



Australian Government
The Treasury



25 October 2024
FOI ref: 3742

Harriet Spring
By email: foι+request-12080-xxxxxxx@xxxxxxxxxxx.xxx.xx

Dear Ms Spring

FREEDOM OF INFORMATION REQUEST – DECISION

I refer to your request to the Treasury on 25 September 2024, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

I request briefing information either sought by, or provided to the Government relating to why the Government decided NOT to act on the ACCC's 2019 recommendation that Payee Confirmation be required of the Banks.

The timeframe I seek is from 2021 until now. I would like the information requested to include the following:

- *Any legal advice, reports, or briefings requested, to or from the Public Service or Government, including any provided by or to the Banks or the ABA to the Government;*
- *Any briefs provided regarding discussions between the Government and the Banks (whether through the ABA or individual Banks) relating to this subject matter;*
- *Any briefs to the Government relating to this (including any Ministerial signed documents).*

Exclusions:

1. *Please do not provide documents that are duplicates wholly or in substance (eg emails to multiple stakeholders with the same content, reply emails).*
2. *Also, please redact any content that would require consultation with third parties.*

I am an authorised decision maker under section 23 of the FOI Act.

Decision

I arranged for officers to search Treasury records for material relevant to your request. Searches were undertaken of emails, the Treasury's file management system and the

treasury.gov.au

@treasury_AU
 @commonwealthtreasury
 @australiantreasury

Langton Crescent
Parkes ACT 2600
Australia

P: +61 2 6263 2800

Parliamentary Document Management System. No documents were located. Accordingly, I am satisfied that no such documents exist.

As the Treasury holds no documents within the scope of your request, I am refusing your request under section 24A(1) of the FOI Act.

Rights of Review

A statement setting out your rights of review in this matter is attached.

Yours sincerely

Sally Etherington
A/g Assistant Secretary
Digital, Competition and Payments Division

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

An application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

An application for a review of the decision should be emailed to FOI@Treasury.gov.au.

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the FOI Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

An application for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the FOI Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.