# Financial Sector (Collection of Data) (reporting standard) determination No. 17 of 2025

# EXPLANATORY STATEMENT

# Prepared by the Australian Prudential Regulation Authority (APRA)

# *Financial Sector (Collection of Data) Act 2001*, sections 13 and 15

# *Acts Interpretation Act 1901*, section 33

Under subsection 13(1) of the *Financial Sector (Collection of Data) Act 2001* (the Act), APRA has the power to determine reporting standards, in writing, with which financial sector entities must comply. Such standards relate to reporting financial or accounting data and other information regarding the business or activities of the entities. Subsection 33(3) of the *Acts Interpretation Act 1901* provides that where an Act confers a power to issue an instrument the power shall, unless the contrary intention appears, be construed as including a power exercisable in the like manner and subject to the like conditions (if any) to revoke any such instrument.

On 9 September 2025, APRA made the Financial Sector (Collection of Data) (reporting standard) determination No. 17 of 2025 which revokes *Reporting Standard SRS 331.0 Services* made under Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2015 (the old reporting standard).

The instrument commences on 1 October 2025.

**1. Background**

# The old reporting standard required RSE Licensees to provide information to APRA relating to the services provided to a registrable superannuation entity. The old reporting standard contained several reporting items that were defined by reference to *Prudential Standard SPS 231 Outsourcing* (SPS 231). SPS 231 was designed to require RSE Licensees to manage risks arising from outsourced material business activities.

# On 1 July 2025, Banking, Insurance, Life Insurance, Health Insurance and Superannuation (prudential standard) determination No. 2 of 2023 commenced and revoked Superannuation (prudential standard) determination No. 3 of 2012 including SPS 231and determined *Prudential Standard CPS 230 Operational Risk Management* (CPS 230).

# CPS 230 is designed to strengthen the management of operational risk, respond to business disruptions and manage the risks from the use of service providers for all APRA-regulated entities.

# CPS 230 requires APRA-regulated entities to submit a register of material service providers to APRA on an annual basis. This information overlaps with the collection of information under the old reporting standard. As a result, APRA has determined that collection of the information under the old reporting standard is no longer required.

**2. Purpose and operation of the Legislative Instrument**

The purpose of the legislative instrument is to revoke the old reporting standard. The information collected under the old reporting standard will now be provided to APRA in accordance with CPS 230. This will reduce duplication of reporting for RSE licensees.

*Operation of the instrument*

The first paragraph of the legislative instrument identifies the source of the power that is being exercised by the delegate and is the operative paragraph that revokes the old reporting standard.

The second paragraph provides that the revoked reporting standard will cease to apply on 1 October 2025.

The third paragraph provides for the legislative instrument to commence on 1 October 2025.

**3. Documents incorporated by reference**

Under paragraph 14(1)(a) of the *Legislation Act 2003*, the legislative instrument incorporates by reference as in force from time to time:

* *Legislation Act 2003* (Cth).

This document can be freely obtained on the Federal Register of Legislation at www.legislation.gov.au.

**4. Consultation**

# Consultation was not undertaken in respect of the legislative instrument. Revocation of the old reporting standard was considered to be minor and machinery in nature as the legislative instrument seeks to eliminate duplicate reporting requirements for RSE Licensees following the commencement of CPS 230 and is not expected to substantially impact RSE Licensees. APRA undertook public consultation in respect of CPS 230.

**5. Regulation Impact Statement**

The Office of Impact Analysis (OIA) advised on 3 July 2025 that detailed analysis is not required under the Australian Government’s Policy Impact Analysis Framework in respect of the revocation of the old reporting standard.

# 6. Statement of compatibility prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

# A Statement of compatibility prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* is provided at Attachment A to this Explanatory Statement.

# 7.    Legislative instrument – disallowance and sunsetting

# The instrument is a legislative instrument for the purposes of the *Legislation Act 2003* (Legislation Act). In accordance with section 44 of the Legislation Act and item 3 in paragraphs 9 and item 6 in paragraph 11 of the *Legislation (Exemptions and Other Matters) Regulation 2015*(Legislation Regulation), the instrument is not subject to disallowance or sunsetting under the Legislation Act on the grounds that the instrument relates to superannuation. The instrument is a determination which revokes a reporting standard. The Explanatory Statement to the Legislation Regulation states:

# *“Item 3 is an instrument (other than regulations) relating to superannuation. This item preserves the exemption in item 39 of the table in subsection 44(2) of the Legislative Instruments Act. This exemption exists because exposure of superannuation instruments to disallowance would cause commercial uncertainty, as well as uncertainty for superannuation fund members and providers. These instruments are intended to have enduring operation and are not suitable for the disallowance process.”*

# *“Item 6 is an instrument (other than a regulation) relating to superannuation. This item preserves the exemption in item 42 of the table in subsection 54(2) of the Legislative Instruments Act. Sunsetting of instruments relating to superannuation could cause commercial uncertainty, as well as uncertainty for superannuation fund members and providers. These instruments are intended to have enduring operation and it would not be appropriate to subject them to sunsetting.”*

# APRA conducts regular reviews of its reporting standards, which range from post-implementation reviews to targeted reviews of specific standards or aspects of standards.

# ATTACHMENT A

# Statement of Compatibility with Human Rights

# Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

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This Legislative Instrument is compatible with the human rights and freedoms recognised or declared in the international instrument listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011* (HRPS Act).

**Overview of the Legislative Instrument**

The purpose of the Legislative Instrument is to revoke the following instrument:

*Reporting Standard SRS 331.0 Services* made under *Financial Sector (Collection of Data) (reporting standard) determination No. 9 of 2015*

**Human rights implications**

APRA has assessed the Legislative Instrument and is of the view that it does not engage any of the applicable rights or freedoms recognised or declared in the international instruments listed in section 3 of the HRPS Act. Accordingly, in APRA's assessment, the Legislative Instrument is compatible with human rights.

**Conclusion**

This Legislative Instrument is compatible with human rights as it does not raise any human rights issues.