



ASIC

Australian Securities & Investments Commission

Level 7, 120 Collins Street,
Melbourne VIC 3000
GPO Box 9827, Melbourne VIC 3001
DX 423 Melbourne

Telephone: +61 3 9280 3200
Facsimile: +61 3 9280 3444
www.asic.gov.au

Our ref: 220/2016

19 July 2016

David Morgan
Chairperson Residents Committee
W.E. O'Brien Court Retirement Village

Email: foi+request-2037-7838e610@righttoknow.org.au

Dear Mr Morgan

Freedom of Information Request

I refer to your email of 5 July 2016 in which you request the 2014/2015 financial report (**Form 388**) for Southern Cross Care (NSW & ACT) Limited ACN 131 082 374 an Australian Public Company, Limited by Guarantee (NFP) (**the Company**).

I advise that I am the authorised decision maker for the purposes of section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

My decision

Searches of ASIC's records have been undertaken in accordance with the provisions of the FOI Act for the 2014/2015 financial report, Form 388, in relation to the Company.

I confirm that I have not been able to locate any such document and that ASIC does not hold any documents which fit the terms of your request and therefore your request is refused under s24A(1) of the FOI Act).

Section 24A(1) of the FOI Act states:

- 1) An agency or Minister may refuse a request for access to a document if:
 - a. All reasonable steps have been taken to find the document; and
 - b. The agency or Minister is satisfied that the document:
 - i. Is in the agency's or Minister's possession but cannot be found; or
 - ii. Does not exist.

Information about financial reporting for Not-for-Profit organisations

The Australian Charities and Not-for-Profits Commission (**ACNC**) registers organisations as charities. If a company or registered body is registered with the ACNC as charity, they have ongoing obligations to the ACNC. Some reporting obligations under the *Corporations Act 2001* do not apply to companies and registered bodies that are registered with the ACNC and therefore they do not have to report annually to ASIC or notify ASIC of most changes.

Some charities are required to submit an Annual Information Statement (AIS) and financial reports for each reporting period. Information about a charity can be found on the ACNC website www.acnc.gov.au.

Further Assistance - ACNC Search

You may wish to conduct a search on the ACNC website for Financial reports of a charity. Financial reports lodged with the ACNC are publicly available and can be obtained free of charge. Please visit www.acnc.gov.au and select find a charity. Enter the name of the entity and/or the ABN or ACN of the relevant entity. Alternatively, you can contact the ACNC on 13 22 62.

Review Rights

I provide you with the following information as required by section 26 of the FOI Act. If you are dissatisfied with the decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law GPO Box 9827 Sydney NSW 2001 or by email to foirequest@asic.gov.au.
2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence should be addressed to the Office of the Australian Information Commissioner at: GPO Box 2999 Canberra ACT 2601 or GPO Box 5218 Sydney NSW 2001.
3. You may lodge a complaint to the Commonwealth Ombudsman in respect to the conduct of ASIC in the handling of this request. To do so, you can contact the Ombudsman's office by email ombudsman@ombudsman.gov.au, or by letter to GPO Box 442 Canberra ACT 2601.

Should you have any questions about your Freedom of Information request, you may contact me by email fleur.forsyth@asic.gov.au.

Yours sincerely



Fleur Forsyth

Lawyer, Registry

(Authorised Decision-maker pursuant to section 23(1) of the FOI Act)