

Committee	Parliamentary Joint Committee on Corporations and Financial Services
Inquiry	Oversight of the ASIC, the Takeovers Panel and the Corporations Legislation No. 1 of the 46th Parliament
Question No.	QoN 006
Date	27 August 2021
Topic	Nuix complaint
Reference	Spoken, 27 August 2021, Hansard page 11
Committee member	Senator O'Neill

Question

Mr Longo: I refer to the chronology that's attached to the letter, and, in particular, we wrote to Aperion Law on 4 December—page 11. That was very clear on the position we took. Can I say, Senator, that we did not dismiss Aperion Law's letter. We gave it as much attention as we could in the circumstances in which we received it, based on the information we were given at the time.

Senator O'NEILL: Did you request further information? It looks like you had contact, but I have no clarity about that. Did you request further information—the claims where you say you need all relevant material—

Mr Longo: What we did is in this chronology. If you're asking whether we did anything more, I'm going to take that question on notice. What we did is in this chronology. If there are any questions about whether we did more or less, if it doesn't appear in the chronology, I'd rather take those questions on notice because I'd then have to go back to my team so that I can answer those questions fully and not mislead you. I think that's fair.

Answer

We refer to our letter to the committee dated 9 July 2021 which gives a full account of our activities in relation to the Nuix prospectus.

As described on page 1 of the letter, the matters set out in the complaint were thoroughly analysed by senior staff members. The only issue raised in the complaint relevant to the possible exercise of our stop order powers was quickly followed up and answered to our satisfaction by the company. It was put to the company because under the Corporations Act it is the responsibility of issuers to ensure that their disclosure documents comply with the law. The complaint from Aperion Law did not include anything to support a view that the prospectus was misleading or deceptive or contained a material omission.

The complaint came from a law firm and did not suggest there was further relevant information available. We considered all matters set out in the complaint and responded to Aperion Law on 4 December 2021.

As described in response to written question No 1 from Senator O'Neill, received on notice after the public hearing on 18 June 2021 ([QoN 36-01](#)), we can confirm that our investigation teams have made contact with Aperion Law.