



**ASIC**

Australian Securities & Investments Commission

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Our Ref: 35989/16

Mr P Sweeney  
[foi+request-2061-c3b2fb2b@righttoknow.org.au](mailto:foi+request-2061-c3b2fb2b@righttoknow.org.au)

Dear Mr Sweeney

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

I refer to your emailed request for access to documents under the *Freedom of Information Act* 1982 (FOI Act) dated 2 October 2016.

I confirm that your request seeks access to the following:

1. “a copy of a directive from ASIC officer Greg Hackett (or any other ASIC officer) to PFS Nominees Pty Ltd instructing this corporate trustee to comply with subsection 1017C(5) of the Corporations Act 2001 and related Regulations and allow persons with a beneficial interest in this pension scheme to inspect and copy Deeds of this fund (or for copies to be provided to them)”.

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

**The Decision**

Section 24A 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 conducted the following searches:

- Searches of ASIC's national file database and ASIC's Complaints Management database;

- Searches of ASIC's:
  - FSLS database, is a workflow system that is used for Australian financial services licensing;
  - PRIME database, which is a workflow system used for all surveillance activities, PDS reviews, Qualified Audit Report Review and Breach Notifications; and
  - RAW database, which is a workflow database that supports applications for relief, projects and advice requests.

The above searches have revealed no documents within the scope of your request.

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

### **Review Rights**

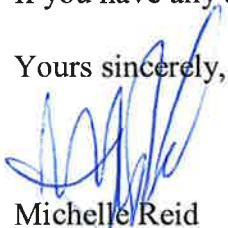
I provide you with the following information as required by section 26 of the FOI Act.

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 lodge a complaint with the Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request.

If you have any queries, please contact me.

Yours sincerely,



Michelle Reid

(Authorised decision-maker under s23(1) of the FOI Act)