

Olding, Marianna

From: Holland, Gideon <[REDACTED]>
Sent: Friday, 18 June 2021 5:07 PM
To: Hyde, Matthew
Cc: Lattimore, Ralph; CN Office; Leong, Anthony
Subject: RE: ABGF Competitive Neutrality Complaint - Request for information [SEC=OFFICIAL:Sensitive]

OFFICIAL:Sensitive

Matthew,

Many thanks for these questions. We will work through them and revert as soon as we can.

Gideon

From: Hyde, Matthew <[REDACTED]>
Sent: Friday, 18 June 2021 5:00 PM
To: Holland, Gideon <[REDACTED]>
Cc: Lattimore, Ralph <[REDACTED]>; CN Office <[REDACTED]>
Subject: ABGF Competitive Neutrality Complaint - Request for information [SEC=OFFICIAL:Sensitive]

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OFFICIAL:Sensitive

Hi Gideon

Thank you for your return call this afternoon.

As discussed, the Australian Government Competitive Neutrality Complaints Office is investigating a complaint into the Australian Business Growth Fund (ABGF). We are currently preparing an in-house draft report that, once drafted, we will provide to APRA, the ABGF, the Treasury and the complainant for comment.

Before doing so, we would like to ensure that we are correct in our understanding of a few matters.

We are aware that APRA revised its capital treatment of ADI investments in the ABGF in [its letter of 9 December 2019](#). The complainant saw this as attributable to the ownership stake of the Australian Government in the ABGF. In considering whether this is the case, we would appreciate a response to the following questions.

- 1) Are there (or have there previously been) any other investment funds similar in design to the ABGF in Australia: that is, joint equity investment funds co-owned by multiple ADIs — but without government involvement?
 - If so, were the relevant ADIs able to access the 250% risk weighting on their investments? If not, what was the reason for that?
- 2) Can APRA clarify whether any new funds similar in form and function to the ABGF would be eligible to receive the same capital treatment, or whether the capital treatment is limited *only* to investments in the ABGF?
 - If the treatment is limited to the ABGF only, why is that the case?

- 3) Our interpretation of APRA's testimony to the Senate Economics Committee, in scrutinising the ABGF legislation, is that APRA would have provided the same treatment to a fund akin to the ABGF had the Australian Government not held an ownership stake. (The phrasing used was that Australian Government ownership 'certainly wasn't a requirement'.)
 - Is our interpretation of this accurate?
- 4) Our interpretation of Section 8(2) of your Act, alongside testimony before the Senate Economics Committee, is that APRA is not required to consider competitive neutrality in relation to the ABGF, because the ABGF itself is not regulated by APRA.
 - Is our interpretation of this accurate?

As discussed, we'd appreciate a brief written response to these questions — but we're happy to meet next week to discuss this further.

And as for our process from here: we will produce a final report after we've received feedback from relevant parties on the draft report. The final report will be a public document, but we will provide APRA with a copy prior to publication.

Happy to discuss further to clarify

Regards,

Matthew Hyde

Australian Government Competitive Neutrality Complaints Office

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