



Our reference: 15/16610

4 February 2015

Mr. Phillip Sweeney
By email: foi+request-853-185674a3@righttoknow.org.au

Dear Mr Sweeney,

Freedom of Information Request 15-1

I refer to your request for access under the *Freedom of Information Act 1982* (the FOI Act) for a copy of the following documents received by the ACC;

- *A document dated 20 December 1982 that describes itself on its face as a "Resolution" and which bears the signature of John Dorman Elliot twice, once in his capacity as a Director of Elders IXL Limited and again in his capacity as a natural person Trustee of an occupational pension fund then known as The Provident Fund and then later known as the Elders IXL Superannuation Fund.*

Your request was received on 5 January 2015, an acknowledgment letter was sent on 6 January 2015 informing you that a decision was due to be made in relation to this request by 4 February 2015.

Documents identified

I have identified one document as matching the description of your request. Details of those documents are set out at **Annexure A**.

Authority and materials considered

I am authorised under section 23 of the FOI Act to make a decision concerning the information you have requested access to.

In reaching my decision I have taken into consideration:

- the relevant provisions of the FOI Act;
- the contents of the relevant documents;
- relevant guidelines issued by the Office of the Australian Information Commissioner; and

- relevant Tribunal and Federal Court decisions concerning the operation of the FOI Act.

Decision

I have located one documents falling within the scope of your request, namely:

- A document entitled “Resolution, Elders IXL Limited, The Provident Fund” dated 20 December 1982 signed by John Elliott, received by the ACC on 5 October 2014 attached to correspondence from Mr Phillip Sweeney.

I have decided to release this document to you in full.

Disclosure Log

Section 11C of the FOI Act provides that information about any documents released under that Act must be published on the ACC’s website within 10 days of release, subject to the exemptions set out in section 11C(1)(a)-(d).

Your review rights

If you are dissatisfied with this decision you can apply for internal review or review by the Information Commissioner. You do not have to apply for internal review before seeking the Information Commissioner’s review.

Internal review

You may seek internal review by making an application in writing to the ACC within 30 days of being notified of this decision. A written application for a review should be sent to the FOI Coordinator at foi@crimecommission.gov.au, or by post to:

FOI Coordinator
Australian Crime Commission
GPO Box 1936
Canberra ACT 2601

Information Commissioner review

Alternatively, you may apply in writing for review by the Information Commissioner. In making your application you need to provide:

- an address for notices to be sent (this can be an email address)
- a copy of this decision.

It would also help if you set out the reasons for review in your application. Requests for review must be in writing and can be made via the website (www.oaic.gov.au), by email at enquiries@oaic.gov.au, or by post at:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

If you are objecting to a decision to refuse access to documents you must apply to the Information Commissioner within 60 days of being given notice of the decision. You can contact the Information Commissioner by phone on 1300 363 992.

Right to complain

You may make a complaint to the Information Commissioner about action taken by the ACC in relation to your application. The complaint needs to be in writing and identify the agency against which the complaint is made.

The Information Commissioner may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

Amy Dyde
FOI Delegate

Annexure A - Schedule of documents – Freedom of Information Request no. 15-1

| Document no. | Date | Size | Description | Decision on access | Exemption |
|--------------|------------------|----------|--|--------------------|-----------|
| 1 | 20 December 1982 | 26 pages | Resolution of Elders IXL Limited: The Provident Fund | Released in full | Nil |