



ASIC

Australian Securities & Investments Commission

Our ref: qB15170

7 September 2015

Julie Simpson

**By email to: [foi+request-1194-edff3b1f@righttoknow.org.au](mailto:foi+request-1194-edff3b1f@righttoknow.org.au)**

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Dear Ms Simpson

**Request Pursuant to the Freedom of Information Act 1982 for Access to Documents**

I refer to your email dated 31 August 2015 containing a request for access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

Your request seeks access to the following documents (for the period 1 August 2015 to the date of your request):

*a copy of any correspondence addressed to the Chairman of ASIC in relation to Deeds of a superannuation trust in the possession of ASIC that may assist Victoria Police with their inquiries that relate to a superannuation fund, once known as the Elders IXL Superannuation Fund and more recently as the AusBev Superannuation Fund.*

I am the authorised decision-maker for the purposes of section 23(1) of the FOI Act and this letter gives notice of my decision.

**The Decision**

**Section 24A of the FOI Act**

Section 24A of the FOI Act provides:

- (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.

In considering your request, I have caused searches to be conducted of ASIC's Correspondence Control Unit's (CCU) database. The CCU database records, tracks and facilitates responses to correspondence addressed to ASIC Commission Members.

I have also caused to be made enquiries to the Chairman's office which confirm the relevant correspondence has not been received.

I am satisfied that all reasonable steps have been taken to locate documents relevant to your request and I am satisfied that such documents do not exist. I have therefore decided to refuse your request pursuant to s 24A(1) of the FOI Act.


### **Review Rights**

I provide you with the following information as required by section 26 of the FOI Act.

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 a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law GPO Box 9827 SYDNEY or by email to [foirequest@asic.gov.au](mailto:foirequest@asic.gov.au)
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at GPO Box 5218 Sydney NSW 2001. You may also contact the Office of the Australian Information Commissioner by email at [enquires@oaic.gov.au](mailto:enquires@oaic.gov.au).
3. You may lodge a complaint to the Commonwealth Ombudsman in respect to the conduct of ASIC in the handling of this request. To do so, you can contact the Ombudsman's office either: by e-mail to [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au), by letter to GPO Box 442 Canberra ACT 2601, or by fax to (02) 6276 0123.

Yours faithfully,



Matthew Povey  
Senior Manager  
Administrative Law  
(Authorised decision-maker under s 23(1) of the FOI Act)