



ASIC

Australian Securities & Investments Commission

Our Ref: PMR 2015/106

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9 January 2015

Mr Phillip Sweeney
Via Email - foi+request-849-7fc6a31e@righttoknow.org.au

Dear Mr Sweeney,

**Request Under the *Freedom of Information Act 1982*
For Access to Documents**

I refer to your request under the *Freedom of Information Act 1982 (FOI Act)* received by this office on 2 January 2015 in which you sought access to:

Copies of any correspondence between the Chairman of ASIC, Greg Medcraft, or any other ASIC Officer, and Dr Martin Parkinson, the [former] Secretary of the Treasury in relation to allegations made against the purported Trustee, CCSL Limited (or other purported Trustees, including Elders Superannuation Ltd) and/or the superannuation fund recently known as the "AusBev Superannuation Fund" (and previously known as the Elders IXL Superannuation Fund and before that The Provident Fund).

I am an authorised decision-maker for the purposes of section 23 of the Act.

Relevant Legislation

Section 24A(1) of the FOI Act states that:

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) ...; or
 - (ii) does not exist

Decision

I have ensured that all reasonable steps have been taken to find the document or documents the subject of your request. I am satisfied that the document or documents do not exist. Accordingly, your request is refused pursuant to section 24A of the FOI Act.

Review Rights

I provide you with the following information as required by section 26 of the FOI Act.

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, Administrative Law GPO Box 9827 SYDNEY or by email to foirequest@asic.gov.au
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at GPO Box 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001.
3. You may lodge a complaint to the Commonwealth Ombudsman in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Commonwealth Ombudsman - GPO Box 442 CANBERRA 2601.

Yours sincerely,



Andrew Duffy
(Authorised decision-maker under subsection 23(1) of the FOI Act)
for the Australian Securities and Investments Commission