



Superannuation
Complaints
Tribunal

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19 December 2018

Mr Phillip Sweeney

By e-mail: foi+request-5147-caf1af0b@righttoknow.org.au

Dear Mr Sweeney

Freedom of Information Request

I refer to your email to the Superannuation Complaints Tribunal dated 5 December 2018. I acknowledge receipt of your email as a request for documents under the *Freedom of Information Act 1982* (FOI Act).

Your request

Your request is for:

"...any document or documents that would confirm that any trustee or insurance provider has been prosecuted by the Tribunal (or the CDPP) pursuant to Section 24 of the SRC Act. The search period is from 1993 to the present."

For the purposes of this request, the SRC Act is the *Superannuation (Resolution of Complaints) Act 1993* (Cth).

The purpose of this correspondence is to give you a decision about access to the documents that you request. My decision covers only those documents in the possession of the Tribunal.

Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents.

A search was conducted within the Tribunal to locate documents matching your request.

My decision is to refuse access under section 24A(1) of the FOI Act, on the grounds that all reasonable steps have been taken to find the documents and I am satisfied that the documents requested do not exist.

As the requested documents do not exist, I am refusing your request for access.

Your review rights

Under the FOI Act you have a right to seek review of this FOI decision.

Under Part VI of the FOI Act you may seek an internal review of the decision. An internal review is conducted by a different FOI authorised officer within the Tribunal. An application for internal review must be in writing and must be made within 30 days, or such further period as the Tribunal allows, after the day the decision is notified.

Alternatively, under Part VII of the FOI Act, you may seek a review of the decision by the Office of the Australian Information Commissioner (OAIC). The OAIC conducts a merits review to determine the correct or preferable decision in the circumstances. Such application in relation to an access refusal decisions must be made within 60 days after the day notice of the decision was given.

Also, under Part VIIIB of the FOI Act, you have the right to make a complaint, in writing, to the Australian Information Commissioner about any action taken by the Tribunal in the performance of functions, or the exercise of powers, under the FOI Act.

Further information about these rights is contained in Parts 9, 10 and 11 of the FOI Guidelines, available on the Australian Information Commissioner's website at www.oaic.gov.au/publications/guidelines.

Please contact me by email if you require further assistance.

Yours sincerely



Eva Karakostas
FOI Officer
Superannuation Complaints Tribunal