



ASIC

Australian Securities & Investments Commission

Our ref: FOI 006-2019

1 February 2019

Mr Phillip Sweeney

By email: foi+request-5220-5c843c4e@righttoknow.org.au

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Dear Mr Sweeney

Freedom of Information Decision

I refer to your email dated 18 January 2019, in which you made a request under the *Freedom of Information Act 1982* (Cth) ('**the Act**') to the Australian Securities and Investments Commission ('**ASIC**').

You made the following request to ASIC:

'ASIC is currently seeking tenders from trustees of regulated superannuation fund[s] to provide default superannuation for ASIC staff from 1 July 2019, when ASIC staff are no longer covered by the Public Service Act 1999.'

The documents I seek are a copy of tender documents sent {or any other documents} to NULIS Nominees (Australia) Ltd, the trustee of the MLC Super Fund, Australia's largest 'Retail' Superannuation Fund, related to providing superannuation services to ASIC staff'.

I acknowledge receipt of this request and advise that I am the authorised decision maker pursuant to section 23 of the Act.

Decision

I confirm that a search of ASIC's records was undertaken and that no documents have been located which fall within the scope of your request.

ASIC has not sent any documents to NULIS Nominees (Australia) Ltd concerning the proposed default superannuation fund for ASIC employees to operate from 1 July 2019.

ASIC has sought proposals from trustees of complying superannuation funds to operate as the default superannuation fund for ASIC's employees from 1 July 2019, where an employee has not nominated a superannuation fund. ASIC has made this request public on its website at:

<https://asic.gov.au/about-asic/dealing-with-asic/tenders-and-procurement/request-for-proposals-asic-default-superannuation-fund/>.

Accordingly, I have refused your request for access on the basis that all reasonable steps have been taken to locate the documents and I am satisfied that no such documents exist. This is pursuant to section 24A(1)(b)(ii) of the Act.

Review rights

If you are not satisfied with this decision, you may:

- within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for another ASIC officer to review this decision. This is pursuant to section 54B of the Act. The application should be addressed to the Senior Manager, Freedom of Information Team, GPO Box 9827, Melbourne VIC 3001 or sent by email to foirequest@asic.gov.au;
- within 60 days after the day on which you have been notified of this decision, apply in writing to the Office of the Australian Information Commissioner (OAIC) for a review of the decision. This is pursuant to section 54N of the FOI Act. You may contact the OAIC by post at GPO Box 5218 Sydney NSW 2001, by email at enquiries@oaic.gov.au or by telephone on 1300 363 992; or
- lodge a complaint with the OAIC in relation to ASIC's conduct concerning your request. You may contact the OAIC as described above.

Yours faithfully,

Jeremiah Leong

Authorised decision-maker pursuant to section 23(1) of the FOI Act, on behalf of the Australian Securities and Investments Commission