



ASIC

Australian Securities & Investments Commission

Our Ref: 244/2016

28 July 2016

Eamonn Mulholland

foi+request-2076-ee472201@righttoknow.org.au

Dear Mr Mulholland

Level 7, 120 Collins Street,
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**Freedom of Information Request –
Notice to Identify Documents under Section 24AB of the FOI Act**

I refer to your email of 22 July 2016 in which you seek access to information regarding Credit Management Australia Pty Ltd (**the Company**). In particular, your request seeks the following:

.. to provide me with this companies information, all of it. I have paid for the company extract but that has little information on it.'

Invalid request

I advise that your request does not constitute a valid request in accordance with section 15(2) of the *Freedom of Information Act 1982 (FOI Act)* as it fails to:

1. state that the request is an application for the purposes of the FOI Act (as required by 15(2)(aa) of the Act); and
2. comply with section 15(2)(b) of the FOI Act as it does not provide enough information to enable me to identify the documents to which you seek access. Section 15(2)(b) states that a request must 'provide such information concerning the document as is reasonably necessary to enable a responsible officer of an agency to identify it'. As section 15(2)(b) has not been met ASIC may, in accordance with section 24(1)(b) of the Act, refuse to process your application.

Clarification sought

In its current form, it would be my intention to refuse access to the documents sought in your letter. However to assist you to make a valid request I make the following comments.

Request for the purpose of FOI Act

Please state whether or not your request is for the purposes of the FOI Act, as required by 15(2)(aa) of the FOI Act.

Lists of information

The right of access under the FOI Act is to existing documents, rather than to information. The right of access applies to documents that exist at the time the FOI request was made. It generally does not require an agency to create a new document in response to a request for access.

Please clarify what is meant by '*this company's information, all of it*'. As stated above, the request must be clear to enable an officer of the agency to identify the document. Please specify what documents or category of documents you seek.

The revised request is due to me by **Thursday 11 August 2016**.

Pursuant to section 24AB(6) of the Act, before the end of the consultation period you are required to have done one of the following:

- (a) withdrawn the request,
- (b) made a revised request, or
- (c) indicated that you do not wish to revise the request.

If I have not heard from you by this date, I will proceed to process your application in its current form and in accordance with sections 24AB(6) and s24AB(7) of the Act, be taken to be withdrawn.

Charges

You should be aware that while the first 5 hours of decision making in respect to FOI requests is free of charge ASIC is entitled to charge for searching and retrieval of documents and decision making time in excess of 5 hours. Careful attention to the terms of the request can significantly reduce the provision of unrequired documents and thereby impact substantially upon the cost of the request.

Timing

As a general rule, an application must be processed within 30 days from receipt of a valid request. However, please note that in accordance with section 24AB(8) of the FOI Act, the time for processing your request is suspended from the day that you receive this letter and resumes on the day after ASIC receives from you a request in writing which contains sufficient information to identify the documents required.

Records held by ASIC

ASIC is Australia's corporate, markets and financial services regulator. We regulate Australian companies, financial markets, financial services organisations and professionals who advise in investments, superannuation, insurance, deposit taking and credit. Generally most documents lodged with ASIC under provision of the *Corporations Act 2001* are **publicly available for a fee**. Only *some*

documents lodged with ASIC are not publicly available as pursuant to section 1274(2) of the *Corporations Act 2001*.

Current and historical extracts including information about a company, details of directors, address information, members (shareholders), annual returns, financial reports and managed investment schemes, is available for purchase through our ASIC Connect portal.

Some company deregistration and strike off action information is available on our ASIC Gazette on the ASIC website. Deregistration notices are published on the Insolvency notices website at insolvencynotices.asic.gov.au

How to access publicly available documents

You may obtain publicly available information and documents, such as the information listed above, through ASIC Connect at www.asic.gov.au/search-organisations or through one of our information brokers. More details about our information brokers can be found at www.asic.gov.au/informationbrokers. Please note fees apply.

If you need assistance accessing documents via ASIC Connect, please call our Customer Contact Centre (CCC) on 1300 300 630. The CCC business hours are Monday to Friday 8:30 am to 5:00 pm (AEST). The CCC closes for business on national public holidays and has limited services available on public holidays for each state and territory.

Should you wish to consult with me, you may contact me by email at kristina.penny@asic.gov.au or contact Grace Gagliano at grace.gagliano@asic.gov.au or telephone 03 9280 3214.

Yours sincerely



Kristina Penny
Senior Lawyer, Registry
(Authorised Decision-maker under section 23(1) of the FOI Act)