



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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Mr Phillip Sweeney

By email only:

[foi+request-6766-956f29bf@righttoknow.org.au](mailto:foi+request-6766-956f29bf@righttoknow.org.au)

Our Reference: 193-2020

29 October 2020

Dear Mr Sweeney,

**Freedom of Information Request No. 193-2020**

**Notice of Decision**

I refer to your request dated 30 September 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 states:

*The website below provides a copy of ASIC Superannuation (Amendment) Instrument 2018/474.*

<https://www.legislation.gov.au/Details/F2018L00709>

*The website states "No longer in force".*

*The document I seek is a document that would confirm the date on which the status of this Legislative Instrument was changed to "No longer in force"*

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

**Decision**

A search of ASIC's records was conducted by ASIC's Superannuation team for a document confirming the date the legislative instrument *ASIC Superannuation (Amendment) Instrument 2018/474* was no longer in force. I am satisfied that all reasonable steps have been taken to find a document of ASIC fitting this description.

I confirm that ASIC does not hold any documents which fit the terms of your request.

Therefore, my decision is to refuse your request under s24A(1)(b)(ii) of the FOI Act.

## Information considered

In reaching my decision, I have considered the following:

- the FOI Act, in particular section 24A;
- the results from searches conducted by ASIC staff;
- the Australian Information Commissioner's FOI Guidelines issued under s 93A of the FOI Act (**FOI Guidelines**);
- the terms of your request.

## Section 24A of the FOI Act

Section 24A of the FOI Act relevantly provides:

*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.*

## Further information

The information you seek can be obtained through a publicly available source. I provide the following to assist you:

- The Federal Register of Legislation provides publicly available information free of charge about the registration and repeal of legislative instruments. This information can be found by searching [www.legislation.gov.au](http://www.legislation.gov.au) for a legislative instrument and clicking on/expanding the 'DETAILS' heading of the instrument.

Where a legislative instrument was repealed, the information under the 'DETAILS' heading includes the date on which the legislative instrument was repealed and its status changed to "No longer in force".

- The consolidated *ASIC Superannuation (RSE Websites) Instrument 2017/570* incorporates the amendments made by *ASIC Superannuation (Amendment) Instrument 2018/474*.

## 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 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 set out above.

If you have any questions or wish to discuss, please contact me at [fleur.forsyth@asic.gov.au](mailto:fleur.forsyth@asic.gov.au).

Yours sincerely,



Fleur Forsyth

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