



ASIC  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

Nuix Limited  
Level 27, 1 Market Street  
Sydney NSW 2000

Our Reference: CAS-107447-Z8Q0X3  
Your Reference:

21 September 2022

Att: **ss 47F, 47G**

By email only: **ss 47F, 47G**

Dear **ss 47F**,

**Notice issued under s33 of the Australian Securities and Investments Commission Act 2001**

I enclose a notice issued under s33 of the *Australian Securities and Investments Commission Act 2001* (**ASIC Act**), requiring Nuix Limited (ACN 117 140 235) (**Company**) to produce certain books to ASIC. These books relate to and are for the purposes of ensuring compliance with sections 674 and 1043A of the *Corporations Act 2001*. The word 'books', and other expressions used in this notice, are defined in Appendix A.

This letter, the notice and the appendices set out information about the company's rights and obligations.

The company is not excused from providing books on the grounds that the books may incriminate the company or expose it to a penalty: s68(1) of the ASIC Act. The company is entitled to consult with its legal advisers regarding its obligations under the notice.

The notice should not be construed as an indication by ASIC that a contravention of the law has occurred, nor should it be considered a reflection upon any person or entity.

The penalty for failing, without reasonable excuse, to comply with a notice is a fine of up to \$532,800 for a company: see s63(1) and 93E of the ASIC Act. See Appendix B for some of the offence and penalty provisions for non-compliance with notices.

**Producing books to ASIC**

Please produce the books in accordance with ASIC Information Sheet 242: Document Production Guidelines (**INFO 242**) and ASIC's Document Production Guidelines (**Guidelines**). INFO 242 and the Guidelines are available on our website at:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-document-production-guidelines/>.

INFO 242 and the Guidelines provides guidance on how to produce books in both electronic and hard copy form to ASIC. The following is a summary of the key points of INFO 242 and the Guidelines.

### **Books in electronic form**

If books the company must produce under the notice are stored in electronic form, please produce them:

- in the electronic form in which they are stored, including the metadata associated with the books. This is ASIC's preferred form of production; or
- using a litigation support system. Section D of the Guidelines is a protocol that sets out how ASIC prefers documents to be produced when using a litigation support system.

The company is required to produce books that are stored in electronic form in a form capable of being understood by ASIC: s25A of the *Acts Interpretation Act 1901*. This means that where a book to be produced is encrypted, the company is required to either decrypt the book or provide the password to ASIC.

### **Books in hard copy form**

If books the company must produce under the notice are stored in hard copy form:

- the notice may require the company to produce the original hard copy books; or
- if original hard copies are not required by the notice, the company may produce copies of the original books.

Where the company is to produce copies of original hard copy books, please produce electronic copies of the hard copy books to ASIC either:

- scanned individually, at a minimum 300 dpi, in colour where necessary to understand the content, and sent to ASIC as text searchable, multi-page portable document (PDF) files; or
- through a litigation support system.

### **Books in the company's possession, custody or control**

The notice requires the company to produce the books in the company's possession, including books in its custody or control. This includes books that the company physically possesses, whether or not it has a legal right to possess them. The company must also exercise any right or power it may have to recover a book or document that is in the possession of a third party, including books held overseas.

### **Legal professional privilege**

ASIC accepts that a valid claim of legal professional privilege is a reasonable excuse for not providing books under the notice. The company may make a claim of legal professional privilege if it holds that privilege, or if it makes the claim of privilege on behalf of a person who holds that privilege.

ASIC will not accept a claim of legal professional privilege if the claim is not substantiated. Further information about how to make a claim of legal professional privilege, how to

substantiate that claim and ASIC's approach to such claims is set out in ASIC Information Sheet 165: *Claims of legal professional privilege*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/claims-of-legal-professional-privilege/>.

Also, ASIC may accept, on a confidential basis, privileged information (or information that is claimed to be privileged) voluntarily. The terms on which ASIC may elect to accept such information are set out in ASIC's standard agreement, the *Voluntary confidential LPP disclosure agreement*: a full copy of which is available at <https://asic.gov.au/media/1348508/Voluntary-Confidential-Disclosure-Agreement--Legal-Professional-Privilege.pdf>.

### **ASIC's powers under s37(9) of the ASIC Act**

Please retain all books relating to the compilation of books produced in response to this notice.

Where books are produced to ASIC in response to a notice, ASIC may require the person who produced the books or a person who was a party to the compilation of the books to explain any matter about the compilation of the books or to which the books relate: see s37(9) of the ASIC Act.

### **No books to produce**

If the company does not have any books to produce in answer to the notice, please advise me in writing before the due date of the notice.

### **Information about ASIC's powers and privacy policy**

Further information about ASIC's compulsory information gathering powers is set out in ASIC Information Sheet 145: *ASIC's compulsory information gathering powers*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-compulsory-information-gathering-powers/>.

The books required to be produced by the company may include personal information. Please see ASIC's Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle personal information, the company's rights to seek access to and correct personal information, and how to complain about breaches of privacy.

If you have any questions about this notice, please contact me on **s 22** or via **s 22**

Yours faithfully,

**s 22**

Analyst  
Australian Securities and Investments Commission



**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

NTC2216054

**FORM 2**

**Regulation 5**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION REGULATIONS 2001**

**Australian Securities and Investments Commission**

**NOTICE REQUIRING THE PRODUCTION OF BOOKS**

To: Nux Limited  
ACN 117 140 235  
Level 27, 1 Market Street  
Sydney NSW 2000



...poses of ensuring compliance with sections 674 and 1043A of the  
...are notified that, under s33 of the *Australian Securities and  
...ct 2001*, you are required to produce

s 22

at: ... Street Sydney NSW 2000, via email to s 22 or  
...fer link

the following

All ... described in the schedule attached to this notice.

s 22

21 September 2022

\_\_\_\_\_  
Date

A delegate of the  
Australian Securities and Investments Commission



## SCHEDULE

This is the schedule to the notice dated 21 September 2022, bearing identifier NTC2216054, issued to Nuix Limited (ACN 117 140 235) pursuant to section 33 of the *Australian Securities and Investments Commission Act 2001* (Cth).

### Definitions

In this Schedule:

'**Act**' means the *Corporations Act 2001*.

'**Announcement 1**' means the Change of Director's Interest Notice lodged with the ASX on 8 September 2022, in relation to trading by Mr. Jonathan Rubinsztein.

'**ASX**' means ASX Limited ACN 008 624 691.

'**Communications Records**' means:

- i. written communications or records of communications (including, but not limited to, file notes, diary notes, memorandums, agendas, board papers or board packs, documents tabled at directors' meetings, draft and final minutes of meetings and letters) and;
- ii. audio or electronic communications or records of communications (including but not limited to recorded telephone conversations and email messages).

'**Company**' means Nuix Limited ACN 117 140 235 and any related body corporate, related party, or associated entity as defined in the Act.

'**Director**' has the meaning given by s9 of the Act.

'**Relevant Period**' means the period from 1 July 2022 to 9 September 2022 (inclusive).

### Required Books

The Company is required to produce:

s 45

## APPENDIX A: Definitions

The notice uses the following defined terms.

Term	Definition
books	<p>Has the meaning given by s5(1) of the ASIC Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) registers;</li> <li>(b) financial reports or financial records, however compiled, recorded or stored;</li> <li>(c) documents;</li> <li>(d) banker's books; and</li> <li>(e) any other record of information.</li> </ul> <p>Where a book that is responsive to this notice is:</p> <ul style="list-style-type: none"> <li>(a) an email, the email includes any attachments to that email;</li> <li>(b) an attachment to an email, the attachment includes the email to which the attachment is attached and any other attachments to that email;</li> <li>(c) in electronic form, it includes the metadata to that book.</li> </ul>
document	<p>Has the meaning given by s9 of the Corporations Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) anything on which there is writing; and</li> <li>(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and</li> <li>(c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and</li> <li>(d) a map, plan, drawing or photograph.</li> </ul>
record	<p>Has the meaning given by s25 of the Acts Interpretation Act,<sup>1</sup> and so includes information stored or recorded by means of a computer.</p>

<sup>1</sup> The *Acts Interpretation Act 1901* (as in force on 1 January 2005, see s5A of the ASIC Act).

**APPENDIX B: Offences and penalties**

You should be aware of the following offences under the ASIC Act, each of which carry the penalties noted when contravened by a company.

<b>Offence</b>	<b>Definition</b>	<b>Source</b>	<b>Penalty</b>
Failure to comply	You must not intentionally or recklessly, without reasonable excuse, fail to comply with a requirement made under s19, 21(3), 30, 30A, 30B, 31, 32A, 33, 34 or 37(9) of the ASIC Act	Section 63, 93D and 93E	\$532,800
False or misleading statements	You must not, when complying with a requirement made under Pt 3 of the ASIC Act (including s30, 31, 32A or 33 notices), give information or make a statement that is false or misleading in a material particular	Section 64(1), 93D and 93E	\$1,332,000
Obstruct or hinder	You must not, without a reasonable excuse, obstruct or hinder a person exercising a power under Pt 3 of the ASIC Act (including s30, 31 or 33 notices)	Section 65, 93D and 93E	\$532,800

**From:** ss 47F, 47G  
**To:** s 22  
**Subject:** RE: [EXTERNAL]Nuix Limited (NXL): s33 notice and Voluntary Letter [SEC=OFFICIAL]  
**Date:** Wednesday, 21 September 2022 4:11:46 PM  
**Attachments:** [image003.png](#)

---

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you s 22.

This has been received.

Kindest regards,

ss 47F, 47G

ss 47F, 47G | [www.nuix.com](http://www.nuix.com)  
Ph: +61 2 ss 47F, | M: +61 ss 47F,  
Level 27, 1 Market Street, Sydney NSW 2000 Australia  
MS Teams: ss 47F, 47G | Twitter: [twitter.com/nuix](https://twitter.com/nuix)

Nuix\_Email\_Sig\_Faces\_of\_Innovation

*This email may contain confidential or privileged information. If you believe you have received it in error, please notify the sender immediately and delete this message without copying or disclosing it.*

**From:** s 22 <s 22@asic.gov.au>  
**Sent:** Wednesday, 21 September 2022 3:03 PM  
**To:** ss 47F, 47G <ss 47F, 47G>  
**Subject:** [EXTERNAL]Nuix Limited (NXL): s33 notice and Voluntary Letter [SEC=OFFICIAL]

Dear ss 47F, 47G

Further to our conversation this afternoon, please see attached a Voluntary Letter and s33 notice to NXL (CRM Ref. : CAS-107447-Z8Q0X3).

If you have any questions, please contact me on s 22

**I would appreciate confirmation of receipt by return email.**

Regards

s 22

Analyst, Equity Market Surveillance, Market Supervision

**Australian Securities and Investments Commission**

Level 5, 100 Market Street, Sydney, 2000

Tel: +61 s 22

s 22 [asic.gov.au](http://asic.gov.au)

ASIC logo

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work.

We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Please consider the environment before printing this document.

Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for

*information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

**CAUTION:** This email originated from outside of Nuix. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Your privacy is important to us. Read our Privacy Policy here: <https://www.nuix.com/privacy-policy>. This email may contain confidential or privileged information. If you believe you have received it in error, please notify the sender immediately and delete this message without copying or disclosing it.





**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

Nuix Limited  
Level 27, 1 Market Street  
Sydney NSW 2000

Our Reference: CAS-107447-Z8Q0X3  
Your Reference:

6 October 2022

**Att:** ss 47F, 47G

**By email only:** ss 47F, 47G

Dear ss 47F,

**Notice issued under s33 of the Australian Securities and Investments Commission Act 2001**

I enclose a notice issued under s33 of the *Australian Securities and Investments Commission Act 2001* (**ASIC Act**), requiring Nuix Limited (ACN 117 140 235) (**Company**) to produce certain books to ASIC. These books relate to and are for the purposes of ensuring compliance with sections 674 and 1043A of the *Corporations Act 2001*. The word 'books', and other expressions used in this notice, are defined in Appendix A.

This letter, the notice and the appendices set out information about the company's rights and obligations.

The company is not excused from providing books on the grounds that the books may incriminate the company or expose it to a penalty: s68(1) of the ASIC Act. The company is entitled to consult with its legal advisers regarding its obligations under the notice.

The notice should not be construed as an indication by ASIC that a contravention of the law has occurred, nor should it be considered a reflection upon any person or entity.

The penalty for failing, without reasonable excuse, to comply with a notice is a fine of up to \$532,800 for a company; see s63(1) and 93E of the ASIC Act. See Appendix B for some of the offence and penalty provisions for non-compliance with notices.

**Producing books to ASIC**

Please produce the books in accordance with ASIC Information Sheet 242: Document Production Guidelines (**INFO 242**) and ASIC's Document Production Guidelines (**Guidelines**). INFO 242 and the Guidelines are available on our website at:

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-document-production-guidelines/>.

INFO 242 and the Guidelines provides guidance on how to produce books in both electronic and hard copy form to ASIC. The following is a summary of the key points of INFO 242 and the Guidelines.

### **Books in electronic form**

If books the company must produce under the notice are stored in electronic form, please produce them:

- in the electronic form in which they are stored, including the metadata associated with the books. This is ASIC's preferred form of production; or
- using a litigation support system. Section D of the Guidelines is a protocol that sets out how ASIC prefers documents to be produced when using a litigation support system.

The company is required to produce books that are stored in electronic form in a form capable of being understood by ASIC: s25A of the *Acts Interpretation Act 1901*. This means that where a book to be produced is encrypted, the company is required to either decrypt the book or provide the password to ASIC.

### **Books in hard copy form**

If books the company must produce under the notice are stored in hard copy form:

- the notice may require the company to produce the original hard copy books; or
- if original hard copies are not required by the notice, the company may produce copies of the original books.

Where the company is to produce copies of original hard copy books, please produce electronic copies of the hard copy books to ASIC either:

- scanned individually, at a minimum 300 dpi, in colour where necessary to understand the content, and sent to ASIC as text searchable, multi-page portable document (PDF) files; or
- through a litigation support system.

### **Books in the company's possession, custody or control**

The notice requires the company to produce the books in the company's possession, including books in its custody or control. This includes books that the company physically possesses, whether or not it has a legal right to possess them. The company must also exercise any right or power it may have to recover a book or document that is in the possession of a third party, including books held overseas.

### **Legal professional privilege**

ASIC accepts that a valid claim of legal professional privilege is a reasonable excuse for not providing books under the notice. The company may make a claim of legal professional privilege if it holds that privilege, or if it makes the claim of privilege on behalf of a person who holds that privilege.

ASIC will not accept a claim of legal professional privilege if the claim is not substantiated. Further information about how to make a claim of legal professional privilege, how to



substantiate that claim and ASIC's approach to such claims is set out in ASIC Information Sheet 165: *Claims of legal professional privilege*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/claims-of-legal-professional-privilege/>.

Also, ASIC may accept, on a confidential basis, privileged information (or information that is claimed to be privileged) voluntarily. The terms on which ASIC may elect to accept such information are set out in ASIC's standard agreement, the *Voluntary confidential LPP disclosure agreement*: a full copy of which is available at <https://asic.gov.au/media/1348508/Voluntary-Confidential-Disclosure-Agreement--Legal-Professional-Privilege.pdf>.

### **ASIC's powers under s37(9) of the ASIC Act**

Please retain all books relating to the compilation of books produced in response to this notice.

Where books are produced to ASIC in response to a notice, ASIC may require the person who produced the books or a person who was a party to the compilation of the books to explain any matter about the compilation of the books or to which the books relate: see s37(9) of the ASIC Act.

### **No books to produce**

If the company does not have any books to produce in answer to the notice, please advise me in writing before the due date of the notice.

### **Information about ASIC's powers and privacy policy**

Further information about ASIC's compulsory information gathering powers is set out in ASIC Information Sheet 145: *ASIC's compulsory information gathering powers*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-compulsory-information-gathering-powers/>.

The books required to be produced by the company may include personal information. Please see ASIC's Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle personal information, the company's rights to seek access to and correct personal information, and how to complain about breaches of privacy.

If you have any questions about this notice, please contact me on **s 22** or via **s 22** [asic.gov.au](http://asic.gov.au).

Yours faithfully,  
**s 22**

**s 22**  
Analyst  
Australian Securities and Investments Commission



**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

NTC2216233

**FORM 2**

**Regulation 5**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION REGULATIONS 2001**

**Australian Securities and Investments Commission**

**NOTICE REQUIRING THE PRODUCTION OF BOOKS**

To: Nux Limited  
ACN 117 140 235  
Level 27, 1 Market Street  
Sydney NSW 2000

...poses of ensuring compliance with sections 674 and 1043A of the  
...are notified that, under s33 of the *Australian Securities and  
...ct 2001*, you are required to produce

s 22

at: ... Street Sydney NSW 2000, via email to s 22 [asic.gov.au](http://asic.gov.au) or  
...fer link

the following

All books described in the schedule attached to this notice.

s 22

6 October 2022

s 22

Date

A delegate of the  
Australian Securities and Investments Commission

## SCHEDULE

This is the schedule to the notice dated 6 October 2022, bearing identifier NTC221 6233, issued to Nux Limited (ACN 117 140 235) pursuant to section 33 of the *Australian Securities and Investments Commission Act 2001* (Cth).

### **Definitions**

In this Schedule:

'**Act**' means the *Corporations Act 2001*.

'**Announcement 1**' means the Change of Director's Interest Notice lodged with the ASX on 8 September 2022, in relation to trading by Mr. Jonathan Rubinsztein.

'**ASX**' means ASX Limited ACN 008 624 691.

'**Communications Records**' means:

- i. written communications or records of communications (including, but not limited to, file notes, diary notes, memorandums, agendas, board papers or board packs, documents tabled at directors' meetings, draft and final minutes of meetings and letters) and;
- ii. audio or electronic communications or records of communications (including but not limited to recorded telephone conversations and email messages).

'**Company**' means Nux Limited ACN 117 140 235 and any related body corporate, related party, or associated entity as defined in the Act.

'**Director**' has the meaning given by s9 of the Act.

'**Division 3 financial products**' has the same meaning as in s1042A of the Act.

'**Relevant Period**' means the period from 1 July 2022 to 16 September 2022 (inclusive).

### **Required Books**

The Company is required to produce:

s 45

**APPENDIX A: Definitions**

The notice uses the following defined terms.

Term	Definition
books	<p>Has the meaning given by s5(1) of the ASIC Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) registers;</li> <li>(b) financial reports or financial records, however compiled, recorded or stored;</li> <li>(c) documents;</li> <li>(d) banker's books; and</li> <li>(e) any other record of information.</li> </ul> <p>Where a book that is responsive to this notice is:</p> <ul style="list-style-type: none"> <li>(a) an email, the email includes any attachments to that email;</li> <li>(b) an attachment to an email, the attachment includes the email to which the attachment is attached and any other attachments to that email;</li> <li>(c) in electronic form, it includes the metadata to that book.</li> </ul>
document	<p>Has the meaning given by s9 of the Corporations Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) anything on which there is writing; and</li> <li>(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and</li> <li>(c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and</li> <li>(d) a map, plan, drawing or photograph.</li> </ul>
record	<p>Has the meaning given by s25 of the Acts Interpretation Act,<sup>1</sup> and so includes information stored or recorded by means of a computer.</p>

<sup>1</sup> The *Acts Interpretation Act 1901* (as in force on 1 January 2005, see s5A of the ASIC Act).

**APPENDIX B: Offences and penalties**

You should be aware of the following offences under the ASIC Act, each of which carry the penalties noted when contravened by a company.

<b>Offence</b>	<b>Definition</b>	<b>Source</b>	<b>Penalty</b>
Failure to comply	You must not intentionally or recklessly, without reasonable excuse, fail to comply with a requirement made under s19, 21(3), 30, 30A, 30B, 31, 32A, 33, 34 or 37(9) of the ASIC Act	Section 63, 93D and 93E	\$532,800
False or misleading statements	You must not, when complying with a requirement made under Pt 3 of the ASIC Act (including s30, 31, 32A or 33 notices), give information or make a statement that is false or misleading in a material particular	Section 64(1), 93D and 93E	\$1,332,000
Obstruct or hinder	You must not, without a reasonable excuse, obstruct or hinder a person exercising a power under Pt 3 of the ASIC Act (including s30, 31 or 33 notices)	Section 65, 93D and 93E	\$532,800

**From:** ss 47F, 47G  
**To:** s 22  
**Cc:** ss 47F, ss 47F, 47G  
**Subject:** Nuix | s33 notice production (NTC2216233)  
**Date:** Friday, 21 October 2022 4:09:03 PM  
**Attachments:** [You've been sent large files.msg](#)  
[2022 10 21 - Letter to s 22 - ASIC production \(NTC2216233\).pdf](#)  
[3477-6413-9294 1 2022 10 21 - s 45 \(NTC2216233\).xls](#)

---

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

**Confidential**

Dear Mr s 22

Attached by way of production is Nuix's response to the s33 notice (NTC2216233), issued on 6 October 2022 (the **Notice**). s 45

s 45

Please let me know if you have any questions or difficulties accessing the documents.

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

**T** +61 2 ss 47F, 47G **M** +61 ss 47F, 47G

**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.



**From:** ss 47F, 47G  
**To:**  
**Subject:** You've been sent large files

---

Logo



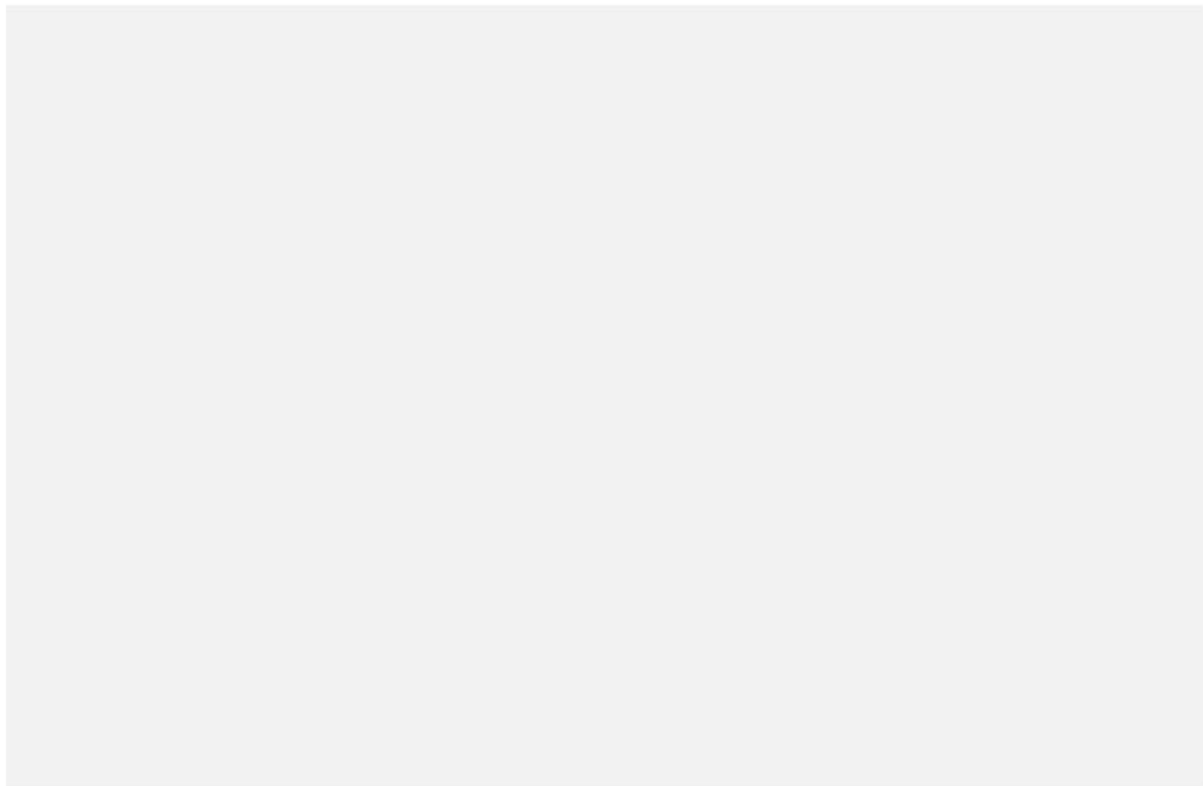
## You've been sent large files

ss 47F, 47G

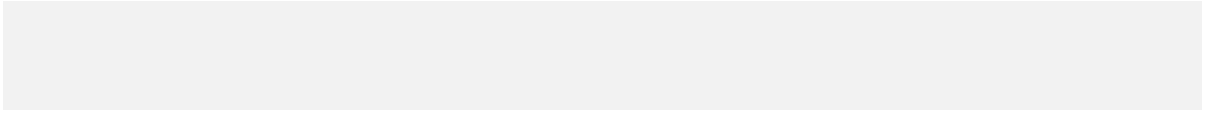
sent you large files. Download them before Fri, 28 Oct 2022 23:59 +1100.

Files

s 45







Partner **ss 47F,**  
Contact **ss 47F, 47G,**  
**T +61 2 ss 47F,**  
Our ref **ss 47F, 47G,**  
RGH:AN:1041359



L 35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue,  
Barangaroo NSW 2000 AUS  
T +61 2 9263 4000 F +61 2 **ss**  
www.gtlaw.com.au

**21 October 2022**

**By email**

**s 22**  
Level 27  
100 Market Street  
Sydney NSW 2000

**CONFIDENTIAL**

Dear Mr **s 22**

**Notice issued to Nuix Limited under s 33 of the Australian Securities and Investments Commission Act 2001 (Cth) dated 6 October (NTC2216233)**

We refer to the section 33 notice issued to Nuix Limited (**Nuix**) above, dated 6 October (**Notice**). Capitalised terms in this letter have the same meaning as the Notices unless otherwise defined.

**s 45**

Please do not hesitate to contact us if you have any questions or would like to discuss.

Yours sincerely  
**Gilbert + Tobin**

*Gilbert + Tobin*

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G



Partner  
Contact  
Our ref  
Your ref

ss 47F,  
ss 47F, 47G  
T +61 2  
ss 47F  
ss 47F, 47G  
RGH:AK1:1046637  
CAS-107447-78Q0X3

**21 October 2022**

By email: s 22      ASIC.gov.au

s 22  
Australian Securities and Investments Commission  
Level 5, 100 Market Street  
Sydney NSW 2000

**Private and confidential**

Dear Mr s 22

s 45



s 45

Please let us know if you have any questions in relation to the information contained in this letter.

Yours sincerely  
Gilbert + Tobin

*Gilbert + Tobin*

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G

**From:** ss 47F, 47G  
**To:** s 22  
**Cc:** ss 47F, ss 47F, 47G  
**Subject:** RE: Nuix | s33 notice production (NTC2216233)  
**Date:** Monday, 24 October 2022 10:39:29 AM  
**Attachments:** [You've been sent large files.msg](#)

---

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Mr s 22

Attached is the s33 notice (NTC2216233) production which we provided on Friday, with the access key removed.

All that should be required to access the documents now is the password included in my email to you at 4:09pm on Friday.

Please let me know if you have any further issues with accessing the production.

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

---

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

---

s 22

**From:** ss 47F, 47G  
**To:** ss 47F, 47G  
**Subject:** You've been sent large files

---

Logo

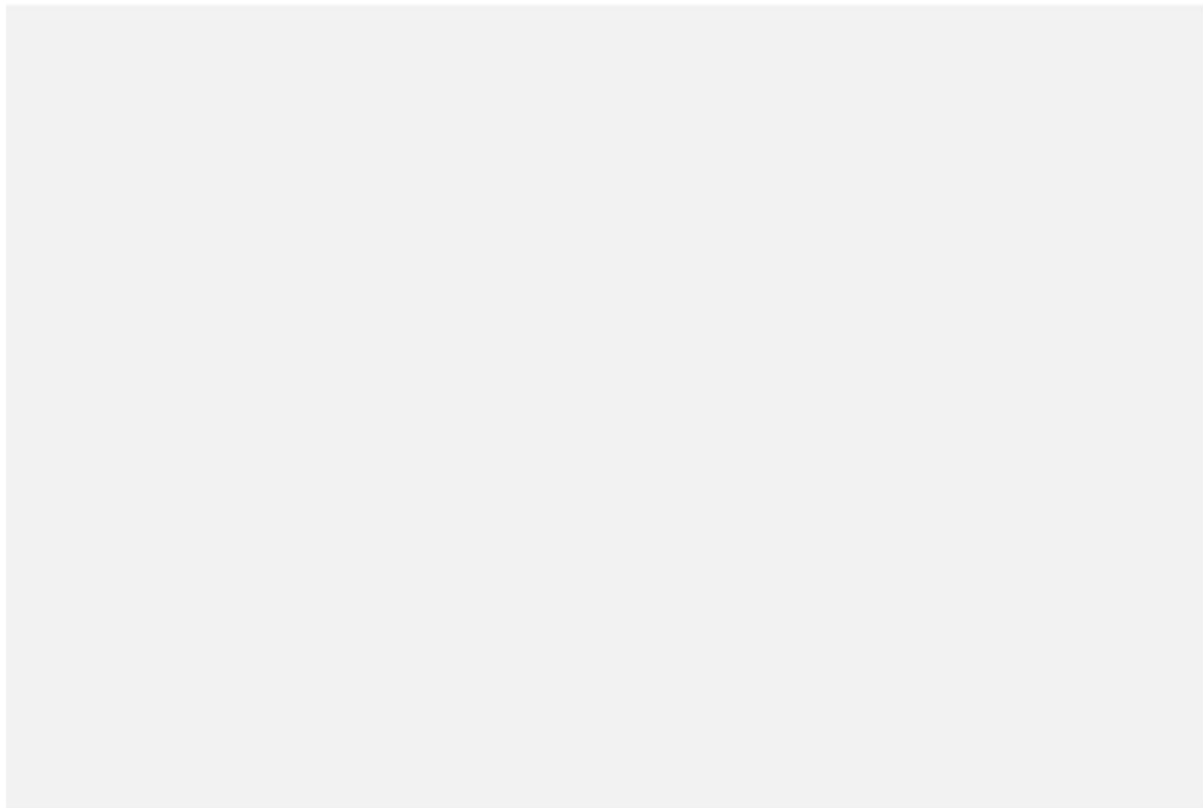


## You've been sent large files

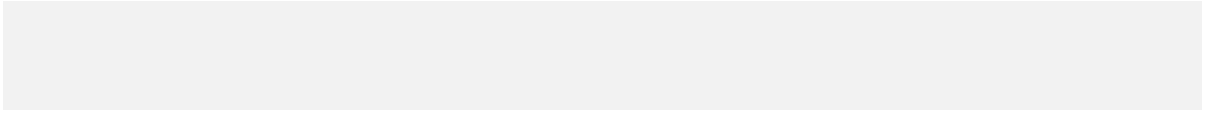
ss 47F, 47G sent you large files. Download them before Wed, 23 Nov 2022 23:59 +1100.

Files

s 45









**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

Office address (inc courier deliveries):  
Level 5, 100 Market Street,  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827,  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 729 000

[www.asic.gov.au](http://www.asic.gov.au)

The Directors  
Nux Limited  
Level 27, 1 Market Street  
Sydney NSW 2000

Our Ref: CAS-107447-Z8Q0X3

13 December 2022

**Attention: ss 47F, 47G**

**By email only: ss 47F, 47G**  
**ss 47F, 47G**

Dear **ss 47F, 47G**

**s 45**

s 45

**ASIC's request**

ASIC requests a written response by no later than 17:00 (AEDT) on Tuesday, 20 December 2022. Please send the response, marked to my attention, by email to **s 22** [asic.gov.au](mailto:asic.gov.au).

This request should not be construed as an indication by ASIC that a contravention of the law has occurred, nor should it be considered a reflection upon any person or entity.

Any information you give us voluntarily pursuant to this request, may be used to assist us in determining whether there has been compliance with the corporations legislation, and may be used in the exercise of ASIC's functions and powers.

**Privacy**

The information required to be produced may include personal information. Please refer to our Privacy policy ([www.asic.gov.au/privacy](http://www.asic.gov.au/privacy)) for information about how we handle your personal information, your rights to seek access to and correct personal information, and how to complain about breaches of your privacy.

Should you have any questions in relation to ASIC's request, please contact me on **s 22**

Yours Faithfully

s 22

**s 22**  
Analyst, Market Surveillance  
Australian Securities and Investments Commission

Partner  
Contact

ss 47F,  
ss 47F, 47G  
T +61 2 ss 47F.  
ss 47F, 47G  
RGH:AN:1046637  
CAS-107447-78Q0X3

Our ref  
Your ref



L 35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue,  
Barangaroo NSW 2000 AUS  
T +61 2 9263 4000 F +61 2 ss  
www.gtlaw.com.au

**20 December 2022**

**By email:** s 22 [asic.gov.au](mailto:asic.gov.au)

s 22  
Australian Securities and Investments Commission  
Level 5, 100 Market Street  
Sydney NSW 2000

**Private and confidential**

Dear Mr s 22

s 45



Please let us know if you have any questions in relation to the information contained in this letter.

Yours sincerely  
**Gilbert + Tobin**

*Gilbert + Tobin*

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G

ss 47F, 47G  
Partner  
+61 2 ss 47F,  
ss 47F, 47G

**From:** s 22  
**To:** ss 47F,  
**Cc:** ss 47F, 47G s 22  
**Subject:** FW: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]  
**Date:** Friday, 26 May 2023 3:18:01 PM  
**Attachments:** [image001.png](#)  
[S.19\\_ss 47F, 47G\\_20230526.pdf](#)

---

Dear ss 47F, 47G

Further to previous communications with ss 47F, 47G I attach a Notice issued under s19 of the ASIC Act, for ss 47F, 47G to attend an examination at ASIC's Sydney office on 19 June 2023 commencing at 10am.

Please confirm receipt of the Notice and let me know if you have any queries.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Mob: s 22

s 22 [asic.gov.au](http://asic.gov.au)

EA: s 22 s 22 [asic.gov.au](http://asic.gov.au)



ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer



ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

s 22



**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

ss 47F, 47G

C/- ss 47F, 47G

Gilbert + Tobin

Level 35 Tower Two, International Towers Sydney

200 Barangaroo Ave

Barangaroo NSW 2000

CC: ss 47F, 47G

Our Ref: CAS-123406-W2D7T6

Your Ref:

26 May 2023

Dear <sup>ss 47F</sup>

### **Notice requiring appearance for examination**

I am authorised by the Australian Securities and Investments Commission (ASIC) to exercise the powers of ASIC under Part 3 of the *Australian Securities and Investments Commission Act 2001* (ASIC Act).

I enclose a Notice issued under s19 of the ASIC Act (Notice), requiring you to appear for examination on oath or affirmation and to answer questions before s 22 of ASIC (Inspector).

This Notice is issued because ASIC, on reasonable grounds, suspects or believes that you can give information relevant to a matter that it is investigating, or is to investigate, under Division 1 of Part 3 of the ASIC Act.

You will note that the Notice also requires you to give to ASIC all reasonable assistance in connection with its investigation. The Inspector reserves the right to give any particular directions as to how that assistance should be provided, prior to and during the course of the examination.

I draw your attention to the notice of relevant statutory provisions that is attached to the Notice. It refers to s23(1), s63 and s68 of the ASIC Act which respectively relate to your rights to have a lawyer attend the examination, your obligation to comply with the Notice unless you have a reasonable excuse and the privileges against self-incrimination and exposure to a penalty.

I also enclose explanatory notes in relation to s19 examinations which you should read.

### **Photographic Identification to be brought to examination**

Security arrangements are such that you and any legal representative must bring photographic identification when you appear for examination that states your full name and date of birth. This can be a current driver's licence or passport. You will be asked to present this at Reception for security purposes prior to the commencement of your examination. If



you think that you may be unable to comply with this requirement you must contact me prior to the date of your examination.

Should you have any queries regarding this matter please do not hesitate to contact me on s 22 or email to s 22 asic.gov.au.

**Privacy**

Any books or information required to be produced or given pursuant to the Notice may include personal information. Please refer to our Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and how to complain about breaches of your privacy.

Yours sincerely

s 22

s 22

Group Senior Manager  
Markets Enforcement  
Australian Securities and Investments Commission

Encl.



**ASIC**  
Australian Securities &  
Investments Commission

NTC2318965

**FORM 1**

**Regulation 4**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION REGULATIONS 2001**

**Australian Securities and Investments Commission**

**NOTICE REQUIRING APPEARANCE AT AN EXAMINATION  
OR REASONABLE ASSISTANCE IN CONNECTION  
WITH AN INVESTIGATION**

To: **ss 47F, 47G**  
C/- <sup>ss 47F</sup> **ss 47F, 47G**  
Gilbert + Tobin  
Level 35 Tower Two, International Towers Sydney  
200 Barangaroo Ave  
Barangaroo NSW 2000

In relation to an investigation under section 13 of the *Australian Securities and Investments Commission Act 2001* (the ASIC Act) into suspected contraventions of:

- a) section 1043A(1) of the *Corporations Act 2001 (Cth)* (Act) in relation to trading of financial products of NUIX Limited (NXL) by Jonathan Rubinsztein during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and
- b) section 1309 of the Act in relation to NXL's response dated 14 September 2022 to the ASX Query letter dated 9 September 2022;

you are notified that under subsection 19(2) of the ASIC Act you are required:

- (a) to appear at 10AM on 19 June 2023 at ASIC, Level 5, 100 Market St, Sydney 2000 before **s 22** for examination on oath or affirmation and to answer questions put to you in relation to the investigation; and
- (b) to give the Australian Securities and Investments Commission all reasonable assistance in connection with the investigation.

Please note the provisions of subsection 23(1) of the Act (relating to legal representation) and section 68 of the Act (relating to self-incrimination). The effect of those provisions is set out at the end of this form.

Dated: 26 May 2023

**s 22**

**s 22**

Signature of person authorised by the  
Commission to conduct the examination

**NOTICE OF RELEVANT STATUTORY PROVISIONS**

1. Subsection 23(1) of the Act provides that a person who is required to submit to an examination is entitled to have his or her lawyer attend the examination. It also provides that the person's lawyer may address the inspector or ask the person questions about matters raised with the person by the inspector.
2.
  - (1) You must not fail to comply with this Notice without reasonable excuse (see subsection 63(1) of the Act).
  - (2) It is not a reasonable excuse for failure to comply with this Notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see subsection 68(1) of the Act).
  - (3) However, if:
    - (a) before making an oral statement or signing a record in answer to this Notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and
    - (b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;the statement, or the fact that you have signed the record, is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.
  - (4) The right to make a claim of this kind is not available to a body corporate (see subsections 68(2) and (3) of the Act).

## EXPLANATORY NOTES - SECTION 19 EXAMINATIONS

Your attention is drawn to the following (the section references are to the ASIC Act unless otherwise specified):

**FAILURE TO COMPLY WITH SECTION 19 REQUIREMENT:** Subsection 63(1) provides that a person who, without reasonable excuse, fails to comply with a requirement made under section 19 may be subject to a penalty of up to 240 penalty units (\$66,000) or imprisonment for 2 years, or both (see also s93D).

**PRIVATE EXAMINATIONS:** Section 22 provides that the examination must take place in private. Accordingly, at the examination you may be directed not to discuss any of the questions asked or answers given in any examination with any person (other than a legal adviser) unless advised otherwise for a specified period. A breach of these directions may amount to contempt of ASIC or obstruction and an offence under sections 65 and 66, breaches of which carry severe penalties.

**OATH/AFFIRMATION:** Subsection 21(1) provides that you are required to either take an oath or make an affirmation. Failure to do so without reasonable excuse may be a criminal offence (see s63(3)).

**REQUIREMENT TO ANSWER QUESTIONS:** Subsection 21(3) provides that the Inspectors may require you to answer a question that is put to you at the examination and is relevant to a matter that ASIC is investigating, or is to investigate. Failure to do so without reasonable excuse may be a criminal offence (see s63(1)).

**PRIVILEGES AGAINST SELF-INCRIMINATION OR EXPOSURE TO A PENALTY:** It is not a reasonable excuse for failure to comply with this Notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see s68(1)). Failure to do so without reasonable excuse may be a criminal offence (see s63(1)).

However, if:

- (a) before making an oral statement or signing a record in answer to this Notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and
- (b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;

then pursuant to subsection 68(3) the statement or the fact that you have signed the record is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.

Subsection 68(3) does not apply to certain proceedings for the imposition of a non-monetary penalty. Those proceedings are specified in section 1349 of the Corporations Act. They comprise proceedings for the imposition of a penalty under the following parts of the Corporations Act:

- (a) a disqualification under Part 2D.6;
- (b) a declaration under section 853C;
- (c) a suspension or cancellation under section 915B;
- (d) a suspension or cancellation under section 915C;

- (e) a banning order under section 920A;
- (f) an order under section 921A;
- (g) a cancellation or suspension under Div 3 of Part 9.2;
- (h) a requirement to give an undertaking under subsections 1292(9)(b) or (c); or
- (i) a cancellation or suspension under Div 2 of Part 9.2A.

Examples of those proceedings include court or administrative proceedings to ban a person from managing a corporation or from providing financial services.

Should you wish to claim, pursuant to section 68, that an answer might tend to incriminate you or make you liable to a penalty then before you answer a question you should say the word "**privilege**" and then answer the question.

**LEGAL PROFESSIONAL PRIVILEGE:** For the purposes of your obligations arising from the Notice, ASIC will accept that it is a reasonable excuse to not provide information during an examination or in response to a request for reasonable assistance if that information is covered by legal professional privilege (LPP). Accordingly, you are not obliged to provide during an examination or in response to a request for reasonable assistance, information that is covered by LPP.

LPP may be relied upon as a reasonable excuse for you not providing information where:

- you are the holder of that privilege and you claim the privilege;
- you claim the privilege on behalf of its holder; or
- you reasonably believe that the information comprised in the answer is covered by LPP but you do not have authority to claim the privilege on behalf of the holder. In this instance, you may indicate that the information is covered by LPP belonging to another person.

If you claim or indicate that any information that you are required to provide is subject to LPP, it will be necessary for you to provide to the Inspectors sufficient information to allow them to make an informed decision about whether your claim or indication can be supported.

If you indicate that information is covered by LPP belonging to another person, but you do not have authority to claim the privilege on behalf of the holder, you must provide the name and contact details of that other person, and the basis for their reasonable belief that the information is covered by LPP.

A person claiming LPP has the onus of establishing that privilege.

#### **LPP claims over information in documents**

If you are claiming LPP over information in documents, you should identify the document over which LPP is claimed, by individually itemising each document and providing the following information in respect of each document:

- (a) the names of all authors and recipients of the document (including recipients of copies) together with their positions and employer, if any;
- (b) the date of the document;
- (c) the type of document e.g. email or letter;
- (d) whether the document (original or copies) exists in electronic or hard copy;

- (e) the category of legal professional privilege claimed (advice privilege or litigation privilege) and the basis on which the privilege is claimed;
- (f) the name of all persons who claim the right to assert the privilege, including any third parties on whose behalf the privilege claim is made;
- (g) the address of the premises where the document is kept; and
- (h) whether privilege is claimed over the whole or part of the document. Please note, where only part of the document is subject to a claim of privilege, an appropriately masked version of the document must be provided to ASIC.

In the case of a claim of LPP on behalf of another party in respect of a document, you should also provide the following information:

- (a) the identity of the privilege holder;
- (b) the last known contact details of the privilege holder; and
- (c) an explanation of the circumstances by which the document came to be within your possession or control.

#### **LPP claims over oral information**

If, during an examination, you seek to claim LPP over information responsive to a question you may be requested to provide the details specified below during the examination or at such later date as may be specified by the Inspectors:

- (a) the names of all parties who communicated the information or to whom the information has been communicated, together with their positions and employer (if any);
- (b) the date of the communication;
- (c) the category of LPP claimed (advice privilege or litigation privilege) and the basis on which the privilege is claimed;
- (d) the name of all persons who claim the right to assert the privilege (including any third parties on whose behalf the privilege claim is made); and
- (e) whether the information has been recorded in part or in whole in a tangible form (e.g. electronic or hard copy).

In the case of a third-party LPP claim, you may be requested to provide the following details in respect of the information:

- (a) the identity of the privilege holder;
- (b) the last known contact details of the privilege holder; and
- (c) an explanation of the circumstances by which the information came to be known by you.

To the extent that you are able to provide all or any of the above details during any examination that arises from this Notice, you may be requested to provide those details during that examination or within a reasonable time after the adjournment or conclusion of the examination. Where you are unable to provide all or any of the above details during the



examination, you may be requested to provide them within a reasonable time following the adjournment or conclusion of the examination.

If you are requested to provide details of your claim or indication of privilege following the adjournment or conclusion of an examination, you will be requested to provide them in writing.

You will also be requested to provide details of your claim or indication of privilege in writing if your claims are made in response to a request for reasonable assistance.

**RECORD OF THE EXAMINATION:** Section 24 provides that the Inspector may, and must if you request, cause a record to be made of statements made at the examination. Subsection 24(2)(a) provides that, if that record is reduced to writing, you may be required to read the transcript and to sign it. Failure to do so without reasonable excuse may be a criminal offence and may be subject to a penalty of up to 30 penalty units (\$8,250) or imprisonment for 3 months, or both (see s63(3) and s93D). If a transcript is made and you wish to have a copy of it, you are required to make a written request for a copy, which in due course will be provided without charge, but subject to such conditions (if any) which may be made.

**FALSE OR MISLEADING INFORMATION:** Subsection 64(1) provides that a person shall not give information or make a statement that is false or misleading in a material particular and provides for a penalty of up to 600 penalty units (\$165,000) or imprisonment for 5 years, or both (see also s93D).

**OBSTRUCTION:** Subsection 65(1) provides that a person shall not, without reasonable excuse, obstruct or hinder a person in the exercise of a power under Part 3 and provides for a penalty of up to 240 penalty units (\$66,000) or imprisonment for 2 years, or both (see also s93D).

**CONCEALING, DESTROYING, MUTILATING OR ALTERING A BOOK:** Subsection 67(1) provides that where ASIC is investigating, or is about to investigate a matter, a person shall not:

- (a) in any case - conceal, destroy, mutilate or alter a book relating to that matter; or
- (b) take or send the book out of the State or Territory or Australia.

The penalty is up to 600 penalty units (\$165,000) or imprisonment for 5 years, or both (see also s93D).



**From:** s 22  
**To:** !ss 47F, 47G  
**Cc:** s 22 s 22 !ss 47F,  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]  
**Date:** Thursday, 8 June 2023 2:36:24 PM  
**Attachments:** [image002.png](#)

---

Thank you <sup>ss 47F, 47G</sup>

s 22

Senior Investigator, Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

s 22

**From:** ss 47F, 47G  
**To:** s 22  
**Cc:** s 22 ss 47F, s 22  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]  
**Date:** Friday, 16 June 2023 10:54:45 AM  
**Attachments:** [image005.png](#)

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you for confirming s 22.  
Kind regards  
ss 47F, 47G

ss 47F, 47G  
**PARTNER|GILBERT + TOBIN**

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 asic.gov.au>  
**Sent:** Friday, 16 June 2023 10:47 AM  
**To:** ss 47F, 47G <ss 47F, 47G s 22  
<s 22 asic.gov.au>  
**Cc:** s 22 <s 22 asic.gov.au>; ss 47F, 47G <ss 47F, 47G  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G  
To give an indication of timing for ss 47F, 47G examination on Monday, we anticipate the examination taking up to about 4 hours, so commencing at 10am we would hope to finish by 2pm.  
If you have any queries in advance of the examination please let me know, otherwise we will see ss 47F, 47G with ss 47F, 47G on Monday.  
Kind regards  
s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement  
**Australian Securities and Investments Commission**

s 22  
Mob: s 22  
s 22 [asic.gov.au](http://asic.gov.au)

**EA:** s 22 | Tel: s 22 | s 22 [@asic.gov.au](mailto:s 22@asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer

ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

**From:** ss 47F, 47G <ss 47F, 47G>  
**Sent:** Thursday, 15 June 2023 1:01 PM  
**To:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>  
**Cc:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s

Thank you for your email. ss 47F, 47G is content to commence <sup>ss 47F, 47G</sup> examination at 1:30pm on 27 June. We are seeking final instructions on the matters raised in your email dated 8 June and will provide a response by the time requested.

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

T +61 2 ss 47F, M +61 ss 47F,  
 F +61 2 ss 47F, E ss 47F, 47G

L35, Tower Two, International Towers Sydney  
 200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>  
**Sent:** Thursday, 15 June 2023 10:47 AM  
**To:** ss 47F, 47G <ss 47F, 47G>  
**Cc:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear <sup>ss 47F, 47G</sup>

Thank you for your response and consideration of the matter raised by ASIC. There is no further information that ASIC wishes you to consider in relation to this issue.

In relation to the s19 Notice issued to ss 47F, 47G requiring <sup>ss 47F, 47G</sup> attendance for examination at 1pm on 27 June 2023, we wish to request the time of the examination on 27 June 2023 be re-scheduled from 1pm to 1.30pm to accommodate competing commitments on that day. Please confirm if this is suitable for your client.

I also refer to my email of 8 June 2023 requesting further information in relation to certain documents produced by NUIX Limited in response to an ASIC Act notice. Please provide a response to the request by 4pm Friday 16 June 2023.

Kind Regards

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



Please note: I am not in the office on a Friday

**From:** ss 47F, 47G <ss 47F, 47G>

**Sent:** Wednesday, 14 June 2023 2:38 PM

**To:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>

**Cc:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

s 45 Dear s

Could you please let us know if ASIC has any other information that we should consider that is relevant to this issue?

Kind regards

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

T +61 2 ss 47F, M +61 ss 47F,  
F +61 2 ss 47F, E ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>

**Sent:** Tuesday, 13 June 2023 9:14 AM

**To:** ss 47F, 47G <ss 47F, 47G>

**Cc:** s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 <[asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G>

**Subject:** FW: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

I refer to your email of 8 June 2023 informing ASIC that ss 47F, 47G will be representing ss 47F, 47G and ss 47F, 47G at their s19 examinations set down for 19 June and 27 June respectively.

s 45



s 45

We raise this issue for your consideration and would appreciate a response by 4:00pm  
Wednesday 14 June 2023.

Kind Regards  
s 22

Senior Investigator, Markets Enforcement  
Office of Enforcement  
**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



Please note: I am not in the office on a Friday

**From:** ss 47F, 47G <ss 47F, 47G>

**Sent:** Thursday, 8 June 2023 1:38 PM

**To:** s 22 <s 22 <[asic.gov.au](http://asic.gov.au)>

**Cc:** s 22 <s 22 <[asic.gov.au](http://asic.gov.au)>; s 22 <s 22 <[asic.gov.au](http://asic.gov.au)>; ss 47F, 47G <ss 47F, 47G>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s

We confirm receipt of the s19 notices for ss 47F, 47G and ss 47F, 47G. Their legal representatives will be:

- for ss 47F, 47G, ss 47F, 47G );
- for ss 47F, 47G, ss 47F, 47G (Gilbert + Tobin);
- for ss 47F, 47G ss 47F, 47G (Gilbert + Tobin).

We are considering your queries below on the documents produced under the s33 notice and will respond separately.

Kind regards  
ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

T +61 2 ss 47F, M +61 ss 47F,  
F +61 2 ss 47F, E ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 <[asic.gov.au](http://asic.gov.au)>

**Sent:** Thursday, 8 June 2023 10:50 AM

**To:** ss 47F, 47G <ss 47F, 47G> ss 47F, 47G

<ss 47F, 47G>

**Cc:** <[asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>  
**Subject:** FW: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]  
Dear ss 47F, 47G  
s 45

Kind Regards

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

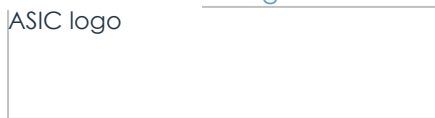
s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

---

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Sent:** Friday, 2 June 2023 3:27 PM

**To:** [rharris@gtlaw.com.au](mailto:rharris@gtlaw.com.au); ss 47F, 47G <ss 47F, 47G

**Cc:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

As arranged with s 22 please refer to the attached notices issued pursuant to S.19 of the ASIC Act.

Would please acknowledge receipt of the above notices by return email.

Regards

s 22

Senior Markets & Securities Analyst/Investigator, Market Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22 [asic.gov.au](http://asic.gov.au)

ASIC logo

---

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Sent:** Wednesday, 31 May 2023 5:46 PM

**To:** ss 47F, 47G <ss 47F, 47G

**Cc:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Thank you ss 47F, 47G

We will schedule these examinations as follows:

- ss 47F, 47G on 20 June commencing at 10am
- ss 47F, 47G on 27 June commencing at 1pm

We will email the notices under s19 of the ASIC Act to you shortly.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Mob: s 22

s 22 [asic.gov.au](http://asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer

ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

---

**From:** ss 47F, 47G <ss 47F, 47G

**Sent:** Wednesday, 31 May 2023 3:48 PM

**To:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Cc:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

---



**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s 22

We confirm that:

- ss 47F, 47G is available to attend an examination on 20 June.
- ss 47F, 47G is available to attend an examination on 26 June from 9am to 5pm, or 27 June from 12:30pm to 5pm.

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

T +61 2 ss 47F, M +61 ss 47F,  
F +61 2 ss 47F, E ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Sent:** Tuesday, 30 May 2023 12:36 PM

**To:** ss 47F, 47G <ss 47F, 47G>

**Cc:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Thank you ss 47F, 47G

We would be happy to schedule ss 47F, 47G examination on 20, 22 or 23 June if one of those days is convenient.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Mob: s 22

s 22 [asic.gov.au](mailto:asic.gov.au)

**EA:** s 22 | Tel: s 22 | s 22 [asic.gov.au](mailto:asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer

ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

**From:** ss 47F, 47G <ss 47F, 47G>

**Sent:** Tuesday, 30 May 2023 10:49 AM

**To:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>  
**Cc:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G <ss 47F, 47G  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s 22

We confirm receipt of the notice issued to ss 47F, 47G

We have instructions to accept service of s19 notices issued to ss 47F, 47G and ss 47F, 47G, and will come back to you shortly with availability as requested. ss 47F, 47G so would like to attend any examination before then.

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>  
**Sent:** Monday, 29 May 2023 3:15 PM  
**To:** ss 47F, 47G <ss 47F, 47G  
**Cc:** ss 47F, 47G <ss 47F, 47G s 22  
<s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

Further to our previous communications, ASIC is proposing to conduct the following further examinations under s19 of the ASIC Act:

- ss 47F, 47G
- ss 47F, 47G

Could you please advise the availability of ss 47F, 47G and ss 47F, 47G in the week commencing 26 June 2023, also whether you have instructions to accept service of the s19 notice for each of these examinees.

I also look forward to your acknowledgement of receipt of the Notice to ss 47F, 47G as attached to my below email.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22


Mob: s 22

s 22 [asic.gov.au](mailto:asic.gov.au)

**EA:** s 22 | Tel: s 22 | s 22 [asic.gov.au](mailto:asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer



ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

**From:** s 22

**Sent:** Friday, 26 May 2023 2:48 PM

**To:** ss 47F, 47G <ss 47F, 47G

**Cc:** ss 47F, 47G <ss 47F, 47G s 22

<s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** FW: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

Further to previous communications with ss 47F, 47G I attach a Notice issued under s19 of the ASIC Act, for ss 47F, 47G to attend an examination at ASIC's Sydney office on 19 June 2023 commencing at 10am.

Please confirm receipt of the Notice and let me know if you have any queries.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Mob: s 22

s 22 [asic.gov.au](mailto:asic.gov.au)

**EA:** s 22 | Tel: s 22 | s 22 [asic.gov.au](mailto:asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer



ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

**From:** s 22

**Sent:** Tuesday, 23 May 2023 1:37 PM

**To:** ss 47F, 47G <ss 47F, 47G

**Cc:** ss 47F, 47G <ss 47F, 47G s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

Thank you for your email.

I have also now received confirmation from ss 47F, 47G of ss 47F, 47G that ss 47F, 47G will be representing ss 47F, 47G at ss 47F, 47G examination and can accept service of the notice. As ss 47F, 47G has advised ss 47F, 47G is available on 21 June 2023, I will schedule ss 47F, 47G examination for that day and serve the notice through ss 47F, 47G .

I will schedule **ss 47F, 47G** examination on 19 June 2023 commencing at 10am and will email the notice to **ss 47F, 47G** (copying you). I expect to be able to do this in the next day or so.

Please contact me with any queries or if you wish to discuss.

Kind regards

**s 22**

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

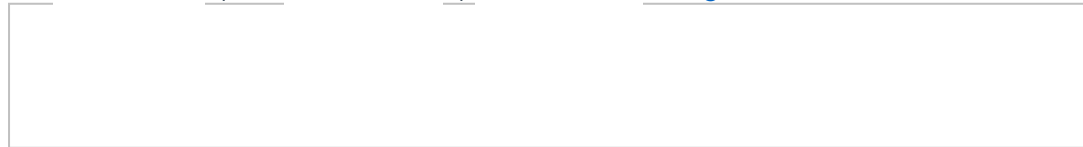
**Australian Securities and Investments Commission**

**s 22**

Mob: **s 22**

**s 22** [asic.gov.au](mailto:asic.gov.au)

**EA: s 22** | Tel: **s 22** | **s 22** [asic.gov.au](mailto:asic.gov.au)



ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer



ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

---

**From:** **ss 47F, 47G** <**ss 47F, 47G**>  
**Sent:** Tuesday, 23 May 2023 10:01 AM  
**To:** **s 22** <**s 22** [asic.gov.au](mailto:asic.gov.au)>  
**Cc:** **ss 47F, 47G** <**ss 47F, 47G** **s 22** <**s 22** [asic.gov.au](mailto:asic.gov.au)>  
**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL: Do not click any links or open any attachments unless you trust the sender and know the content is safe.**

Dear **s 22**

We confirm that:

- **ss 47F, 47G** is available for a s19 examination on Monday 19 June (whole day) or Wednesday 21 June from 1pm to 5pm in Sydney;
- **ss 47F, 47G** is available for a s19 examination on Tuesday 20 June (whole day). **ss 47F, 47G** will also attend in Sydney.

Please let us know if you have any questions.

Kind regards

**ss 47F, 47G**

**ss 47F, 47G**

**PARTNER | GILBERT + TOBIN**

---

**T +61 2 ss 47F, M +61 ss 47F,**  
**F +61 2 ss 47F, E ss 47F, 47G**

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** ss 47F, 47G

**Sent:** Monday, 22 May 2023 9:43 AM

**To:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Cc:** ss 47F, 47G <ss 47F, 47G s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear s 22

Thank you for your email below, we are currently confirming availability with each of ss 47F, 47G and ss 47F, 47G and will come back to you shortly.

In the meantime, we confirm that G+T has instructions to accept service of the s19 ASIC notices on behalf of both examinees. Could you please address them to ss 47F, 47G (copied)?

Kind regards

ss 47F, 47G

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Sent:** Monday, 22 May 2023 9:36 AM

**To:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>; ss 47F, 47G

<ss 47F, 47G

**Cc:** ss 47F, 47G <ss 47F, 47G

**Subject:** RE: Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

I refer to the below email and your discussion with my colleague s 22 last Tuesday 16 May 2023.

Please confirm the availability of ss 47F, 47G and ss 47F, 47G to attend examinations in the period 13 to 22 June 2023, also whether you will accept service of the s19 ASIC notices on behalf of both examinees.

If you have any queries or wish to discuss the matter, please contact me.

Kind regards

s 22

Group Senior Manager  
Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Mob: s 22

s 22 [asic.gov.au](mailto:asic.gov.au)

ASIC acknowledges the Traditional Owners of the lands and waters on which we live and work. We pay respect to Elders past and present as the custodians of the world's oldest continuing cultures.

Image of Doojoort Moort, artwork by Peter Farmer

ASIC is committed to [diversity and inclusion](#). ASIC is a place of belonging regardless of difference, where all individuals are accepted, safe and affirmed.

**From:** s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Sent:** Tuesday, 16 May 2023 4:05 PM

**To:** ss 47F, 47G <ss 47F, 47G

**Cc:** ss 47F, 47G <ss 47F, 47G s 22 <s 22 [asic.gov.au](mailto:asic.gov.au)>

**Subject:** Re: ASIC Investigation - NUIX Limited [SEC=OFFICIAL]

Dear **ss 47F, 47G**

I refer to our telephone discussion today and confirm that ASIC is conducting an investigation in relation to trading in NUIX Limited (**NXL**) shares by CEO, Jonathan Rubinsztein in September 2022 and the market announcement by NXL to the ASX on 14 September 2022 concerning Mr Rubinsztein's trading and discussions between NXL Chair, Mr Jeff Bleich and Reveal's CEO (**the Investigation**).

As advised, ASIC proposes to conduct examinations under s19 of the Australian Securities and Investments Commission Act 2001 of your clients:

**ss 47F, 47G**

Before issuing any s19 Notices to appear for examination, please confirm your clients availability to attend an examination in the period 13 June 2023 to 22 June 2023. It is proposed to conduct the examination **ss 47F, 47G**

Please copy in **s 22** ASIC's Group Senior Manager, Market Enforcement (**s 22** [asic.gov.au](http://asic.gov.au)) in any correspondence.

Kind Regards

**s 22**

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

**s 22**

Tel: +61 **s 22**

**s 22**

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be*



*confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy](#)*



[Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

**From:** s 22  
**To:** s 22, s 22  
**Cc:** s 22  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]  
**Date:** Monday, 7 August 2023 5:17:45 PM  
**Attachments:** [Attachment A - NXL.0300.0001.0719.pdf](#)

---

Dear s 22,

I overlooked including the enclosed "Attachment A" to the s19(2)(a) issued to NUIX Limited earlier today.

Regards

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

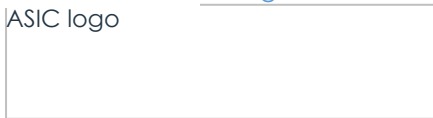
s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:**

s 22



**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

NUIX Limited  
ACN 117 140 235  
Level 27  
1 Market Street  
SYDNEY NSW 2000

Our Ref: CAS-123406-W2D7T6

7 August 2023

**By Email:** **ss 47F, 47G**

Dear Sir/Madam

**Notice requiring the giving of all reasonable assistance**

I am authorised by the Australian Securities and Investments Commission (**ASIC**) to exercise the powers of ASIC under Part 3 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**).

I enclose a Notice issued under s19 of the ASIC Act (**Notice**), requiring the Company to give to ASIC all reasonable assistance in connection with the investigation referred to in the Notice.

This Notice is issued because ASIC, on reasonable grounds, suspects or believes that the Company can give information relevant to a matter that it is investigating, or is to investigate, under Division 1 of Part 3 of the ASIC Act.

The reasonable assistance to be provided is:

**s 45**

s 45

The above information is to be provided to ASIC by 14 August 2023.

I draw the Company's attention to the notice of relevant statutory provisions that is enclosed with the Notice which deals with the Company's rights and obligations under the Notice and with the privileges against self-incrimination and exposure to a penalty. An additional note is attached to the Notice which deals further with the privileges against self-incrimination and exposure to a penalty and with the application of legal professional privilege to the Notice. The additional note also refers to some of the offence and penalty provisions that apply in relation to the Notice.

It is requested that any documents produced in response to the Notice, where possible, are produced in accordance with Information Sheet 242 'Document Production Guidelines' which is at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-document-production-guidelines/>.

Should you have any queries regarding this matter please do not hesitate to contact me on or via facsimile on s 22 or email to s 22 [asic.gov.au](mailto:asic.gov.au).

**Privacy**

The books or information required to be produced may include personal information. Please refer to our Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and how to complain about breaches of your privacy.

Yours sincerely

s 22

s 22

Senior Investigator  
Australian Securities and Investments Commission

Encl.



**ASIC**  
Australian Securities &  
Investments Commission

NTC2319800

## FORM 1

## Regulation 4

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION  
REGULATIONS 2001  
Australian Securities and Investments Commission**

**NOTICE REQUIRING REASONABLE ASSISTANCE IN CONNECTION  
WITH AN INVESTIGATION**

To: NUIX Limited  
ACN 117 140 235  
Level 27  
1 Market Street  
SYDNEY NSW 2000

In relation to an investigation under section 13 of the *Australian Securities and Investments Commission Act 2001* (ASIC Act) into suspected contraventions of:

- a. section 1043A(1) of the *Corporations Act 2001 (Cth)* (Act) in relation to trading of financial products of NUIX Limited (NXL) by Jonathan Rubinsztein during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and
- b. section 1309 of the Act in relation to NXL's response dated 14 September 2022 to the ASX Query letter dated 9 September 2022;

you are notified that, under subsection 19(2) of the ASIC Act you are required to give the Australian Securities and Investments Commission (ASIC) all reasonable assistance in connection with the investigation.

Please note section 68 of the Act (relating to self-incrimination). The effect of that provision is set out at the end of this form.

Dated: 7 August 2023

s 22

Signature of person authorised by the  
Commission

## NOTICE OF RELEVANT STATUTORY PROVISIONS

1. You must not fail to comply with this Notice without reasonable excuse (see subsection 63(1) of the Act).
2. It is not a reasonable excuse for failure to comply with this Notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see subsection 68(1) of the Act).
3. However, if:
  - a) before making an oral statement or signing a record in answer to this Notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and
  - b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;

the statement, or the fact that you have signed the record, is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.
4. The right to make a claim of this kind is not available to a body corporate (see subsections 68(2) and (3) of the Act).

## ADDITIONAL INFORMATION RELATING TO THE NOTICE

### PRIVILEGES AGAINST SELF-INCRIMINATION AND EXPOSURE TO A PENALTY

Subsection 68(3) does not apply to certain proceedings for the imposition of a non-monetary penalty. Those proceedings are specified in s1349 of the Corporations Act. They comprise proceedings for the imposition of a penalty under the following parts of the Corporations Act:

- (a) a disqualification under Part 2D.6;
- (b) a declaration under s853C;
- (c) a suspension or cancellation under s915B;
- (d) a suspension or cancellation under s915C;
- (e) a banning order under s920A;
- (f) an order under s921A;
- (g) a cancellation or suspension under Div 3 of Part 9.2;
- (h) a requirement to give an undertaking under s1292(9)(b) or (c); or
- (i) a cancellation or suspension under Div 2 of Part 9.2A.

Examples of those proceedings include court or administrative proceedings to ban a person from managing a corporation or from providing financial services.

### LEGAL PROFESSIONAL PRIVILEGE

For the purposes of your obligations arising from the Notice, ASIC will accept that it is a reasonable excuse to not provide information during an examination or in response to a request for reasonable assistance if that information is covered by legal professional privilege (LPP). Accordingly, you are not obliged to provide during an examination or in response to a request for reasonable assistance, information that is covered by LPP.

LPP may be relied upon as a reasonable excuse for you not providing information where:

- you are the holder of that privilege and you claim the privilege;
- you claim the privilege on behalf of its holder; or
- you reasonably believe that the information comprised in the answer is covered by LPP but you do not have authority to claim the privilege on behalf of the holder. In this instance, you may indicate that the information is covered by LPP belonging to another person.

If you claim or indicate that any information that you are required to provide is subject to LPP, it will be necessary for you to provide to the Inspectors sufficient information to allow them to make an informed decision about whether your claim or indication can be supported.

A person who claims LPP on the basis that the privilege belongs to themselves must establish that the privilege exists. A person indicating that information is covered by LPP belonging to another person must provide the name and contact details of that other person, and the basis for their reasonable belief that the information is covered by LPP.



**LPP claims over information in documents**

If you are claiming LPP over information in documents, you should identify the document over which LPP is claimed, by individually itemising each document and providing the following information in respect of each document:

- (a) the names of all authors and recipients of the document together with their positions and employer, if any;
- (b) the date of the document;
- (c) the type of document e.g. email or letter;
- (d) the category of legal professional privilege claimed (advice privilege or litigation privilege) and the basis on which the privilege is claimed;
- (e) the name of all persons who claim the right to assert the privilege, including any third parties on whose behalf the privilege claim is made;
- (f) whether the form of the document is electronic or hard copy;
- (g) the address of the premises where the document is kept; and
- (h) whether privilege is claimed over the whole or part of the document. Please note, where only part of the document is subject to a claim of privilege, an appropriately masked version of the document must be provided to ASIC.

In the case of a claim of LPP on behalf of another party in respect of a document, you should also provide the following information to ASIC:

- (a) the identity of the privilege holder;
- (b) the last known contact details of the privilege holder; and
- (c) an explanation of the circumstances by which the document came to be within your possession or control.

To the extent that you are able to do so, you are required to provide to ASIC the above details relating to your privilege claims on or before the date on which you are required to provide your reasonable assistance pursuant to the Notice. To the extent that you are unable to provide those details by that date, you may be requested by ASIC to provide them within a reasonable time after you have provided your reasonable assistance pursuant to the Notice.

**FAILURE TO COMPLY WITH S19 REQUIREMENT FOR ISSUE TO BODY CORPORATE**

The below penalty amounts are relevant for a body corporate entity only, see s93E of the ASIC Act.

Subsection 63(1) provides that a person who, without reasonable excuse, fails to comply with a requirement made under section 19 may be subject to a penalty of up to 2400 penalty units (\$751,200) (see also s93E).

**FALSE OR MISLEADING INFORMATION**

Subsection 64(1) provides that a person shall not give information or make a statement that is false or misleading in a material particular and provides for a penalty of up to 6000 penalty units (\$1,878,000) (see also s93E).

**OBSTRUCTION**

Subsection 65(1) provides that a person shall not, without reasonable excuse, obstruct or hinder a person in the exercise of a power under Part 3 and provides for a penalty of up to 2400 penalty units (\$751,200) (see also s93E).

**CONCEALING, DESTROYING, MUTILATING OR ALTERING A BOOK**

Subsection 67(1) provides that where ASIC is investigating, or is about to investigate a matter, a person shall not:

- (a) in any case - conceal, destroy, mutilate or alter a book relating to that matter; or
- (b) take or send the book out of the State or Territory or Australia.

The penalty is up to 6000 penalty units (\$1,878,000) (see also s93E).

**BOOKS**

Please note that the following terms are defined in the *Corporations Act 2001* ("Corporations Act"); the *ASIC Act 2001* ("ASIC Act") and the *Acts Interpretation Act 1901* (applying as at 1 January 2005 pursuant to s5A of the ASIC Act) ("Acts Interpretation Act"):

**"Books"** includes:

- (a) a register; and
- (b) financial reports or financial records, however compiled, recorded or stored; and
- (c) a document; and
- (d) banker's books; and
- (e) any other record of information.

[subsection 5(1) ASIC Act]

**"Financial records"** includes:

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain:
  - (i) the methods by which financial statements are made up; and
  - (ii) adjustments to be made in preparing financial statements.

[section 9 Corporations Act]

**"Document"** includes:

- (a) anything on which there is writing; and
- (b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
- (d) a map, plan, drawing or photograph.

[section 9 Corporations Act]

**"Record"** includes information stored or recorded by means of a computer.  
[section 25 Acts Interpretation Act]

**From:** s 22  
**To:** !ss 47F, 47G  
**Cc:** s 22 !ss 47F, s 22  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]  
**Date:** Wednesday, 9 August 2023 5:10:02 PM

---

Hi <sup>ss 47F, 47G</sup>

Thank you for your email and details of **ss 47F, 47G** availability for a s19 examination. I confirm that Wednesday 16 August at 3pm is suitable. I will send through a s19 Notice in due course.

Kind Regards  
s 22

Senior Investigator, Markets Enforcement  
Office of Enforcement  
**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

---

**From:** ss 47F, 47G <ss 47F, 47G>  
**Sent:** Wednesday, 9 August 2023 1:30 PM  
**To:** s 22 <s 22@asic.gov.au>  
**Cc:** s 22 <s 22@asic.gov.au>; ss 47F, 47G <ss 47F, 47G>  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s

In response to item 3 below, **ss 47F, 47G** is available on to attend a further examination at 3pm on Wednesday 16 August, or at 9:30am on Friday 18 August. We will respond to your other requests separately.

Kind regards

<sup>ss 47F, 47G</sup>

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and

s 22

**From:** s 22  
**To:** !ss 47F, !ss 47F, 47G  
**Cc:** s 22 s 22  
**Subject:** Re: NUIX Limited - s19 Notice [SEC=OFFICIAL]  
**Date:** Monday, 14 August 2023 10:10:00 AM  
**Attachments:** [S19 Notice NTC2319899](#) ss 47F, 47G [\\_20230814.pdf](#)

---

Dear **ss 47F, 47G**

Please find attached by way of service a Notice issued pursuant to section 19 of the *Australian Securities and Investments Commission Act 2001* (Cth) for **ss 47F, 47G** examination on Wednesday 16 August at 3:00pm.

Could you please acknowledge receipt.

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

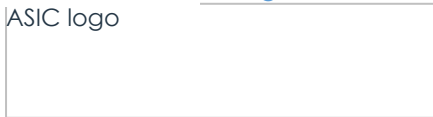
s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday



**ASIC**  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

ss 47F, 47G

c/- ss 47F, 47G

Gilbert & Tobin

Level 35 Tower Two, International Towers

20 Barrangaroo Ave

Barrangaroo NSW 200

Our Ref: CAS-123406-W2D7T6

14 August 2023

By Email: ss 47F, 47G

Dear ss 47F, 47G

### **Notice requiring appearance for examination**

I am authorised by the Australian Securities and Investments Commission (**ASIC**) to exercise the powers of ASIC under Part 3 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**).

I enclose a Notice issued under s19 of the ASIC Act (**Notice**), requiring you to appear for examination on oath or affirmation and to answer questions before s 22 of ASIC (**Inspectors**).

This Notice is issued because ASIC, on reasonable grounds, suspects or believes that you can give information relevant to a matter that it is investigating, or is to investigate, under Division 1 of Part 3 of the ASIC Act.

You will note that the Notice also requires you to give to ASIC all reasonable assistance in connection with its investigation. The Inspectors reserve the right to give any particular directions as to how that assistance should be provided, prior to and during the course of the examination.

I draw your attention to the notice of relevant statutory provisions that is attached to the Notice. It refers to s23(1), s63 and s68 of the ASIC Act which respectively relate to your rights to have a lawyer attend the examination, your obligation to comply with the Notice unless you have a reasonable excuse and the privileges against self-incrimination and exposure to a penalty.

I also enclose explanatory notes in relation to s19 examinations which you should read.

### **Photographic Identification to be brought to examination**

Security arrangements are such that you and any legal representative must bring photographic identification when you appear for examination that states your full name and date of birth. This can be a current driver's licence or passport. You will be asked to present this at Reception for security purposes prior to the commencement of your examination. If

you think that you may be unable to comply with this requirement you must contact me prior to the date of your examination.

Should you have any queries regarding this matter please do not hesitate to contact me on **s 22** or email to **s 22** [asic.gov.au](http://asic.gov.au).

**Privacy**

Any books or information required to be produced or given pursuant to the Notice may include personal information. Please refer to our Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle your personal information, your rights to seek access to and correct personal information, and how to complain about breaches of your privacy.

**s 22** Yours sincerely

**s 22**  
Senior Investigator  
Australian Securities and Investments Commission

Encl.





**ASIC**  
Australian Securities &  
Investments Commission

NTC2319899

**FORM 1**

**Regulation 4**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION REGULATIONS 2001**

**Australian Securities and Investments Commission**

**NOTICE REQUIRING APPEARANCE AT AN EXAMINATION  
OR REASONABLE ASSISTANCE IN CONNECTION  
WITH AN INVESTIGATION**

To: **ss 47F, 47G**

In relation to an investigation under section 13 of the *Australian Securities and Investments Commission Act 2001* (the ASIC Act) into suspected contraventions of:

- a. section 1043A(1) of the *Corporations Act 2001 (Cth)* (Act) in relation to trading of financial products of NUIX Limited (NXL) by Jonathan Rubinsztein during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and
- b. section 1309 of the Act in relation to NXL's response dated 14 September 2022 to the ASX Query letter dated 9 September 2022;

you are notified that under subsection 19(2) of the ASIC Act you are required:

- (a) to appear at 3:00pm on 16 August 2023 at Level 5, 100 Market Street, Sydney before **s 22** for examination on oath or affirmation and to answer questions put to you in relation to the investigation; and
- (b) to give the Australian Securities and Investments Commission all reasonable assistance in connection with the investigation.

Please note the provisions of subsection 23(1) of the Act (relating to legal representation) and section 68 of the Act (relating to self-incrimination). The effect of those provisions is set out at the end of this form.

Dated: 14 August 2023

**s 22**

Signature of person authorised by the  
Commission to conduct the examination

## NOTICE OF RELEVANT STATUTORY PROVISIONS

1. Subsection 23(1) of the Act provides that a person who is required to submit to an examination is entitled to have his or her lawyer attend the examination. It also provides that the person's lawyer may address the inspector or ask the person questions about matters raised with the person by the inspector.
2.
  - (1) You must not fail to comply with this Notice without reasonable excuse (see subsection 63(1) of the Act).
  - (2) It is not a reasonable excuse for failure to comply with this Notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see subsection 68(1) of the Act).
  - (3) However, if:
    - (a) before making an oral statement or signing a record in answer to this Notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and
    - (b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;the statement, or the fact that you have signed the record, is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.
  - (4) The right to make a claim of this kind is not available to a body corporate (see subsections 68(2) and (3) of the Act).

## EXPLANATORY NOTES - SECTION 19 EXAMINATIONS

Your attention is drawn to the following (the section references are to the ASIC Act unless otherwise specified):

**FAILURE TO COMPLY WITH SECTION 19 REQUIREMENT:** Subsection 63(1) provides that a person who, without reasonable excuse, fails to comply with a requirement made under section 19 may be subject to a penalty of up to 240 penalty units (\$75,120) or imprisonment for 2 years, or both (see also s93D).

**PRIVATE EXAMINATIONS:** Section 22 provides that the examination must take place in private. Accordingly, at the examination you may be directed not to discuss any of the questions asked or answers given in any examination with any person (other than a legal adviser) unless advised otherwise for a specified period. A breach of these directions may amount to contempt of ASIC or obstruction and an offence under sections 65 and 66, breaches of which carry severe penalties.

**OATH/AFFIRMATION:** Subsection 21(1) provides that you are required to either take an oath or make an affirmation. Failure to do so without reasonable excuse may be a criminal offence (see s63(3)).

**REQUIREMENT TO ANSWER QUESTIONS:** Subsection 21(3) provides that the Inspectors may require you to answer a question that is put to you at the examination and is relevant to a matter that ASIC is investigating, or is to investigate. Failure to do so without reasonable excuse may be a criminal offence (see s63(1)).

**PRIVILEGES AGAINST SELF-INCRIMINATION OR EXPOSURE TO A PENALTY:** It is not a reasonable excuse for failure to comply with this Notice that giving information or signing a record or producing a book might tend to incriminate you or expose you to a penalty (see s68(1)). Failure to do so without reasonable excuse may be a criminal offence (see s63(1)).

However, if:

- (a) before making an oral statement or signing a record in answer to this Notice you claim that making the statement or signing the record might tend to incriminate you or expose you to a penalty; and
- (b) making the statement or signing the record might in fact tend to incriminate you or expose you to a penalty;

then pursuant to subsection 68(3) the statement or the fact that you have signed the record is not admissible in evidence in any criminal proceedings, or proceedings for the imposition of a penalty, against you other than proceedings in respect of the falsity of the statement or the record.

Subsection 68(3) does not apply to certain proceedings for the imposition of a non-monetary penalty. Those proceedings are specified in section 1349 of the Corporations Act. They comprise proceedings for the imposition of a penalty under the following parts of the Corporations Act:

- (a) a disqualification under Part 2D.6;
- (b) a declaration under section 853C;
- (c) a suspension or cancellation under section 915B;
- (d) a suspension or cancellation under section 915C;

- (e) a banning order under section 920A;
- (f) an order under section 921A;
- (g) a cancellation or suspension under Div 3 of Part 9.2;
- (h) a requirement to give an undertaking under subsections 1292(9)(b) or (c); or
- (i) a cancellation or suspension under Div 2 of Part 9.2A.

Examples of those proceedings include court or administrative proceedings to ban a person from managing a corporation or from providing financial services.

Should you wish to claim, pursuant to section 68, that an answer might tend to incriminate you or make you liable to a penalty then before you answer a question you should say the word "**privilege**" and then answer the question.

**LEGAL PROFESSIONAL PRIVILEGE:** For the purposes of your obligations arising from the Notice, ASIC will accept that it is a reasonable excuse to not provide information during an examination or in response to a request for reasonable assistance if that information is covered by legal professional privilege (LPP). Accordingly, you are not obliged to provide during an examination or in response to a request for reasonable assistance, information that is covered by LPP.

LPP may be relied upon as a reasonable excuse for you not providing information where:

- you are the holder of that privilege and you claim the privilege;
- you claim the privilege on behalf of its holder; or
- you reasonably believe that the information comprised in the answer is covered by LPP but you do not have authority to claim the privilege on behalf of the holder. In this instance, you may indicate that the information is covered by LPP belonging to another person.

If you claim or indicate that any information that you are required to provide is subject to LPP, it will be necessary for you to provide to the Inspectors sufficient information to allow them to make an informed decision about whether your claim or indication can be supported.

If you indicate that information is covered by LPP belonging to another person, but you do not have authority to claim the privilege on behalf of the holder, you must provide the name and contact details of that other person, and the basis for their reasonable belief that the information is covered by LPP.

A person claiming LPP has the onus of establishing that privilege.

#### **LPP claims over information in documents**

If you are claiming LPP over information in documents, you should identify the document over which LPP is claimed, by individually itemising each document and providing the following information in respect of each document:

- (a) the names of all authors and recipients of the document (including recipients of copies) together with their positions and employer, if any;
- (b) the date of the document;
- (c) the type of document e.g. email or letter;
- (d) whether the document (original or copies) exists in electronic or hard copy;

- (e) the category of legal professional privilege claimed (advice privilege or litigation privilege) and the basis on which the privilege is claimed;
- (f) the name of all persons who claim the right to assert the privilege, including any third parties on whose behalf the privilege claim is made;
- (g) the address of the premises where the document is kept; and
- (h) whether privilege is claimed over the whole or part of the document. Please note, where only part of the document is subject to a claim of privilege, an appropriately masked version of the document must be provided to ASIC.

In the case of a claim of LPP on behalf of another party in respect of a document, you should also provide the following information:

- (a) the identity of the privilege holder;
- (b) the last known contact details of the privilege holder; and
- (c) an explanation of the circumstances by which the document came to be within your possession or control.

#### **LPP claims over oral information**

If, during an examination, you seek to claim LPP over information responsive to a question you may be requested to provide the details specified below during the examination or at such later date as may be specified by the Inspectors:

- (a) the names of all parties who communicated the information or to whom the information has been communicated, together with their positions and employer (if any);
- (b) the date of the communication;
- (c) the category of LPP claimed (advice privilege or litigation privilege) and the basis on which the privilege is claimed;
- (d) the name of all persons who claim the right to assert the privilege (including any third parties on whose behalf the privilege claim is made); and
- (e) whether the information has been recorded in part or in whole in a tangible form (e.g. electronic or hard copy).

In the case of a third-party LPP claim, you may be requested to provide the following details in respect of the information:

- (a) the identity of the privilege holder;
- (b) the last known contact details of the privilege holder; and
- (c) an explanation of the circumstances by which the information came to be known by you.

To the extent that you are able to provide all or any of the above details during any examination that arises from this Notice, you may be requested to provide those details during that examination or within a reasonable time after the adjournment or conclusion of the examination. Where you are unable to provide all or any of the above details during the

examination, you may be requested to provide them within a reasonable time following the adjournment or conclusion of the examination.

If you are requested to provide details of your claim or indication of privilege following the adjournment or conclusion of an examination, you will be requested to provide them in writing.

You will also be requested to provide details of your claim or indication of privilege in writing if your claims are made in response to a request for reasonable assistance.

**RECORD OF THE EXAMINATION:** Section 24 provides that the Inspector may, and must if you request, cause a record to be made of statements made at the examination. Subsection 24(2)(a) provides that, if that record is reduced to writing, you may be required to read the transcript and to sign it. Failure to do so without reasonable excuse may be a criminal offence and may be subject to a penalty of up to 30 penalty units (\$9,390) or imprisonment for 3 months, or both (see s63(3) and s93D). If a transcript is made and you wish to have a copy of it, you are required to make a written request for a copy, which in due course will be provided without charge, but subject to such conditions (if any) which may be made.

**FALSE OR MISLEADING INFORMATION:** Subsection 64(1) provides that a person shall not give information or make a statement that is false or misleading in a material particular and provides for a penalty of up to 600 penalty units (\$187,800) or imprisonment for 5 years, or both (see also s93D).

**OBSTRUCTION:** Subsection 65(1) provides that a person shall not, without reasonable excuse, obstruct or hinder a person in the exercise of a power under Part 3 and provides for a penalty of up to 240 penalty units (\$75,120) or imprisonment for 2 years, or both (see also s93D).

**CONCEALING, DESTROYING, MUTILATING OR ALTERING A BOOK:** Subsection 67(1) provides that where ASIC is investigating, or is about to investigate a matter, a person shall not:

- (a) in any case - conceal, destroy, mutilate or alter a book relating to that matter; or
- (b) take or send the book out of the State or Territory or Australia.

The penalty is up to 600 penalty units (\$187,800) or imprisonment for 5 years, or both (see also s93D).

**From:** ss 47F, 47G  
**To:** s 22  
**Cc:** s 22 ss 47F,  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]  
**Date:** Monday, 14 August 2023 12:39:04 PM

---

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you s 22  
 Kind regards  
 ss 47F, 47G

ss 47F, 47G  
**PARTNER|GILBERT + TOBIN**

---

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

**L35, Tower Two, International Towers Sydney**  
**200 Barangaroo Avenue, Barangaroo NSW 2000**

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

---

**From:** s 22 <s 22 asic.gov.au>  
**Sent:** Monday, 14 August 2023 11:34 AM  
**To:** ss 47F, 47G <ss 47F, 47G>  
**Cc:** s 22 <s 22 asic.gov.au>; ss 47F, 47G <ss 47F, 47G>  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]  
 Dear ss 47F, 47G

Thank you for your email and the information as requested concerning the time emails were sent.

In relation to your request for an extension of one week to respond to the s19 Reasonable Assistance Notice, ASIC will not take steps to enforce compliance with the notice provided the books are produced on or before 21 August 2023.

Kind Regards  
 s 22

Senior Investigator, Markets Enforcement  
 Office of Enforcement  
**Australian Securities and Investments Commission**

s 22  
 Tel: +61 s 22  
 s 22 [asic.gov.au](mailto:asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

---

**From:** ss 47F, 47G <ss 47F, 47G>  
**Sent:** Monday, 14 August 2023 10:41 AM  
**To:** s 22 <s 22 asic.gov.au>  
**Cc:** s 22 <s 22 asic.gov.au>; ss 47F, 47G <ss 47F, 47G>  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]



**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s 22

We refer to your email dated 7 August 2023.

s 45

Please let us know if you have any questions.  
Kind regards

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

T +61 2 ss 47F, M +61 ss 47F,  
F +61 2 ss 47F, E ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22@asic.gov.au>

**Sent:** Monday, 7 August 2023 4:18 PM

**To:** ss 47F, 47G <ss 47F, 47G> ss 47F, 47G  
<ss 47F, 47G>

**Cc:** s 22 <s 22@asic.gov.au>

**Subject:** NUIX Limited [SEC=OFFICIAL]

Dear ss 47F, 47G

s 45

3. **ss 47F, 47G – Further s19 examination**

Can you please provide an update on **ss 47F, 47G** availability for a s19 examination on Thursday 10 August 2023 or in the week commencing 14 August 2023.

Kind Regards

**s 22**

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

**s 22**

Tel: +61 **s 22**

**s 22**

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

**From:** s 22  
**To:** !ss 47F,  
**Cc:** !ss 47F, 47G  
**Subject:** RE: ASIC examination of ss 47F, 47G [SEC=OFFICIAL]  
**Date:** Wednesday, 16 August 2023 5:32:26 PM  
**Attachments:** [image002.png](#)

---

Hi <sup>ss 47F, 47G</sup>

Thank you for providing the information requested in the direction given to <sup>ss 47F,</sup> 47G during <sup>ss 47F,</sup> s19 examination today.

Regards  
s 22

Senior Investigator, Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

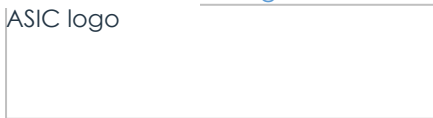
s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I am not in the office on a Friday

---

**From:** ss 47F, 47G <ss 47F, 47G>

**Sent:** Wednesday, 16 August 2023 4:12 PM

**To:** s 22 <s 22@asic.gov.au>

**Cc:** ss 47F, 47G <ss 47F, 47G>

**Subject:** ASIC examination of Rob McTier

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Confidential

Dear s

s 45

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

---

**T** [+61 2 ss 47F](#), **M** [+61 ss 47F](#),  
**F** [+61 2 ss 47F](#), **E** [ss 47F, 47G](#)

**L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000**

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** ss 47F, 47G  
**To:** s 22  
**Cc:** s 22 ss 47F,  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]  
**Date:** Monday, 4 September 2023 11:08:19 AM

---

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi s

We tried to speak to you last week and again today, but perhaps our voice mails were not received. ss 47F, 47G would like you to contact ss 47F, 47G (details below) to have a discussion with you about whether ss 47F, 47G meets with ASIC voluntarily or subject to a s19 notice.

ss 47F, 47G

Partner

[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)

Aurora Place

Level 41, 88 Phillip Street

Sydney, NSW 2000 AUSTRALIA

ss 47F, 47G

Kind regards

ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

**T** +61 2 ss 47F,    **M** +61 ss 47F,  
**F** +61 2 ss 47F,    **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22@asic.gov.au>

**Sent:** Monday, 4 September 2023 10:14 AM

**To:** ss 47F, 47G <ss 47F, 47G@asic.gov.au> ss 47F, 47G  
<ss 47F, 47G@asic.gov.au>

**Cc:** s 22 <s 22@asic.gov.au>

**Subject:** RE: NUIX Limited [SEC=OFFICIAL]

Hi ss 47F, 47G

We would be grateful if you could follow up with ss 47F, 47G to confirm arrangements for a voluntary interview. Subject to ss 47F, 47G availability our preference is for an interview to be conducted this week if possible or early next week.

Kind Regards

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



Please note: I am not in the office on a Friday

**From:** ss 47F, 47G <ss 47F, 47G>  
**Sent:** Wednesday, 23 August 2023 3:15 PM  
**To:** s 22 <s 22> [asic.gov.au](mailto:asic.gov.au)  
**Cc:** s 22 <s 22> [asic.gov.au](mailto:asic.gov.au); ss 47F, 47G <ss 47F, 47G>  
**Subject:** RE: NUIX Limited [SEC=OFFICIAL]

**EXTERNAL EMAIL:** Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear s 22

We understand that ss 47F, 47G is willing to participate in a voluntary interview and we are confirming the times at which ss 47F would be available to attend. We will let you know when we have that information.

Kind regards  
ss 47F, 47G

ss 47F, 47G

**PARTNER | GILBERT + TOBIN**

**T** +61 2 ss 47F, **M** +61 ss 47F,  
**F** +61 2 ss 47F, **E** ss 47F, 47G

L35, Tower Two, International Towers Sydney  
200 Barangaroo Avenue, Barangaroo NSW 2000

This email and any attachment is confidential between Gilbert + Tobin and the addressee. If it has been sent to you in error, please delete it and notify us. Any opinion expressed in it is not the opinion of Gilbert + Tobin unless that is stated or apparent from its terms.

**From:** s 22 <s 22> [asic.gov.au](mailto:asic.gov.au)  
**Sent:** Monday, 21 August 2023 5:42 PM  
**To:** ss 47F, 47G <ss 47F, 47G>  
**Cc:** ss 47F, 47G <ss 47F, 47G> s 22 <s 22> [asic.gov.au](mailto:asic.gov.au)  
**Subject:** Re: NUIX Limited [SEC=OFFICIAL]

Hi ss 47F, 47G

I am following up on our phone discussion last week concerning a voluntary interview with ss 47F, 47G and whether you have had an opportunity to seek instructions.

I would be grateful if you are able to let us know by the end of this week if ss 47F, 47G is willing to participate in a voluntary interview.

Kind Regards  
s 22

Senior Investigator, Markets Enforcement  
Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo





**Please note:** I am not in the office on a Friday

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*

*Please consider the environment before printing this document.*

*Information collected by ASIC may contain personal information. Please refer to our [Privacy Policy](#) for information about how we handle your personal information, your rights to seek access to and correct your personal information, and how to complain about breaches of your privacy by ASIC.*

*This e-mail and any attachments are intended for the addressee(s) only and may be confidential. They may contain legally privileged, copyright material or personal and /or confidential information. You should not read, copy, use or disclose the content without authorisation. If you have received this email in error, please notify the sender as soon as possible, delete the email and destroy any copies. This notice should not be removed.*



ASIC  
Australian Securities &  
Investments Commission

FOI 077-2024

**Australian Securities  
and Investments Commission**  
Office address (inc courier deliveries):  
Level 5, 100 Market Street  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827  
Brisbane QLD 4001

Tel: +61 1300 935 075  
Fax: +61 1300 720 000

[www.asic.gov.au](http://www.asic.gov.au)

Nuix Limited  
Level 27  
1 Market Street  
SYDNEY NSW 2000

Our Reference: CAS-123406-W2D7T6

19 October 2023

By Email: **ss 47F, 47G**

Dear <sup>ss 47F</sup>

**Notice issued under s33 of the *Australian Securities and Investments Commission Act 2001 (Cth)***

I enclose a notice issued under s33 of the *Australian Securities and Investments Commission Act 2001 (Cth)* (**ASIC Act**), requiring Nuix Limited (the company) to produce certain books to ASIC. These books relate to an investigation into suspected contraventions of s1043A of the *Corporations Act 2001 (Cth)* (Act) concerning trading in the financial products of Nuix Limited (ASX:NXL) by Jonathan Rubinsztein during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and suspected contraventions of s1309 of the Act.

This letter, the notice and the appendices set out information about the company's rights and obligations.

The company is not excused from providing books on the grounds that the books may incriminate the company or expose it to a penalty: s68(1) of the ASIC Act. The company is entitled to consult with its legal advisers regarding its obligations under the notice.

The notice should not be construed as an indication by ASIC that a contravention of the law has occurred, nor should it be considered a reflection upon any person or entity.

The penalty for failing, without reasonable excuse, to comply with a notice is a fine of up to \$751,200 for a company: see s63(1) and 93E of the ASIC Act. See Appendix B for some of the offence and penalty provisions for non-compliance with notices.

## Producing books to ASIC

Please produce the books in accordance with ASIC Information Sheet 242: Document Production Guidelines (**INFO 242**) and ASIC's Document Production Guidelines (**Guidelines**). INFO 242 and the Guidelines are available on our website at: <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-document-production-guidelines/>.

INFO 242 and the Guidelines provides guidance on how to produce books in both electronic and hard copy form to ASIC. The following is a summary of the key points of INFO 242 and the Guidelines.

### Books in electronic form

If books the company must produce under the notice are stored in electronic form, please produce them:

- in the electronic form in which they are stored, including the metadata associated with the books. This is ASIC's preferred form of production; or
- using a litigation support system. Section D of the Guidelines is a protocol that sets out how ASIC prefers documents to be produced when using a litigation support system.

The company is required to produce books that are stored in electronic form in a form capable of being understood by ASIC: s25A of the *Acts Interpretation Act 1901* (Cth). This means that where a book to be produced is encrypted, the company is required to either decrypt the book or provide the password to ASIC.

### Books in hard copy form

If books the company must produce under the notice are stored in hard copy form:

- the notice may require the company to produce the original hard copy books; or
- if original hard copies are not required by the notice, the company may produce copies of the original books.

Where the company is to produce copies of original hard copy books, please produce electronic copies of the hard copy books to ASIC either:

- scanned individually, at a minimum 300 dpi, in colour where necessary to understand the content, and sent to ASIC as text searchable, multi-page portable document (PDF) files; or
- through a litigation support system.

### Books in the company's possession, custody or control

The notice requires the company to produce the books in the company's possession, including books in its custody or control. This includes books that the company physically possesses, whether or not it has a legal right to possess them. The company must also exercise any right or power it may have to recover a book or document that is in the possession of a third party, including books held overseas.

### Legal professional privilege

ASIC accepts that a valid claim of legal professional privilege is a reasonable excuse for not providing books under the notice. The company may make a claim of legal

professional privilege if it holds that privilege, or if it makes the claim of privilege on behalf of a person who holds that privilege.

ASIC will not accept a claim of legal professional privilege if the claim is not substantiated. Further information about how to make a claim of legal professional privilege, how to substantiate that claim and ASIC's approach to such claims is set out in ASIC Information Sheet 165: *Claims of legal professional privilege*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/claims-of-legal-professional-privilege/>.

Also, ASIC may accept, on a confidential basis, privileged information (or information that is claimed to be privileged) voluntarily. The terms on which ASIC may elect to accept such information are set out in ASIC's standard agreement, the *Voluntary confidential LPP disclosure agreement*: a full copy of which is available at <https://asic.gov.au/media/1348508/Voluntary-Confidential-Disclosure-Agreement-Legal-Professional-Privilege.pdf>.

### **ASIC's powers under s37(9) of the ASIC Act**

Please retain all books relating to the compilation of books produced in response to this notice.

Where books are produced to ASIC in response to a notice, ASIC may require the person who produced the books or a person who was a party to the compilation of the books to explain any matter about the compilation of the books or to which the books relate: see s37(9) of the ASIC Act.

### **No books to produce**

If the company does not have any books to produce in answer to the notice, please advise me in writing before the due date of the notice.

### **Information about ASIC's powers and privacy policy**

Further information about ASIC's compulsory information gathering powers is set out in ASIC Information Sheet 145: *ASIC's compulsory information gathering powers*, which is available on our website at <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/asic-s-compulsory-information-gathering-powers/>.

The books required to be produced by the company may include personal information. Please refer to ASIC's Privacy Policy at [www.asic.gov.au/privacy](http://www.asic.gov.au/privacy) for information about how we handle personal information, rights to seek access to and correct personal information, and how to complain about breaches of privacy.

If the company has questions about this notice, please contact s 22 on s 22 or email on s 22 [asic.gov.au](http://asic.gov.au).

Yours faithfully,

s 22

s 22

Senior Investigator  
Australian Securities and Investments Commission





**FORM 2**

**Regulation 5**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION REGULATIONS 2001**

**Australian Securities and Investments Commission**

**NOTICE REQUIRING THE PRODUCTION OF BOOKS**

To: Nux Limited  
ACN 117 140 235  
Level 27  
1 Market Street  
SYDNEY NSW 2000

In relation to an investigation into suspected contraventions of:

- a. section 1043A(1) of the *Corporations Act 2001 (Cth)* (Act) in relation to trading of financial products of Nux Limited (NXL) by Jonathan Rubinsztein during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and
- b. section 1309 of the Act in relation to NXL's response dated 14 September 2022 to the ASX Query letter dated 9 September 2022

you are notified that, under s33 of the *Australian Securities and Investments Commission Act 2001*, you are required to produce:

to: **s 22**  
 at: 10:00am;  
 on: 2 November 2023; and  
 at: Level 7, 120 Collins Street, Melbourne or via email to **s 22** @asic.gov.au or **s 22** @asic.gov.au; [asic.gov.au](http://asic.gov.au) or

the following books:

All books described in the schedule attached to this notice.

**s 22**

19 October 2023

\_\_\_\_\_  
**s 22**

\_\_\_\_\_  
Date

A delegate of the  
Australian Securities and Investments Commission

## SCHEDULE

This is the schedule to the notice dated 19 October 2023 bearing identifier NTC2320576, issued to Nuix Limited (ACN 117 140 235) pursuant to section 33 of the *Australian Securities and Investments Commission Act 2001* (Cth).

The company is required to produce:

s 45

## APPENDIX A: Definitions

This Appendix explains the meaning of particular statutory terms that you should understand in order to determine what the notice requires you to produce. Other terms may be defined elsewhere in the notice.

Term	Definition
books	<p>Has the meaning given by s5(1) of the ASIC Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) registers;</li> <li>(b) financial reports or financial records, however compiled, recorded or stored;</li> <li>(c) documents;</li> <li>(d) banker's books; and</li> <li>(e) any other record of information.</li> </ul> <p>Where a book that is responsive to this notice is:</p> <ul style="list-style-type: none"> <li>(a) an email, the email includes any attachments to that email;</li> <li>(b) an attachment to an email, the attachment includes the email to which the attachment is attached and any other attachments to that email;</li> <li>(c) in electronic form, it includes the metadata to that book.</li> </ul>
document	<p>Has the meaning given by s9 of the Corporations Act, and so includes:</p> <ul style="list-style-type: none"> <li>(a) anything on which there is writing; and</li> <li>(b) anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and</li> <li>(c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and</li> <li>(d) a map, plan, drawing or photograph.</li> </ul>
record	<p>Has the meaning given by s25 of the <i>Acts Interpretation Act 1901</i> (Cth),<sup>1</sup> and so includes information stored or recorded by means of a computer.</p>

<sup>1</sup> The *Acts Interpretation Act 1901* (Cth) (as in force on 1 January 2005, see s5A of the ASIC Act).



**APPENDIX B: Offences and penalties**

You should be aware of the following offences under the ASIC Act, each of which carry the penalties noted when contravened by a company.

<b>Offence</b>	<b>Definition</b>	<b>Source</b>	<b>Penalty</b>
Failure to comply	You must not intentionally or recklessly, without reasonable excuse, fail to comply with a requirement made under s19, 21(3), 30, 30A, 30B, 31, 32A, 33, 34 or 37(9) of the ASIC Act	Section 63, 93D and 93E	\$751,200
False or misleading statements	You must not, when complying with a requirement made under Pt 3 of the ASIC Act (including s30, 31, 32A or 33 notices), give information or make a statement that is false or misleading in a material particular	Section 64(1), 93D and 93E	\$1,878,000
Obstruct or hinder	You must not, without a reasonable excuse, obstruct or hinder a person exercising a power under Pt 3 of the ASIC Act (including s30, 31 or 33 notices)	Section 65, 93D and 93E	\$751,200

**From:** s 22  
**To:** ss 47F,  
**Subject:** Nuix Limited [SEC=OFFICIAL]  
**Date:** Monday, 8 April 2024 8:41:00 AM  
**Attachments:** [20240408 - Letter NUIX Limited.pdf](#)

---

Dear <sup>ss 47F, 47G</sup>

Re: ASIC Investigation – Nuix Limited

Please see attached letter.

Kind Regards

s 22

Senior Investigator, Markets Enforcement

Office of Enforcement

**Australian Securities and Investments Commission**

s 22

Tel: +61 s 22

s 22

[asic.gov.au](http://asic.gov.au)

ASIC logo



**Please note:** I work Monday to Thursday



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

Office address (inc courier deliveries):  
Level 5, 100 Market Street,  
Sydney NSW 2000

Mail address for Sydney office:  
GPO Box 9827,  
Melbourne VIC 3001

Tel: +61 1300 935 075

[www.asic.gov.au/](http://www.asic.gov.au/)

Nuix Limited  
c/- **ss 47F, 47G**  
Gilbert & Tobin  
Level 35, Tower Two, International Towers Sydney  
200 Barangaroo Ave  
Barangaroo NSW 2000

Our Reference: CAS-123406-W2D7T6

**By email: ss 47F, 47G**

8 April 2024

Dear **ss 47F, 47G**

As you are aware, the Australian Securities and Investments Commission (ASIC) has been conducting an investigation into suspected contraventions of:

- section 1043A(1) of the *Corporations Act 2001 (Cth)* (Act) in relation to trading by Jonathan Rubinsztein in Division 3 financial products of Nuix Limited (Nuix) during the period 5 September 2022 to 8 September 2022 (both dates inclusive); and
- section 1309 of the Act in relation to information provided by Nuix to the ASX in its response dated 14 September 2022 to an ASX Query letter.

ASIC has finalised its investigation and decided that it will not take any enforcement action.

Following its investigation, ASIC has concluded that there is insufficient evidence to establish to a court that there has been a breach of the law.

ASIC may recommence its investigation, or commence enforcement action, if circumstances change.

ASIC will be in contact with the company to arrange the return of books produced by Nuix in response to ASIC notices in the course of this investigation.

Yours faithfully

**s 22**

**s 22**

Senior Investigator, Markets Enforcement

**Australian Securities and Investments Commission**