



Australian Government
Commonwealth Superannuation Corporation

21 June 2013

To: Red
by email: foi+request-113-f898cd5b@righttoknow.org.au

Dear Red

Your Freedom of Information Request of 15 May 2013

I refer to your email of 15 May 2013 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to: any Service Level Agreements that the Commonwealth Superannuation Corporation has in place with Pillar in connection with the PSSap.

This letter sets out the decision on your request for access. I made the decision. I am an authorised decision-maker under section 23 of the FOI Act.

Summary of decision

As you have been informally advised, there are no documents relevant to your request.

Reasons for decision

The Commonwealth Superannuation Corporation has no Service Level Agreement with Pillar Administration updating the previous documents provided to you (particularly 'Schedule A' as previously provided).

On 31 May 2011 ComSuper released a press release dealing with the appointment of Pillar Administration. The text of that press release included the following:

Pillar Administration, a NSW state owned corporation, will be responsible for PSSap's scheme administration services from 21 November 2011...

The scheme has been administered from its inception by ComSuper, the Australian Government agency responsible for the day-to-day administration of a range of superannuation schemes for members of the Australian Public Service and the Australian Defence Force. ComSuper will continue to be responsible for contractual management of the relationship with Pillar, on behalf of PSSap. (See <http://www.comsuper.gov.au/news/pssap-tender.shtml>)

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Your Government Super at Work

CSC
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RSE 10001397
ABN 48 682 817 243

CSS
RSE R1004649
ABN 19 415 776 361

MSBS
RSE R1000306
ABN 50 925 523 120

PSS
RSE R1004595
ABN 74 172 177 893

PSSap
RSE R1004601
ABN 65 127 917 725

1922
Scheme

DFRB
Scheme

DFRDB
Scheme

PNG
Scheme

DFSPB

Commonwealth Superannuation Corporation does not have a direct contractual arrangement with Pillar Administration for PSSap scheme administration. You may wish to contact ComSuper to further your enquiries.

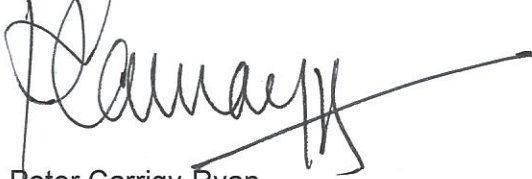
In accordance with section 24A(1) of the FOI Act access to documents you have requested is refused on the grounds all reasonable steps have been taken to locate documents but no documents relevant to the request exist.

A copy of section 24A(1) of the FOI Act is at **Attachment A** and information on your rights of review are at **Attachment B**. While this decision is that no documents exist, you may wish to contend that not all the relevant documents have been identified.

I have decided not to impose charges for this request.

If you have any queries about this notice, please do not hesitate to contact CSC by email at secretary@csc.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Carrigy-Ryan', with a long horizontal stroke extending to the right.

Peter Carrigy-Ryan
Chief Executive Officer

ATTACHMENT A - RELEVANT LEGISLATION

Section 24A 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.

Document not received as required by contract

(2) An agency may refuse a request for access to a document if:

(a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and

(b) the agency has not received the document; and

(c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

ATTACHMENT B - REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you.

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

GPO Box 1907
Canberra ACT 2601

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

Review by the Australian Information Commissioner

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commission at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Australian Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Commonwealth Superannuation Corporation in relation to your request. The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

- Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Commonwealth Superannuation Corporation as the relevant agency.

