



**ASIC**

Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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26 November 2019

Phillip Sweeney

By email only: [foi+request-5794-47a5b431@righttoknow.org.au](mailto:foi+request-5794-47a5b431@righttoknow.org.au)

Dear Mr Sweeney

**Freedom of Information Request No. FOI 234-2019**

I refer to your request for access to documents made under the *Freedom of Information Act 1982 (FOI Act)* dated 27 October 2019 in which you requested access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

*The document(s) I seek are copies of any policy documents governing so-called "Stakeholder Engagement Meetings" by ASIC Commissioners and other senior ASIC staff with the personnel (sic) of financial institutions that ASIC is supposed to be regulating.*

*The search period is from the time James Shipton appeared as a witness at the Hayne Royal Commission to present.*

**Decision**

I am the authorised decision-maker for the purposes of section 23 of the Act and this letter gives notice of my decision.

**Information considered**

In reaching my decision, I have considered the following:

- the FOI Act, in particular, s 24A;
- the results of enquiries made with relevant ASIC staff;
- the Australian Information Commissioner's FOI Guidelines issued under s 93A of the FOI Act (**FOI Guidelines**); and
- the terms of your request.

**Section 24A of the FOI Act**

Section 24A of the FOI Act relevantly provides:

*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.

I have consulted with relevant ASIC staff (including ASIC's Chief of Staff) and made enquiries about whether ASIC is in possession of documents meeting the description and timeframe contained in your request. The responses from relevant staff indicate that ASIC is not in possession of documents falling within the scope of your request.

My decision is therefore to refuse your request for access to documents under section 24A(1)(b)(ii) of the FOI Act on the basis that all reasonable steps have been taken to find documents within the scope of your request and I am satisfied that no such documents exist.

### **Review rights**

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 an internal review of my decision under section 54B of the FOI Act. This review is an independent process conducted by a Senior Freedom of Information Officer at ASIC. This request should be addressed to me at GPO Box 9827, Brisbane QLD 4001 or by email to [foirequest@asic.gov.au](mailto:foirequest@asic.gov.au).
2. You may 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 my decision under 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](mailto:enquiries@oaic.gov.au) or by telephone on 1300 363 992.

### **Right to complain**

You may lodge a complaint with the OAIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIC as set out above.

If you have any questions, I may be contacted by email on [Mirijana.Soldatic@asic.gov.au](mailto:Mirijana.Soldatic@asic.gov.au).

Yours sincerely



**Mirijana Soldatic**

Senior Manager, FOI

Australian Securities and Investments Commission