



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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Phillip Sweeney

**By email:** [foi+request-6574-64fc6c7c@righttoknow.org.au](mailto:foi+request-6574-64fc6c7c@righttoknow.org.au)

Our Reference: FOI 154-2020

3 September 2020

Dear Mr Sweeney

**Freedom of Information Request No. 154-2020**  
**Notice of Access Decision**

I refer to your request dated 4 August 2020 under the *Freedom of Information Act 1982 (FOI Act)* in which you seek access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to the following:

"A copy of the letter sent by Mr Hackett in November 2009 confirming that ASIC had not complied with my original request, namely to assist me to gain access to the terms of the superannuation trust extant as of 25 March 1985 as was referenced in the request for information by Alisha Hill in her email of 6 June 2011."

I have taken your request to be for a copy of ASIC's letter sent to you by Mr Greg Hackett dated 10 November 2009.

**Decision and reasons for decision**

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

I have identified **1** document that is responsive to your request (**attached**). I advise that I have decided to grant access in full to the document.

In your request dated 4 August 2020, you provide a series of assertions of opinion and general commentary relating to your previous dealings with ASIC. I do not consider any of these statements as relevant to the determination of your request. This type of information is not required under the FOI Act and impedes on ASIC's processing of your request efficiently. Please see the Office of the Information Commissioner's [how to make an FOI request](#) webpage for further information.

However, considering my above comments, I have been mindful not to take a narrow approach to the construction of your FOI request. As such, I advise that I have identified the **attached** document based exclusively on the authors, timeframes and dates you

have provided. The documents were identified by searching ASIC case management systems and ASIC archives.

### **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 a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Freedom of Information, 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 [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au) or by telephone on 1300 363 992.

### **Right to complain**

3. 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 described above.

If you have any questions, please contact me at [krystal.fung@asic.gov.au](mailto:krystal.fung@asic.gov.au).

Yours sincerely



**Krystal Fung**  
**Escalated Matters & Government**  
**Assessment & Intelligence**