



ASIC

Australian Securities & Investments Commission

[PF 89] Pro Forma 89 Notification for reviewable decisions

Practice Note 57

Reissued 9/7/2003

Previous version: see [SPF 89] (issued 15/5/1995 and superseded 9/7/2003) in the ASIC Digest on CD-ROM.

Pro Forma 89 is the standard form for giving notice to persons affected by reviewable ASIC decisions under Practice Note 57.

You may have a right to seek to have the decision reviewed by the Administrative Appeals Tribunal (AAT) under [s244 of the Australian Securities and Investments Commission Act, s1317B of the Corporations Act, s236(8) of the Life Insurance Act, s189(7) of the Retirements Savings Accounts Act, s344(8) of the Superannuation Industry (Supervision) Act [*delete whichever is not appropriate*]].

Where reasons for the decision have not been provided insert paras 1, 2 and 3:

1. If you are entitled to seek review of the decision by the AAT, you may apply to ASIC under s 28 of the Administrative Appeals Tribunal Act for reasons for its decision. An application for reasons should be made in writing and lodged with ASIC within 28 days of the date of this notice. Your request should be marked to the attention of [*insert name of the decision-maker*] and forwarded to ASIC at the address on the letterhead.
2. Should you then wish to seek a review of the decision you may, within 28 days of the receipt of the s28 statement of reasons, lodge an application for review by the AAT.

3. You may, of course, choose to apply for review without seeking a formal statement of reasons under s28 of the AAT Act. Your application should, in that instance, be lodged within 28 days of the date of this notice.

Where reasons for the decision have been provided insert para 4:

4. The application for review should be made in writing and lodged with the AAT within 28 days of the date of this notice.

The application for review should be addressed to:

The Registrar
 Administrative Appeals Tribunal
 PO BOX 9955
 [Capital City, State, Postcode]

There is a \$574.00 application fee which must be enclosed with the application for review. If you want to apply for the application fee to be waived, you can obtain the application form for this from the AAT at the address above. You can call the AAT on 1300 366 700 for the cost of a local call.

The AAT is an independent body with power to, among other things, confirm ASIC's decision, vary or set it aside and replace it with its own decision.

Freedom of information

You have a right to apply to ASIC for access to documents about the decision under the *Freedom of Information Act 1982*. You must apply in writing, stating which documents you want to obtain. The letter should be addressed to the Administrative Law Coordinator in the ASIC office with which you have been dealing.

Generally, the \$30.00 application fee should be enclosed with your application. Please note that as well as the initial application fee, there may be other charges which may be imposed. For more information contact the Administrative Law Co-ordinator in the ASIC office with which you have been dealing or go to ASIC's website at www.asic.gov.au (select "About ASIC" then "Freedom of Information Act requests").

Complaints

If you have a complaint in relation to ASIC's conduct of this matter you can contact the Commonwealth Ombudsman. The contact details are:

Commonwealth Ombudsman

Level 10, Casselden Place
2 Lonsdale Street,
Melbourne VIC 3000

Telephone: 1300 362 072
Facsimile: (03) 9654 7949.