



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Our reference: 33487/18

29 October 2018

Mr Phillip Sweeney

By email – foi+request-4851-5de140bc@righttoknow.org.au

Dear Mr Sweeney

Freedom of information request – decision

We refer to your request for access to documents under the *Freedom of Information Act 1982 (FOI Act)*.

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 29 September 2018, you requested access to:

“copies of any correspondence between ASIC and the Parliament of South Australia and/or the Attorney-General’s Department of South Australia related to the Elder Smith & Co Limited Provident Funds Act 1963 (SA) and/or the fund then known as The Provident Fund (later known as the Elders IXL Superannuation Fund).”

Decision and reasons for the decision

The documents you request do not exist. Your request is refused in line with paragraph 24A(1)(b)(ii) of the FOI Act, which provides:

Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

- (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.

We searched our electronic records and we have no documents that fall within the scope of your request. I am satisfied the documents do not exist.

Review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner Review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply for an internal review of my decision. The internal review application must be made in writing within 30 days of the date of this letter.

Where possible, please include reasons why you believe review of the decision is necessary. The review will be carried out by another ASIC officer within 30 days.

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.

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and can be submitted:

online	https://forms.business.gov.au/aba/oaic/foi-review-
email	enquiries@oaic.gov.au
post	GPO Box 2999, Canberra ACT 2601
in person	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the [Office of the Australian Information Commissioner website](#).

Right to complain

You may lodge a complaint with the OAIC about the conduct of ASIC in the handling of this request. You may contact the OAIC as described above.

Questions about this decision

If you have any questions, please contact me by phone on 03 9280 4614 or by email at david.asadi@asic.gov.au.

Yours sincerely



David Asadi
Authorised decision-maker under subsection 23(1) FOI Act
Australian Securities and Investments Commission