



ASIC

Australian Securities & Investments Commission

NOTES

1. You cannot attach documents to this form; however, after we receive your report an analyst will contact you and may ask for more information.
2. Guidance and mandatory fields are annotated below.
3. This form is the best way to report misconduct to ASIC.

Online Report Form

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Report of Misconduct Form

This form must be completed in one session. It cannot be saved.

Please complete this form if you wish to report misconduct or report a possible breach of the legislation [ASIC administers](#). We consider reports of misconduct to be a valuable source of intelligence that assists our regulatory role. Read here for information about how we [handle reports of misconduct](#).

This form should not be used to complain about ASIC or an ASIC officer. Read [Complaining about our decisions or officers](#).

You

Tell us about yourself

Personal details

Providing us with your personal information is voluntary, and you may choose to remain anonymous or use an alias. However, we request your details so that we can contact you to discuss your concerns and seek further information if required. We may be limited in the extent to which we can assess your report without your contact details. We ask about your age group for the purpose of tailoring or improving our services to your needs. Please refer to our [Privacy Policy](#) for more information about how we handle your personal information, your rights to seek access to and correct personal information, and to complain about breaches of your privacy.

We also prefer you to provide your contact details so that we can contact you if we need more information.

Name

Title

Given names

Family name

Age

Gender

Contact details

We prefer to contact you by phone during business hours to ensure we fully understand your concerns and are able to direct you to relevant information that may assist you.

Business hrs phone number

Mobile/alternate contact number

Email address

Providing an email address will allow us to correspond with you more quickly. It will also allow us to send you a confirmation email including a copy of your report.

Address for correspondence

Care Of

Office Floor Building

Street

Suburb or Locality State

Postcode

Country

You MUST supply your postcode, even if you are reporting anonymously (e.g. not providing your name and contact details).

Where did the events that led to your report of misconduct occur? You must select at least one location.

- ☐ Australian Capital Territory
- ☐ Northern Territory
- ☐ New South Wales
- ☐ Queensland
- ☐ South Australia
- ☐ Tasmania
- ☐ Western Australia
- ☒ Victoria
- ☐ Outside Australia

You MUST select a location where the alleged misconduct occurred.

You MUST provide details about a person, a company or a website. You can list a single person, a single company, a single website or a combination of all three.

Who?

Tell us who you want to report

Enter the details of the company, organisation, website or person that your report is about. You must enter the details of at least **one** company, organisation, website or person.

If your report is about a company or organisation and a person enter information about both.

Including as much information as you can about the company or organisation you want to report will help us to gather information.

Company/Organisation

Enter the details of the company or organisation that your report is about. You can search for the names and numbers of companies and organisations by using ASIC's [Organisations and Business Names search](#).

Company/Organisation 1

Organisation Name

Company or organisation number if known

Care Of

Office Floor Building

Street

Suburb or Locality State
Postcode

Country

Australia



Telephone

Number

Comments

Fax

Number

Comments

Company/Organisation 2

Organisation Name

Company or organisation number if known

Care Of

Office Floor Building

Street

Suburb or Locality State
Postcode

Country

Australia



Telephone

Number

Comments

Fax

Number

Comments

Including as much information as you can about the person/s you want to report will help us to gather information.

Person

Enter the details of the person that your report is about.

Person 1

Name

Title

Given names

Family name

Care Of

Office Floor Building

Street

Suburb or Locality State

Postcode

Country

Australia

Email Address

Telephone

Number

Comments

Mobile

Number

Comments

Person 2

Name

Title

Given names

Family name

Care Of

Office Floor Building

Street

Suburb or Locality State

Postcode

Country

Australia

Email Address

Telephone

Number

Comments

Mobile

Number

Comments

Website

Add the address of the website that your report is about.

Website Address

Your connection with the report can help us to decide which area of the law applies to your report.

What best describes your connection with this report?

☐

Accountant

☐

Company Officer (current)

☐

Company Officer (former)

☐

Competitor

☐

Consumer Advocate or Financial Counsellor

☐

Credit Consumer

☐

Creditor

☐

Customer

☐

Employee

☐

General Public

☐

Investor/Shareholder

☐

Lawyer

☐

Media

☐

Small business Owner

You MUST enter an amount of money, even if it is zero (0). Do not use quotation marks (") around the figure, or commas (,), or words (e.g. for 1.2 million you should enter 1200000).

What?

What are you reporting?

To help us understand whether we can help you there is some information we would like.

How much money (\$AUD) or property is involved? For example, for \$5,000.00 enter '5000'. If no money or property is involved or the amount is not known enter '0'.

5000

You MUST indicate whether you, or another person, have started legal proceedings.

Have you, or another person you know of, started legal proceedings over this report?

☐

Yes

☐

No

Indicate if you have contacted any of the following organisations about your concerns.

- ☐ Australian Competition and Consumer Commission
- ☐ Australian Federal Police
- ☐ Australian Prudential Regulation Authority
- ☐ Australian Taxation Office
- ☐ Consumer Credit Legal Centre
- ☐ Credit/consumer counsellor
- ☐ Credit and Investments Ombudsman
- ☐ Fair Trading or Consumer Affairs
- ☐ Financial Ombudsman Service Limited
- ☐ State Police
- ☐ Superannuation Complaints Tribunal

You MUST indicate when the alleged misconduct occurred (e.g. MM/YYYY). If you are unsure of an exact date, try to be as accurate as possible.

When did the events that led to your report occur? Enter the Month and Year, for example 01/2011.

07/13

You MUST describe the details of the alleged misconduct. Try to keep your description to factual statements (see example below).

Brief description of your concerns

*No more than 2000 characters

Background to events, including subjects (people involved).

Events immediately leading up to the alleged misconduct.

Statement of alleged misconduct.

I was one of two directors of Cafe Company, which in July 2012 opened a cafe called Coffee School. The other director was Mr ABC. I also invested \$8000 in the company, and was one of the major shareholders.

Not long after the cafe opened, Mr ABC who was also managing director began to withhold information about the financials of the company.

At the end of the 2011–2012 financial year, I repeatedly asked Mr ABC for a financial report and a meeting of shareholders. Mr ABC did not meet these requests.

In January 2013, Mr ABC told me that the company was in debt and we needed to close the business and deregister the company.

On my insistence, the company held a final meeting, at which Mr ABC presented financials that seemed to show that the main debts the company had incurred were to repay amounts of money Mr ABC had apparently lent the business. As far as I could see, there was no evidence to support such loans. Also, the company seemed to have paid for personal overseas trips for Mr ABC.

At the meeting, Mr ABC stated that:

- as he was responsible, he would pay all costs associated with closing the company, in return for the transfer of all stocks and assets to him to pay the company's debts
- as the company was in debt; all investors had lost their money
- he did not want to formally liquidate the company, as he wanted to direct other companies in the future.

He then sold the business at a large personal profit.

I believe Mr ABC has acted improperly as a director of the company and has not acted in the interests of shareholders by benefitting personally via financial gain through the sale of the business and using the company profits to pay for personal expenses and holidays.

My concern is also that if someone does not investigate this conduct, Mr ABC may repeat this impropriety.

Note: We encourage you to limit your report to a summary of the facts. There are often many issues surrounding allegations of misconduct; however, details beyond the facts, however distressing, will not usually assist us in our consideration of your matter.

We will contact you to clarify any issues or if we need more information.

Do you have documents that may assist us in assessing your concerns?

☒ Yes ☐ No

You MUST indicate if you have supporting documents. You cannot attach documents to this form but we will request them if we think they are required.

An analyst will be in contact with you to discuss your concerns and any further information that might be required.

Confidentiality

We consider your report to have been given to us in confidence and we will not reveal the contents of your report without your consent unless we are required and authorised to do so under law.

When we receive your report, we will read the material you have provided to decide whether it is a matter that we should consider further. There are certain situations where it may be appropriate for us to either refer your report to another organisation or agency, or make further inquiries relating to your report. To allow us to take action on your report as soon as possible, please answer the following two questions:

Authority to release information

Q1. If we consider your report falls within the jurisdiction of another government organisation or agency, in Australia or overseas, do you consent to us referring the information in this report, including your personal information, to that other government organisation or agency?

☒ Yes ☐ No

Q2. If we need to make further inquiries about your report, do you consent to us contacting the subject(s) of your report?

☒ Yes ☐ No

You MUST indicate whether you authorise us to release the details of your report and contact the subjects of your report.

Submit

You are now ready to submit your report, please click the 'SUBMIT' button below.

Important: Please make sure you record the reference number displayed on the next screen. If you need to contact us in relation to this report you will need to provide the reference number.

[What happens next?](#)

[Cancel](#)

[Submit](#)