

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.	011
Reference	Spoken, 18 June 2021, Hansard page reference 40
Committee member	Senator O'Neill

Question

Senator O'NEILL: But I'm asking you detail about what happened in addition to this email chain, if there was anything in addition to this email chain. You're unable to answer my questions. Can you understand why that would be of concern to me?

Mr Longo: Your remarks in the parliament were brought to my attention overnight. In the time I've had with my colleagues to consider the issues raised in the parliament, I think we've made a reasonable effort here today to come to the committee and to give you and the committee a reasonable outline of what happened to the best of our knowledge in that limited time frame. But I really want to reassure the committee, through the chair, that I'm happy to come back at a subsequent hearing, and certainly on notice through a letter, to elaborate and amplify what work this team did. So I'm—

Mr Savundra: I think it is appropriate that we take it on notice, given the short period we've had. It shouldn't be assumed that the freedom-of-information request resulted in the production of all documents concerning this matter, so you would need to look at the terms of the freedom-of-information request, and also it's possible certain documents were exempted. We received the complaint on three occasions, between 23 November and 26 November. On 24 November, based on the complaint, the relevant team questioned the company on historical accounting restatements in relation to a number of areas of revenue recognition. On 25 November, a response was received by the company, and, based on that response, it didn't appear that the prospectus was misleading or deceptive or contained any material omissions. That was the assessment of the team. It was 25 November that the relevant exposure period expired. So we really had two days upon receipt of the first complaint and the exposure period expiring. This is based on the briefing I've received. I would appreciate the opportunity to take it on notice and provide you with the full picture.

Senator O'NEILL: But I'm asking you detail about what happened in addition to this email chain, if there was anything in addition to this email chain. You're unable to answer my questions. Can you understand why that would be of concern to me?

Answer

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