



Enforcement Manual

The Procedure for Lost Contact

1. Statement of Objectives

This Procedure for Lost Contact ("the Procedure") will set out and establish the procedure that the Authority will follow when there are issues of non-compliance and the Authority has lost contact with a licensee, registrant or other party that is regulated, licensed, authorised or otherwise monitored by the Authority (collectively, a "Person").

2. Application

2.1 Typically the Authority will use its best efforts to contact a Person where there are issues of non-compliance. This is usually done by contacting the registered office, principal office, or other office of record (collectively, "the offices") provided to the Authority. If the Authority is unable to contact the Person through the office addresses, steps will then be taken to contact the primary service providers of the Person directly. Lastly, the Authority will make use of public information to ascertain whether contact details for the Person can be obtained.

2.2 There are times, however, where the Authority loses all contact with the Person. In these circumstances, the Authority will seek to contact the principals or interested parties of the Person in the public domain.

3. Posting Notices on the Authority's Website

3.1 Where the Authority has made reasonable efforts to locate the Person and has been unsuccessful in doing so, the Authority will post all Notices on its



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website. Publication of such Notices however will only be done as a last resort.

3.2 With respect to the content of such Notices, the Authority will follow the Enforcement Manual and its associated procedures including the *Procedure for Administering Administrative Fines* (collectively, the "Enforcement Manual") as they relate to issuing Warning Notices, Decision Notices, Breach Notices and Fine Notices (the "Notices"), except as set out in paragraphs 3.3 and 3.4 below.

3.3 In addition, when Notices are posted on the Authority's website using this Procedure, there will be an accompanying statement that states:

(i) The Authority has made reasonable efforts to locate the Person and has been unsuccessful in doing so. As a result, the Authority is therefore posting this Notice publicly in an effort to give notice to the Person and all interested parties;

(ii) The Authority gives notice that any lack of communication with the Authority may also be considered when assessing the fitness and propriety of the Person, its directors or of related or existing registrants, licensees, or directors in future applications where fitness and propriety will be assessed.

3.4 When issuing Notices, the Authority will address the Notices to all interested parties affected by the decision, as follows:

(i) To the last postal address or last e-mail address given to the Authority via the relevant online portal administered by the Authority; and



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(ii) By posting the Notices on the Authority's website.

- 3.5 Should the Person make contact with the Authority prior to a decision to take enforcement action has been made and provide alternative contact details, the Notices pertaining to that matter will be removed from the Authority's website. The Authority will then revert to the standard procedures set out in the Enforcement Manual for issuing Notices.
- 3.6 Should the Person make contact with the Authority after the decision to take enforcement action has been made, and subsequently brings the entity into compliance or comes into compliance themselves, the Notice will only be removed upon satisfactory resolution of the deficiencies.