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24 December 2024

[www.accc.gov.au](http://www.accc.gov.au)

Nosey  
Right to know

**Sent via email: [foi+request-12578-2fd66732@righttoknow.org.au](mailto:foi+request-12578-2fd66732@righttoknow.org.au)**

Dear Nosey

**Notice of intention to refuse access because a practical refusal reason exists – insufficient information provided – ACCC cannot identify requested documents**

I refer to your email of 14 December 2024 in which you request access to documents.

The ACCC is considering refusing your request, as currently framed, under s.24 of the *Freedom of Information Act 1982* (Cth) (FOI Act) because a practical refusal reason exists.

The practical refusal reason is that the request does not provide enough information to enable the ACCC to identify the documents you are seeking. In particular, we note that you have not specified names of agencies and authorities in your request. It is also unclear to us what you mean by “DVA client information”.

Before making a final decision you have an opportunity to revise your request to provide sufficient information to enable us to identify the documents you are seeking. This is called the ‘request consultation process’. Before **7 January 2024** you must either:

- revise your request,
- tell us that you do not wish to revise your request, or
- withdraw your request.

If you do not respond in one of these ways in that timeframe your request is taken to be withdrawn.

## What should you do

I am the ACCC officer to contact to try to remove the ground for refusal. Please email me via [foi@accc.gov.au](mailto:foi@accc.gov.au) to make a time to discuss your request. I am happy to help you to revise your request to remove the practical refusal ground.

I strongly encourage you to contact me before submitting a revised request. Once you submit a revised request, the request consultation process ends and we will make a decision regarding whether the practical refusal ground still exists based on the terms of your revised request.

If you need more time to respond, please contact me within the 14 day period to request an extension of time.

During this period of consultation, the statutory timeframe for the processing of your request is on hold.

I have also attached an extract from the FOI Act for your information (Attachment A).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sonya Petreski', written in a cursive style.

Sonya Petreski

FOI Officer  
Specialist Advice and Services Division

Sent by email 24/12/2024

# Attachment A

## Extracts of the Freedom of Information Act

### 15 Requests for access

#### *Requirements for request*

- (2) The request must:
- (a) be in writing; and
  - (aa) state that the request is an application for the purposes of this Act; and
  - (b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and**
  - (c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).

### 24AB What is a *request consultation process*?

- (1) This section sets out what is a **request consultation process** for the purposes of section 24.

#### *Requirement to notify*

- (2) The agency or Minister must give the applicant a written notice stating the following:
- (a) an intention to refuse access to a document in accordance with a request;
  - (b) the practical refusal reason;
  - (c) the name of an officer of the agency or member of staff of the Minister (the ***contact person*** ) with whom the applicant may consult during a period;
  - (d) details of how the applicant may contact the contact person;
  - (e) that the period (the ***consultation period*** ) during which the applicant may consult with the contact person is 14 days after the day the applicant is given the notice.

#### *Assistance to revise request*

- (3) If the applicant contacts the contact person during the consultation period in accordance with the notice, the agency or Minister must take reasonable steps to assist the applicant to revise the request so that the practical refusal reason no longer exists.
- (4) For the purposes of subsection (3), ***reasonable steps*** includes the following:

- (a) giving the applicant a reasonable opportunity to consult with the contact person;
- (b) providing the applicant with any information that would assist the applicant to revise the request.

*Extension of consultation period*

(5) The contact person may, with the applicant's agreement, extend the consultation period by written notice to the applicant.

*Outcome of request consultation process*

(6) The applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- (a) withdraw the request;
- (b) make a revised request;
- (c) indicate that the applicant does not wish to revise the request.

(7) The request is taken to have been withdrawn under subsection (6) at the end of the consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with the notice; or
- (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

*Consultation period to be disregarded in calculating processing period*

(8) The period starting on the day an applicant is given a notice under subsection (2) and ending on the day the applicant does one of the things mentioned in paragraph (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in paragraph 15(5)(b).

Note: Paragraph 15(5)(b) requires that an agency or Minister take all reasonable steps to notify an applicant of a decision on the applicant's request within 30 days after the request is made.

*No more than one request consultation process required*

(9) To avoid doubt, this section only obliges the agency or Minister to undertake a request consultation process once for any particular request.