



**ASIC**

Australian Securities & Investments Commission

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Our Ref: 15624/16

12 May 2016

Mr Phillip Sweeney

**By email: [foi+request-1902-ba8e9157@righttoknow.org.au](mailto:foi+request-1902-ba8e9157@righttoknow.org.au)**

Dear Mr Sweeney

**Request under the *Freedom of Information Act 1982* for access to documents**

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) received by the Australian Securities and Investments Commission (ASIC) on 29 April 2016 in which you sought access to the following:

*Following media attention of the claims handling procedures of CommInsure, the Minister responsible for ASIC, the Hon Kelly O'Dwyer MP, gave a direction to ASIC to undertake a review/investigation of CommInsure and the wider Life Insurance Industry.*

*The document or documents I seek is/are any letters, emails or file notes of phone conversations (or other correspondence) from the Assistant Treasurer, the Hon Kelly O'Dwyer MP to the Chairman of ASIC or any other ASIC officer giving a direction to ASIC to undertake this review or investigation.*

I am the authorised decision-maker for the purposes of s23 of the FOI Act and this letter gives notice of my decision.

**Decision**

**Section 24A of the FOI Act**

Section 24A(1) of the FOI Act states:

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 processing your request, I have made enquiries with the relevant ASIC officers involved. These enquires have revealed that ASIC is not in possession of any documents falling within the scope of your request.

I am satisfied that all reasonable steps have been taken to locate documents relevant to your request and I am satisfied that the documents are not in ASIC's possession. I have therefore decided to refuse your request in accordance with s24A1(b)(ii) of the FOI Act.

### **Review Rights**

I provide you with the following information as required by s26 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
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 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001.
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 sincerely



Evelyn Ong  
(Authorised decision-maker under subsection 23(1) of the FOI Act)  
for the Australian Securities and Investments Commission