



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Steven

Our Reference: FOI 190-2019

Email: foi+request-5624-451f863c@righttoknow.org.au>

11 October 2019

Dear Steven

**FREEDOM OF INFORMATION ("FOI") APPLICATION –
Notification of decision**

I refer to your request dated 11 September 2019 under the *Freedom of Information Act* 1982 (**FOI Act**) in which you seek information in the possession of the Australian Securities and Investments Commission (**ASIC**).

I also refer to my letter of 26 September 2019 which invited you to clarify your request and provide further information about the nature of the **document** you are seeking.

On 2 October 2019 you provided a response to my letter and in your first response you asked:

"...Who is the Registered owner of the ABN"

And then in a second response you made the following statements:

"...I asked if these entities were all under the 1 ABN , obviously they are what I really want to know is why are all these entities under the 1 ABN, why these particular entities.

Are the choices specific ?

This is not just some random occurrence, so what brings all these together in what must be specific and not random.

*Is there any **documentation regarding the registering of these entities under a single ABN**, is there legislation for this, or Hansard*

why is the High Court Of Australia under a different ABN.

How is it possible for ASIC to be the regulator for HCA, the HCA was established as a part of the 1900 Constitution brought in to effect in 1901 by her majesty queen Victoria.

I see, ASIC is the regulator of the Corporation, so HCA has its own corporation constitution within the federation and its Constitution.

Very interesting!

So if I'm not happy HCA's conduct can I make a complaint to ASIC and what authority does ASIC have over HCA under the 2001 corporations act, does ASIC have the authority to BAN HCA and its role as a corporation? HCA would still continue in its role as the highest authority of law.

but then the HCA has the authority to make ASIC non existent?

I'm positive the 1999/2000 referendum for a republic didn't carry

Is the Commonwealth Government the owner of the ABN's"

[Emphasis added]

Following your responses of 2 October 2019, I understand your request to mean that you seek access to:

"documentation regarding the registering of these entities under a single ABN"

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

My decision

Searches of ASIC's records have been undertaken in accordance with the provisions of the FOI Act. I confirm 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 *"an agency or Minister may refuse a request for access to a document if... the agency or Minister is satisfied that the document... does not exist."*

To assist you, I have set out additional information for you below (See Annexure 1).

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 within 60 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 54N 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 or by telephone on 1300 363 992.

Right to complain

3. 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.

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

Yours sincerely

Grace Gagliano

Registry

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

Annexure 1

Additional Information

Lists of information

The right of access under the FOI Act 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.

Australian Business Number (ABN)

The Australian Business Register (**ABR**) is responsible for the registration of Australian Business Numbers (**ABN**). Further information about the features of ABN's can be found on their website at www.abr.gov.au.

You may search free data about an ABN using the [ABN Lookup](#) tool on their website.

ASIC is responsible for administering the Business Names Register under the *Business Names Registration Act 2011*. You may also conduct a free search for an ABN and obtain publicly available documents through [ASIC Connect](#).

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.

Trading names registered with the State and Territories

On 28 May 2012 (change-over day), ASIC commenced responsibility for the Business Names Register under the *Business Names Registration Act 2011* (BNR Act). Prior to change-over day, the States and Territories were required to notify ASIC of any business name registered under the registration law of that State or Territory. The BNR Act did not extend to a name which was registered with State and Territories as a 'Trading name' and ASIC does not hold information about Trading names. If you need any information about a trading name, you may wish to contact the Australian Business Registrar (www.abr.gov.au).

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.

Amongst others, ASIC is also responsible for administering the Company Register under the *Corporations Act 2001* (**the Corporations Act**). ASIC's corporate database records the notification of lodged documents under the Corporations Act by or on behalf of a company.