



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

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Mr Phillip Sweeney

By email only:

foi+request-6527-76e5e81b@righttoknow.org.au

Our Reference: FOI 138-2020

20 August 2020

Dear Mr Sweeney,

Freedom of Information Request No. 138-2020

I refer to your request received 25 July 2020 made under the *Freedom of Information Act 1982 (FOI Act)* for access to documents in the possession of the Australian Securities and Investments Commission (**ASIC**).

Your request seeks access to:

“... a copy of the response to a request for information by Alisha Hill made by former ASIC officer, Monique Adofaci, before 4 August 2011 on which Ms Hill relied for her investigation.”

I have identified **one** document which falls within the terms of your request. The document is described in the schedule to this letter.

ASIC’s Misconduct and Breach Reporting team located the document on the CMS database. The team conducted a search of this database using your name and a date range prior to 4 August 2011. The search returned matter CCU-11/0297 and the document sought was contained within it.

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

Decision

As part of my decision, I have considered:

- the FOI Act, in particular ss 11 and 15;
- the terms of your FOI request dated 25 July 2020; and
- the Australian Information Commissioner’s FOI Guidelines issued under s 93A of the FOI Act (**FOI Guidelines**).

I advise that I have decided to grant access in full to the document listed in the attached schedule. The document is **enclosed** with this letter.

I note that you have previously been provided with this document by the Commonwealth Ombudsman pursuant to FOI requests made to them.

The FOI Act provides that charges may be assessed for time spent processing a request. I have decided that there are no charges applicable to the processing of your request in this instance.

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 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, Freedom of Information, GPO Box 9827, Brisbane QLD 4001 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 foidr@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.

Please contact me on fleur.forsyth@asic.gov.au if you have any questions.

Yours sincerely



(Authorised decision-maker pursuant to subsection 23(1) of the FOI Act)

Attachments

1. Schedule of documents
2. Document for release

SCHEDULE OF DOCUMENTS

No.	Description of document	Date	No. of folios	Decision on access
1.	Letter from Monique Adofaci, Senior Manager, Chief Legal Office, ASIC addressed to Elisha Hill, Senior Investigation Officer, Commonwealth Ombudsman	5/07/2011	7	Release in full