



Australian
Competition &
Consumer
Commission

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19 August 2013

N Man

Via email to: foi+request-351-f4e4f482@righttoknow.org.au

Dear N Man

Request for access under the *Freedom of Information Act 1982*

I refer to your email of 16 August 2013 in which you request answers to some questions.

Section 15(2) of the *Freedom of Information Act 1982* (the FOI Act) outlines the requirements for a request to be valid:

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).*

Your request, as currently framed, is not valid under the FOI Act because it is a request for answers to questions and does not specify what documents you are seeking, as is required in s.15(2)(b).

Accordingly, you will need to rephrase your request so that it is a request for documents and not a request for information.

Please note that the answers to part of your questions can be found in the Annual Reports of the ACCC located at www.accc.gov.au.

D13/114704

Should you proceed with a revised request, charges may be payable in relation to time spent in searching for and retrieving relevant documents, decision-making time, photocopying, postage, etc. With respect to decision making time the Act provides various grounds for exempting a document being released under the Freedom of Information Act.

In the event the ACCC decides that you are liable to pay a charge in respect of the processing of the request, you will be notified of the preliminary assessment of the charge and have full opportunity to contend that the charge should not be imposed or should be reduced.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'WH', is positioned below the closing 'Yours sincerely'.

William Herron
FOI Coordinator
ACCC Legal Group