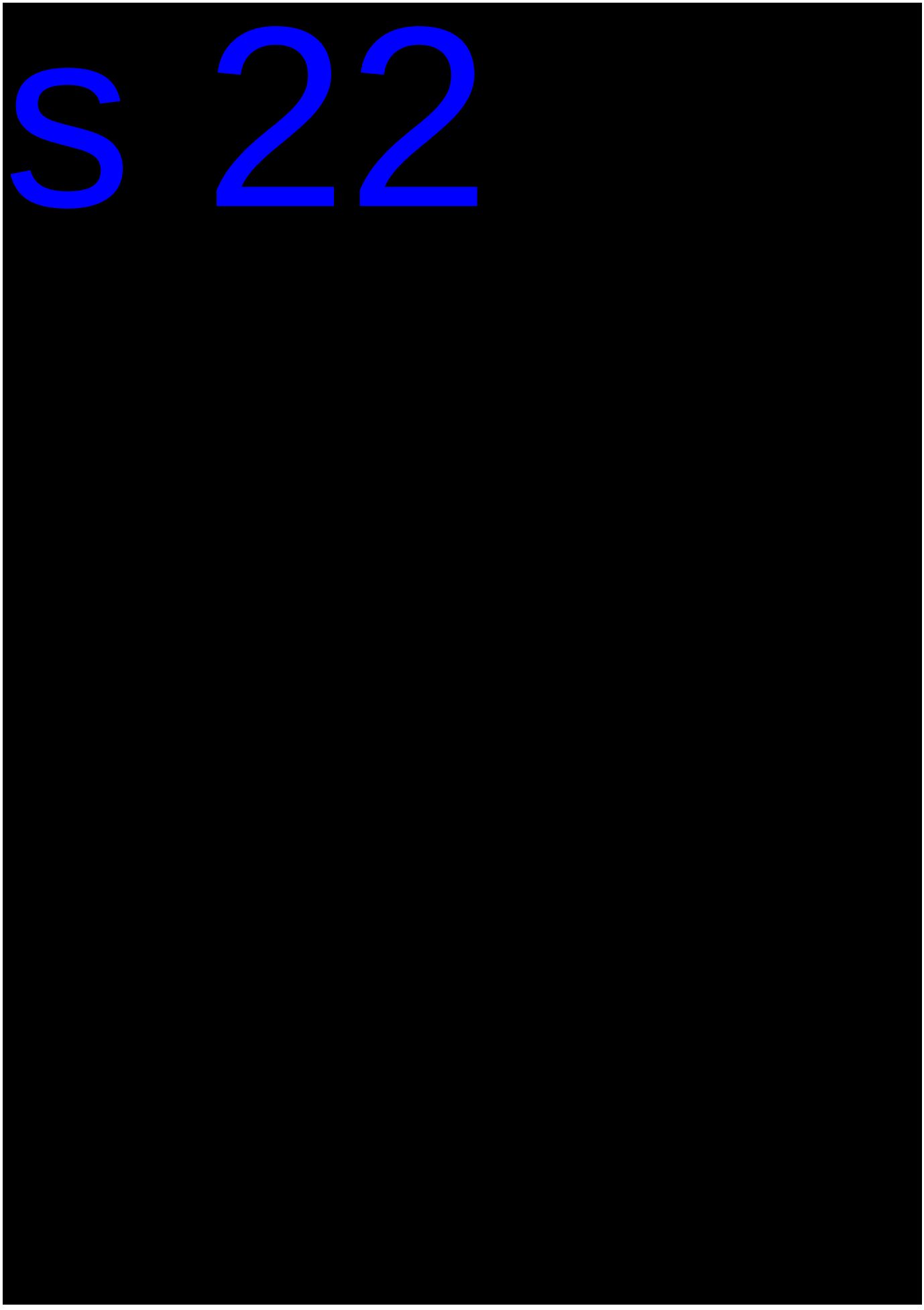
Consideration of competition

24. There are no relevant considerations of competition in this matter.

s 47E (d)

Next steps

s 42, s 47E (d)


s 22

s 22

ASIC
Australian Securities & Investments Commission

Minutes
Commission Enforcement Committee
Meeting 193

Thursday 3 April 2025

2:00pm – 3.55pm AEDT

By Teams: Mel - 7.001 // Syd - 5.010

These minutes may contain information relating to confidential communications with ASIC lawyers for the purpose of giving, or obtaining legal advice, or for use in existing or anticipated litigation. They are provided to the CEC in order to document the decisions made or guidance given by the CEC. Any dealings with these minutes should preserve ASIC's legal professional privilege.

1. Welcome

1.1 Attendance and apologies

Members: s 22 [redacted]

Standing attendees: s 22 [redacted]

Apologies: s 22 [redacted]

1.2 Acknowledgement of Country

The Committee Chair acknowledged on behalf of the Committee the Traditional Owners' ongoing connection to and custodianship of the lands on which the Committee meets and paid respects to Elders past and present.

1.3. Conflicts of Interest

Nil.

s 22 [redacted]

3. Oral updates

s 22 [redacted]

s 22

5. APT Strategy Pty Ltd (deregistered)

s 42, s 47E (d), s 47C

s 22



The meeting closed at 3.55pm AEDT.