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| Inquiry | Parliamentary Joint Committee on Corporations and Financial Services, Oversight of the Australian Securities and Investments Commission, the Takeovers Panel and the Corporations Legislation No. 1 of the 46th Parliament |
| Agency | Australian Securities and Investments Commission |
| Question No. | 023 |
| Reference | Spoken, 18 June 2021, Hansard page reference 61 |
| Committee member | Senator O'Neill |

Question

Senator O'NEILL: Could you just explain CCU for the record, please?

Ms Chester: That's our correspondence unit. We get CCU to acknowledge all important correspondence that comes to commissioners, deputy chairs and chairs.

Senator O'NEILL: Mr Savundra indicated that it was lodged as a complaint. What does that mean?

Ms Chester: We'll take the detail of the question on notice, thanks.

Senator O'NEILL: Why was it lodged as a complaint?

Ms Chester: At that stage, I wasn't aware whether or not it was a complaint. It came in as a series of letters. We get CCU to acknowledge it and it then goes to the relevant team to make an assessment as to what ought be done. So my reference to, 'Short dot point email fine,' was saying to the team, 'Get cracking, but let me know where this is going and what are the issues.' Now, this is a narrow piece of correspondence here. There were further meetings and discussions that are not covered by this FOI. I think that the chair has already made clear that we're going to provide you with more fulsome information. So you can't make mistakes about references to emails which are a very partial story.

Answer

As described on the ASIC website, we record every report of misconduct that we receive. ASIC's Misconduct and Breach Reporting (MBR) team is generally responsible for making preliminary inquiries and conduct an initial assessment of reports to see if a law relating to corporations or financial services has potentially been broken.

The first letter received from Aperion Law on 23 November 2020 was recorded by MBR as a report of misconduct. The second letter was received on 25 November 2020. The third letter (which attached the First Letter and Second letter) received on 26 November 2020 was addressed to the Commission. Like all correspondence to Commission, this third letter and the attachments were recorded in a database administered by Commission secretariat – known as the 'Commission Correspondence Unit' or 'CCU'. Given that all three letters were on the same subject, and were received within days of one another, it was decided that Corporations would be responsible for reviewing and responding to the correspondence. Irrespective of which team handles the reports of misconduct, they are recorded on ASIC's workflow system – known as the 'CRM' by the Commission Secretariat.

Mr Savundra's response that it was 'lodged as a complaint' means that it was formally registered on our databases and reviewed by the relevant team(s) in accordance with our policies.

A full account of the review of the Nuix prospectus and the related activities undertaken by the team, is given in our supplemental letter to the committee.