

Our ref: 283/2016



ASIC

Australian Securities & Investments Commission

13 September 2016

Mr Michael Johnstone

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Dear Mr Johnstone

FREEDOM OF INFORMATION ("FOI") APPLICATION

I refer to your 2 emails received via our Freedom of Information (FOI) email address on 29 August 2016 in which you request:

"...a copy of any information that the department has from the 2015/2016 tax year for:

*THE LAMATTINA GROUP
VIC B1970586*

*LAMATTINA SUPERANNUATION PTY LTD
ACN 159 928 177*

*ANGELO R LAMATTINA PTY LTD
CAN 610 694 178*

*ANTHONY R LAMATTINA PTY LTD
CAN 610 690 287*

*JOSEPHINE T LAMATTINA PTY LTD
CAN 610 689 846*

*ROBERT A LAMATTINA PTY LTD
CAN 610 690 063*

*RUSSELL R LAMATTINA PTY LTD
CAN 610 690 036*

*D LAMATTINA INVESTMENTS PTY LTD
CAN 602 723 704*

*R AND T LAMATTINA PTY. LTD.
CAN 007 418 948..."*

and

"...A & G LAMATTINA & SONS PTY. LTD..." (your request).

Access to documents

The *Freedom of Information Act 1982 (Cth)* (**FOI Act**) provides a right to obtain access to **documents** of an agency and not information. Although you request "...a copy of any information..." I understand that you are seeking copies of documents.

Therefore, I confirm that your request will be treated as a request under the **FOI Act** and provide the following information about the processing of your FOI request.

Third party consultation

I confirm that I will be consulting with third parties in relation to the documents sought by you, in accordance with section 27 of the FOI Act.

The documents requested contain information which may be information about a person's business or professional affairs and/or information about the business affairs of another organisation (section 27). Under the FOI Act information in documents under these provisions may be exempt from release. The FOI Act makes provision for consulting with any affected person or organisation to obtain their views before a final decision is made on whether to release the documents. In deciding whether or not to release the documents, the FOI decision-maker must objectively consider all the relevant factors involved in relation to the application, including the views contained in any submission from an affected party.

As the documents you have requested contain information that is information about another organisation, it is appropriate that I consult with the affected parties to give them an opportunity to make a submission on release.

Timing of decision

As a general rule, an application must be processed within 30 days pursuant to section 15(5)(b) of the FOI Act. However, certain exceptions also apply, for example where it becomes necessary to consult with affected third parties in respect to the disclosure of documents caught by the terms of the request. Section 15(6)(a) of the FOI Act extends this period by a further 30 days, to enable the affected parties to make their submission. In the event that the authorised FOI decision-maker decides, contrary to the views of an affected party, to release the documents which are the subject of the consultations, access to the documents cannot be granted until the affected parties have been given the opportunity to seek either:

- an internal review of the decision (within ASIC)
- a review of the decision with the Office of the Australian Information Commissioner, or
- a review of a reviewable decision with the Commonwealth Administrative Appeals Tribunal.

Charges

You should note that, while the first five hours of decision making is free of charge, charges may be imposed for time spent in searching for and retrieving relevant documents, photocopying, postage and any decision-making time in excess of the first five hours.

You will be provided with a preliminary assessment of the charges before the final decision is made and thereafter, be told the final assessment amount to be charged at the time of the decision regarding any access to documents.

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 insolyncynotices.asic.gov.au.

Publicly available documents

Please be aware that documents on ASIC's registers that are publicly available fall outside of the operation of FOI Act. Section 12(1)(b) of FOI Act states "*a person is not entitled to obtain access under this Part to a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge*".

As noted above, most documents lodged with ASIC are publicly available.

How to access publicly available documents

You may obtain publicly available information and documents 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.

Agency Publication Obligations

In the event that copies of the documents are released to you in accordance with your request, I advise that section 11C of the FOI Act requires ASIC to publish on our public website copies of those documents released to you unless certain exceptions apply.

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

Yours sincerely



Fleur Forsyth

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