



ASIC

Australian Securities & Investments Commission

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28 October 2013

Ms Sophia Wrightman

By email: foi+request-444-e738b242@righttoknow.org.au

Dear Ms Wrightman

Request Pursuant To The Freedom Of Information Act 1982 For Access To Documents

I refer to your email of 16 October 2013 in which you sought access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

CIK: 0000805157

Company Name: COMMONWEALTH OF AUSTRALIA

http://www.sec.gov/Archives/edgar/data/805157/999999999511002281/xsIEFPECTX01/primary_doc.xml

Please provide documentation that the Commonwealth of Australia (as recorded above) is registered as per the ASIC guidelines to do business in Australia.

I am an authorised decision-maker for the purposes of section 23 of the FOI Act and this letter gives notice of my decision.

I have determined that your request is a valid request in terms of section 15 of the Act.

The Decision

Section 24A of the FOI Act states:

Document lost or non-existent

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.

I am satisfied that ASIC has no documentation answering the terms of your request. Accordingly your request is refused pursuant to s24A of the FOI Act.

For your information, there is no obligation on the Commonwealth to register under any legislation administered by ASIC.

Further, documentation pertaining to the registration of companies by ASIC, being publically available information, is not generally available under the FOI Act (see s12(1)(b)).

Review Rights

I provide you with the following information as required by section 26 of the FOI Act.

In the event that 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 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 Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Office of the Australian Information Commissioner - GPO Box 2999 Canberra ACT 2601 OR GPO Box 5218 Sydney NSW 2001 GPO Box 5218 Sydney NSW 2001.

Yours sincerely



Matthew Povey
(Authorised decision-maker under subsection 23(1) of the FOI Act)
for the Australian Securities and Investments Commission