

## INFORMATION SHEET

### ***Freedom of Information Act 1982 - Rights of Review***

The purpose of this information sheet is to set out the rights of applicants to seek review of decisions made by the ACMA under the *Freedom of Information Act* (FOI Act).

#### **1. Review of decisions**

If you are dissatisfied by any decision made by an ACMA decision maker concerning access to documents or charges imposed for processing your request you can ask the ACMA to conduct a review of the decision or you may apply to the Australian Information Commissioner (the Information Commissioner) for a review.

##### **1.1 Application for review by the ACMA**

If you want the ACMA to conduct a review of the decision you must write to the ACMA. You should set out why you are dissatisfied with the decision made. The review will be undertaken by a different ACMA decision maker.

##### **Time within which to seek review**

Generally, your request must be made within 30 days of receiving notice of the decision (see section 54B of the FOI Act).

The application may be sent to the ACMA in any of the following ways:

Hand delivery:	Level 5, The Bay Centre, 65 Pirrama Road, Pyrmont, NSW, 2000  Red Building, Benjamin Offices, Chan Street, Belconnen, ACT, 2617  Level 32, Melbourne Central Tower, 360 Elizabeth Street, Melbourne, VIC, 3000
Post:	PO Box Q500, Queen Victoria Building, NSW, 1230  PO Box 78, Belconnen, ACT, 2616  PO Box 13112 Law Courts, Melbourne, VIC, 8010
E-mail:	<a href="mailto:foi@acma.gov.au">foi@acma.gov.au</a>

An application hand delivered or posted to the ACMA should also be marked to the attention of the FOI Co-ordinator.

If, after this review, you remain dissatisfied you may ask the Information Commissioner to conduct a review (see the discussion below).

## **1.2 Application for review by the Information Commissioner**

If you are dissatisfied by a decision made by an ACMA decision maker you may ask the Information Commissioner to conduct a review.

The request for review by the Information Commissioner must be made in writing and you should set out why you are dissatisfied with the decision. You must give details of how notices may be sent to you and include a copy of the relevant the decision.

### **Time within which to seek review**

If it relates to an access refusal decision (which includes a decision under section 29 relating to the imposition of a charge or the amount of a charge) your request should generally be made within 60 days of receiving notice of the decision (see sections 53A and 54S of the FOI Act).

The application may be sent to the Office of the Australian Information Commissioner (the OAIC) in any of the following ways:

Hand delivery:	Level 3, 25 National Circuit, Forrest, ACT Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney NSW
Post:	PO Box 2999, Canberra, ACT, 2601 PO Box 5218, Sydney, NSW, 2001
E-mail:	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
On-line:	<a href="http://www.oaic.gov.au">www.oaic.gov.au</a>
Facsimile:	02 92849666

## **2. Right to make a complaint**

If you have concerns about any action taken by the ACMA in the performance or exercise of its functions or powers under the FOI Act, you may make a complaint to the Information Commissioner.

You are encouraged by the OAIC to contact the ACMA directly to try to resolve any concerns of that kind before making a complaint to the Information Commissioner.

If you make a complaint, it must be in writing and identify the ACMA as the agency about which you wish to complain.

A complaint may be sent to the Information Commissioner by post, e-mail, online or facsimile (see the details set out above at 1.2).