



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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

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

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

Mr Jason Simpson

Our Reference: 230/2018

Email: [foi+request-4704-676e4460@righttoknow.org.au](mailto:foi+request-4704-676e4460@righttoknow.org.au)

12 September 2018

Dear Mr Simpson

**Request for internal review of a decision under the FOI Act**

I refer to your email sent to our FOI request email on 13 August 2018. I understand you seek an internal review of the decision of Grace Gagliano made under the *Freedom of Information Act 1982 (FOI Act)* on 2 August 2018 following your request to access documents received on 19 July 2018.

You requested ASIC:

*... provide a shareholders list of 3D Group Pty Ltd and 3D Industries Pty Ltd at the time of the companies being placed into VA (24/12/2014) and the list of shareholders that were transferred to the proponent of the DOCA 333D when VA ended.*

In your request for internal review, you state:

*ASIC has the shareholder information contained in the Admin report as well as the DOCA.*

Ms Gagliano advised in her letter dated 2 August 2018 that documents that are publicly available for a fee are excluded from the operation of the FOI Act and provided information in Annexure 1 about the types of publicly available documents that hold share information. Ms Gagliano refused your request on the basis that ASIC does not hold any documents.

Under section 54 of the FOI Act, an applicant may apply for the review of a decision.

I am authorised to conduct the internal review of the original decision made under the FOI Act.

**My decision**

I have reviewed the searches undertaken by Ms Gagliano for documents falling within the scope of your request and undertaken my own searches for documents. I confirm the decision of Ms Gagliano.

The two companies are both proprietary companies and must notify ASIC of the top 20 members of the company as detailed in the company's register of members. Any person may purchase an extract of the company details which provides the details of current and historical members. In addition, a person may purchase a copy of a document that notifies ASIC of changes to the members.

A number of documents have been lodged with ASIC about the members of each company being Form 201 (Application for Registration as an Australian Company) and Form 484 (Change to Company Details). A list of the documents that have been lodged with ASIC for a company is available on our ASIC Connect website at [www.connectonline.asic.gov.au](http://www.connectonline.asic.gov.au).

The documents are publicly available for a fee and ASIC is not required to provide access to the documents under the FOI Act in accordance with section 12(1)(b). However, you are able to obtain copies of publicly available documents via our ASIC Connect website.

I note that you referred in your request for internal review to Deeds of Company Arrangements and the reports of administrators. These documents are also publicly available if the document has been lodged with ASIC.

### **Review rights**

I provide you with the following information about your review rights. 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 the Office of the Australian Information Commissioner (OAIC) for a review of my decision under section 54M of the FOI Act. You may contact the OAIC by post at GPO Box 5218 Sydney NSW 2001, by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by telephone on 1300 363 992.
2. You may lodge a complaint with the OAIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIC as described above.

If you have any questions about your Freedom of Information request, you may contact me by email at [kristina.penny@asic.gov.au](mailto:kristina.penny@asic.gov.au) or telephone 03 9280 4994.

Yours sincerely,

Kristina Penny  
Senior Specialist  
(Authorised decision-maker pursuant to section 23(1) of the FOI Act)