



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Phillip Sweeney

By email: foi+request-6592-54b818eb@righttoknow.org.au

18 August 2020

Dear Mr Sweeney

Freedom of Information Request No. FOI 157-2020

Acknowledgement of Request

I refer to your request dated 11 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 a copy of:

- 1) the "No Action" letter sent to Andrew Hagger (a former NAB Executive) by ASIC in December 2019; and
- 2) "the "No Action" letter that ASIC would have sent to Nicole Smith [the former NAB Superannuation Trustee chairman] after her [Royal Commission] testimony that she did not consider that any criminal sanctions might apply to the taking of money out of superannuation accounts (even from the accounts of some 4000 dead fund members) for which there was no legal entitlement."

As your request was received on 11 August 2020 and the 30-day statutory period for processing the request commenced on the day after the date of receipt, you should therefore expect a decision to be made by 11 September 2020.

The 30-day processing period may be extended should ASIC find it is necessary to consult third parties, where a charge is to be imposed on the processing of the request or for other reasons. You will be advised if there are changes to the 30-day processing period.

Please note that any documents released to you under the FOI Act may later be published online on the ASIC disclosure log in accordance with our obligation to do so under the FOI Act. This requirement to publish released documents is subject to certain exceptions for example, personal or business information will not be published where it would be unreasonable.

If you have any questions or wish to discuss, please contact me on Mabel.Say@asic.gov.au or (02) 9911 5269.

Yours sincerely,

Mabel Say

Freedom of Information Officer

(Authorised decision maker under section 23(1) of the FOI Act)