

Our role in dealing with ASIC's regulatory decisions

If a person disagrees with the Australian Security and Investments Commission's (ASIC) response to a complaint decision, they can complain to the Commonwealth Ombudsman.

Complaints about ASIC's regulatory decisions

A person can complain to ASIC that a company or person has breached the laws ASIC administers (ASIC calls these complaints 'reports of misconduct'). For example, some people complain about the actions of company directors or the actions of liquidators.

If a person disagrees with ASIC's response to a complaint, they should contact ASIC first to discuss the decision. If they remain dissatisfied, they can then complain to the Commonwealth Ombudsman.

Our role is to form a view about whether ASIC's decision was open to it to make under the laws it administers, including the *Australian Securities and Investments Commission Act 2001* and the *Corporations Act 2001*. We also consider whether, in handling the report of misconduct, ASIC treated the complainant fairly.

Our Office policy

ASIC's website contains information about how it deals with reports of misconduct: [How ASIC deals with reports of misconduct](#).

We acknowledge that ASIC is not obliged to investigate every report it receives. The law permits ASIC to be selective about the matters it decides to take action into.

Therefore, when we receive a complaint about an ASIC decision not to take action, the Commonwealth Ombudsman's Office generally declines to investigate the complaint.

We will, however, carefully consider each complaint we receive to decide if it warrants investigation. For example, we may investigate if there is some indication of maladministration or unreasonableness in ASIC's decision making process.

More information is available at ombudsman.gov.au.

The Ombudsman has taken reasonable action to ensure that the information contained in this publication is accurate and adequately comprehensive for the purpose for which it was created. The Ombudsman is not responsible for any damage or loss claimed to arise from any error or omission in this information.

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The Ombudsman has offices in:

- » Adelaide
- » Brisbane
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