



ASIC
Australian Securities &
Investments Commission

**Australian Securities
and Investments Commission**

Office address (inc courier deliveries):
Level 5, 100 Market Street,
Sydney NSW 2000

Mail address for Sydney office:
GPO Box 9827,
Brisbane QLD 4001

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

www.asic.gov.au

Stuart Paul
By email: [foi+request-7880-
9baec02d@righttoknow.org.au](mailto:foi+request-7880-9baec02d@righttoknow.org.au)

Our Reference: FOI 206-2021

11 October 2021

Dear Mr Paul

Freedom of Information Request No. FOI 206-2021

I refer to your request made under the *Freedom of Information Act 1982 (FOI Act)* dated 20 September 2021 for access to information in the possession of the Australian Securities and Investments Commission (**ASIC**). Your request seeks access to information concerning the results of your Financial Adviser Standards and Ethics Authority (FASEA) Financial Adviser Exam.

Your request states:

I need to know the specific result I achieved & the responses to each exam question...

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

I have decided to refuse your request for access on the basis that no relevant documents exist containing the information sought in your request. The reasons for my decision are set out below

Material taken into account

I have taken the following material into account in making my decision:

- the FOI Act (specifically section 24A)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act
- searches undertaken by ASIC staff
- your email of 20 September 2021

Reasons for decisions

Section 24A - documents cannot be found, do not exist or have not been received

Section 24A provides:

Document lost or non-existent

- (1) 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.

There are two elements which must be satisfied before a request can be refused under section 24A:

- the agency or minister must have taken all reasonable steps to find the document, and
- the agency or minister is satisfied that the document cannot be found or does not exist.

In order to ascertain whether any documents existed within the scope of your request searches were conducted by staff of ASIC's Financial Advisers team. The Financial Advisers team have advised that ASIC does not hold the information you are requesting as FASEA are responsible for approving and administering the financial advisers exam.

I am satisfied that all reasonable steps were taken to find documents within scope of the request. Further, I am satisfied that no document exists that is within scope of your request.

It is therefore my decision, under section 24A(1)(b)(ii), to refuse your request for access as all reasonable steps have been taken to find documents and that no such documents exist.

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 an internal review of my decision under section 54B of the FOI Act. This review is an independent process conducted by a Senior Freedom of Information Officer at ASIC. 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 set out above.

If you have any questions or wish to discuss, please contact me on 02 9911 5742 or at megan.mckenna@asic.gov.au.

Yours sincerely

Megan McKenna
FOI & Privacy Lawyer
Chief Legal Office
(Authorised decision-maker pursuant to subsection 23(1) of the FOI Act)