



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Mr Phillip Sweeney

By email only: [foi+request-10440-
e1b70050@righttoknow.org.au](mailto:foi+request-10440-e1b70050@righttoknow.org.au)

Our Reference: FOI 131-2023

2 August 2023

Dear Mr Sweeney

Freedom of Information Request No. 131-2023

Decision and reasons for the decision

I refer to your request dated 10 July 2023 under the *Freedom of Information Act 1982 (FOI Act)* in which you seek access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

The document or documents I seek is/are any correspondence from AFCA to ASIC that makes mention of NULIS Nominees (Aust) Ltd making a representation to AFCA that NULIS was not the "correct financial firm" or words to that effect in correspondence to AFCA dated 20 May 2021 {or making reference to Section 1052E of the Corporations Act 2001} with respect to the administration of a particular Defined Benefit Regulated Superannuation Fund, when in fact NULIS has administered this particular Defined Benefit fund since 1 July 2016 and which is legally identified by the Trust Deed dated 23 December 1913 which constituted and established this superannuation trust (fund).

I have conducted a search in response to your request and have found no documents falling within the terms of your request were identified. As a result, your request is refused in line with paragraph 24A(1)(b)(ii) of the FOI Act, which provides:

Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document

- (i) is in the agency's or Minister's possession but cannot be found; or
- (ii) does not exist.

I searched ASIC's systems for files related to Nulis Nominees (Aust) Pty Ltd. I found no documents falling within the scope of your request. I am satisfied the documents do not exist.

Review rights

In the event that you are dissatisfied with the decision:

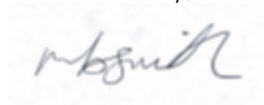
1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for an internal review of my decision under section 54B of the FOI Act. This review is an independent process conducted by a Senior Freedom of Information Officer at ASIC. This request should be addressed to me or to the Senior Manager, Freedom of Information, GPO Box 9827, Brisbane QLD 4001 or by email to foirequest@asic.gov.au.
2. You may within 60 days after the day on which you have been notified of this decision, apply in writing to the Office of the Australian Information Commissioner (**OAIC**) for a review of my decision under section 54N of the FOI Act. You may contact the OAIC by post at GPO Box 5218 Sydney NSW 2001, by email at enquiries@oaic.gov.au or by telephone on 1300 363 992.

Right to complain

You may lodge a complaint with the OAIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIC as set out above.

If you have any questions about this decision, please contact me at rose.brucesmith@asic.gov.au.

Yours sincerely,



Rose Bruce-Smith
(Authorised decision maker under section 23(1) of the FOI Act)