



ASIC

Australian Securities & Investments Commission

GPO Box 9827 in your Capital City

Our Reference: 10943/17
Your Reference:
Direct Phone: 07 3867 4944
Direct Facsimile: 07 3867 4725
Email: Phillip.Mines@asic.gov.au

13 April 2017

Mr Phillip Sweeney
By email to : foi+request-3252-11d5edb2@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 16 March 2017, in which you sought access to certain documents, as detailed below:

Reference is made to ASIC Media Release 17-002MR ASIC imposes licence conditions on NAB's superannuation trustee.

The following is stated in this Media Release

"On 1 July 2016, NAB restructured its superannuation business by transferring five superannuation funds (including the MKBS and MKPS products) into the MLC Super Fund. NULIS also became the trustee of the transferred funds."

The documents I seek are copies of correspondence between NULIS Nominees (Australia) Ltd (or National Australia Bank) notifying ASIC of this "restructuring".

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 enquiries 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 s24A(1)(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, NSW, 2001 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, by letter to GPO Box 442, Canberra, ACT, 2601, or by fax to (02) 6276 0123.

Yours sincerely



Phillip Mines

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