



**CDPP**

*Australia's Federal Prosecution Service*

Commonwealth Director  
of Public Prosecutions

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Your Reference:

Our Reference: MM18100258

10 July 2018

Mr Phillip Sweeney

By email: [foi+request-4662-cc504d20@righttoknow.org.au](mailto:foi+request-4662-cc504d20@righttoknow.org.au)

Dear Mr Sweeney

**NOTICE OF DECISION UNDER SECTION 26 OF THE *FREEDOM OF INFORMATION ACT 1982***

I refer to your email of 25 June 2018 making a request pursuant to the *Freedom of Information Act 1982* (Cth) (**FOI Act**). Your email referred to an allegation of misconduct by the National Australia Bank (**NAB**) and one of its business partners in relation to a pension scheme formerly known as the Elders IXL Superannuation Fund. However, your request was for:

copies of any correspondence between ASIC and the CDPP up until 22 June 2018 that would confirm that ASIC (and/or the SCT) is also liaising with the CDPP in relation to a far more serious case of misleading conduct which involves the NAB and a business partner

Your email did not provide details of the 'far more serious case of misleading conduct'.

By email dated 26 June 2018, I asked you to clarify whether you were seeking documents relating to alleged misconduct surrounding the Elders IXL Superannuation Fund, or some other misleading conduct. If the latter, I asked you to identify the allegations of misleading conduct concerned.

By a second email dated 5 July 2018, I noted that I had not received a response and advised that if I had not heard from you by 9 July 2018, I would deal with your request on the basis that the documents you are seeking relate to an allegation of misconduct by the NAB and one of its business partners in relation to a pension scheme formerly known as the Elders IXL Superannuation Fund.

Since I have not heard from you, I am proceeding to deal with your request on that basis.

## **AUTHORISATION**

I am a person authorised by the Commonwealth Director of Public Prosecutions (CDPP) to make decisions on requests for access to documents under the FOI Act. My name and position are:

Fiona Thompson  
Acting Principal Federal Prosecutor  
CDPP, Melbourne Office

## **DECISION**

I have made a comprehensive search of the CDPP's records and found no documents falling within the terms of your request. I am satisfied that no such documents exist. Your request is therefore refused pursuant to section 24A of the FOI Act.

## **RIGHTS OF REVIEW**

Under section 26 of the FOI Act I am required to inform you of your rights of review.

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision refusing to grant access to documents. An application for internal review of the decision must be made in writing within 30 days of receipt of this letter. No particular form is required but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application may be sent to [foi@cdpp.gov.au](mailto:foi@cdpp.gov.au) or to the following postal address:

FOI Coordinator  
CDPP  
PO Box 3104  
CANBERRA ACT 2601

If the decision on internal review goes against you, you are entitled to seek a review of that decision by the Information Commissioner. Alternatively, you are entitled to bypass the internal review process and make an application directly to the Office of the Information Commissioner pursuant to section 54L of the FOI Act.

You can find information about the review process, including the online review form, on the Information Commissioner's website at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>. Alternatively, your written application for review may be sent to:

Information Commissioner (Reviews)  
GPO Box 5218  
SYDNEY NSW 2001

Yours sincerely

A handwritten signature in blue ink that reads "Fiona Thompson". The signature is written in a cursive style with a large initial 'F' and a long, sweeping underline.

Fiona Thompson  
Acting Principal Federal Prosecutor