



**ASIC**  
Australian Securities &  
Investments Commission

**Australian Securities  
and Investments Commission**

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9 December 2020

Mr Phillip Sweeney

By email: [foi+request-6832-e498f7ff@righttoknow.org.au](mailto:foi+request-6832-e498f7ff@righttoknow.org.au)

Dear Mr Sweeney

**Notice of Internal Review Decision under the Freedom of Information Act 1982  
Ref No. 207-2020**

I refer to your email received by the Australian Securities & Investments Commission (**ASIC**) on 9 November 2020, in which you request an internal review under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

I am authorised to conduct the internal review pursuant to s 23(1) of the FOI Act.

**Initial Decision on your FOI Request**

On 24 October 2020 you made a request under the FOI Act for the following document:

*The document I seek is a copy of the **letter that confirms the appointment** of James Shipton to the role of Chairman of ASIC' (my emphasis added).*

On 9 November 2020 the authorised decision maker, Ms Zhang, gave notice of her decision refusing your request under s 24A of the FOI Act on the basis that no documents falling within the scope of your request exist in ASIC's possession (**Primary Decision**).

**Internal Review Request**

On 9 November 2020 you made an application for internal review of the Primary Decision (**Internal Review Request**) stating

*ASIC previously provided me with a copy of the letter of appointment of Greg Medcraft and so a similar letter of appointment must exist for James Shipton*

**Information considered:**

In reaching my decision, I have considered the following:

- the FOI Act, in particular ss 24A;
- the Australian Information Commissioner's FOI Guidelines issued under s 93A of the FOI Act;
- your FOI request received on 24 October 2020;
- the Primary Decision including searches conducted by the primary decision maker and the results of those searches;
- your Internal Review Request; and
- the documents released pursuant to a previous FOI request you made to ASIC in 2011.

**Internal Review Decision**

Having considered the above material, I agree with the Primary Decision maker that there is no document in ASIC's possession fitting the description "the letter that confirms the appointment of James Shipton to the role of Chairman of ASIC".

ASIC is however in possession of an instrument appointing James Shipton to the role of ASIC Chair (**Instrument of Appointment**) .

Your Internal Review Request makes clear that you are seeking a document concerning James Shipton's appointment to the role of ASIC Chair that is similar in nature to a document previously released to you concerning Greg Medcraft. The document previously released to you is an instrument dated 12 May 2011 appointing Greg Medcraft to the role of ASIC Chair.

On the basis of the clarification provided in your Internal Review Request I have decided to vary the Primary Decision by releasing the Instrument of Appointment in full.

The instrument of Appointment is attached to this decision.

**Review rights**

If you are dissatisfied with the decision:

1. 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](mailto:foidr@oaic.gov.au) or by telephone on 1300 363 992

**Right to complain**

2. You may lodge a complaint with the OAIIC in relation to the conduct of ASIC in the handling of this request. You may contact the OAIIC as set out above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mirijana Soldatic', written in a cursive style.

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