



Australian
Competition &
Consumer
Commission

Our ref: #1001170
Contact officer: William Herron
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7 December 2015

JS

Via email to: foi+request-1358-62a3a7e9@righttoknow.org.au

Dear JS

Request for access under the *Freedom of Information Act 1982* (Cth)

I refer to your email of 9 November 2015 in which you request access, under the *Freedom of Information Act 1982* (the FOI Act), to the following:

'I seek access to a document that records the reason or reasons why the mandatory criterion of eligibility for the positions (i.e. more than 10 years experience or expertise relevant to the economic analysis of the agriculture sector) was not disclosed in the advert. '

I am an officer authorised under section 23 of the FOI Act to make decisions in respect to access to documents.

Decision

I have made a decision to **refuse** your request under section 24A(1) of the FOI Act on the basis that the document does not exist.

Reasons for decision & evidence/materials on which my findings were based

Section 24A(1) of the FOI Act relevantly provides as follows:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
 - ...; or
 - (ii) does not exist.

Accordingly, a request for access to a document may be refused if all reasonable steps have been taken to find that document and the agency is satisfied that the document does not exist.

D15/182727

The ACCC took the following steps to locate the document:

- A thorough search of the ACCC's databases to locate any information or documents in relation to your request;
- Confirmation with relevant ACCC staff that no such document exists;

Based on the nil results of these steps, I conclude that the requested document does not exist within the records of the ACCC.

Your Rights of Review of the decision are described in Attachment A to this letter.

Advertisements for ACCC jobs on external websites or in newspapers represent a brief description of the role. Applicants are referred to the ACCC's website for full details of the position, including the selection criteria. For further information in this regard, or to discuss the ACCC's recruitment practices, please contact our human resources branch on 02 6243 1085 or gillian.frost@accc.gov.au.

Yours sincerely



Heather Thomas
Principal Lawyer
ACCC Legal Group

ATTACHMENT A

INFORMATION ON RIGHTS OF REVIEW

1. INTERNAL REVIEW

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 or if you disagree with a decision of an Australian Government agency under the *Freedom of Information Act 1982* (the FOI Act). If you make an application for review, an officer of the ACCC will be appointed (not the person who made this decision) to conduct a review and make a completely fresh decision on the merits of the case.

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

You do not have to pay any other fees or processing charges for an internal review, except for providing access to further documents released as a result of the review (for example, photocopying, inspection etc).

No particular form is required to apply for review although it is desirable (but not essential) to set out in the application the grounds on which you consider that the decision should be changed.

Application for a review of the decision should be addressed to:

The FOI Officer
Australian Competition & Consumer Commission
GPO Box 3131
Canberra ACT 2601

If you make an application for internal review and a decision is not made by us within 30 days, the original decision is considered to be affirmed.

2. REVIEW BY THE INFORMATION COMMISSIONER

You may ask for a review of a decision by the Office of the Australian Information Commissioner (OAIC). You do not have to go through the agency's internal review process first for this process, but if you do choose to seek an internal review, you can still seek OAIC review for the internal review decision, if access is refused.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

If you disagree with the Information Commissioner's review decision you can appeal to the Administrative Appeals Tribunal (AAT).

The Tribunal is a completely independent review body with the power to make a fresh decision. Your application should be accompanied by a filing fee of \$861.00 (as at July 2014), unless you are granted legal aid or you come within a exempt category of persons (check with the Tribunal registry in your State). The Registrar or Deputy Registrar may waive the fee on the ground that its payment would impose financial hardship on you. The fee may be refunded where you are successful.

3. COMPLAINT TO THE OAIC

Pursuant to section 70 of the Act, you may request the OAIC to investigate action taken by the ACCC in relation to your Freedom of Information request. There is no fee for making a complaint. The OAIC will consider your complaint and, if appropriate, conduct an investigation into it or transfer the complaint to the Commonwealth Ombudsman. Any investigation will be completely independent.

You may complain to the OAIC either orally or in writing. The OAIC's contact details are indicated above.