



23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

Our ref: #1003535  
Contact officer: William Herron  
Contact phone: 02 6243 1244

tel: (02) 6243 1111  
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23 April 2019

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

Ralb

***Via email: [foi+request-5355-7346a453@righttoknow.org.au](mailto:foi+request-5355-7346a453@righttoknow.org.au)***

Dear Ralb

**Access refusal – documents do not exist**

I refer your emails of 6 April 2019 and 12 April 2019 in which you have requested access, under the *Freedom of Information Act 1982 (Cth)*, to:

*'any relevant documents relating to any cases or investigations related to any gun clubs in Australia especially in relation to unfair contract terms and conditions under Consumer Law.*

*The date range would be from January 2014 to April 2019. '*

**Decision**

I have decided to refuse your request under s.24A(1) of the Act on the basis that the document does not exist.

I am authorised under s.23 of the Act to make this decision.

**Reasons for decision**

Section 24A(1) of the 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:
  - (ii) does not exist.

Therefore, we may refuse a request for access to a document if we take all reasonable steps to find that document and we are satisfied that the document does not exist.

The ACCC took the following steps to locate the document:

- A thorough search of our databases to locate any information or documents that relate to your request;
- A thorough search by Enforcement Branch for documents matching, or similar to, the scope of the request provided by you;
- 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.

**Rights of review**

Your rights of review are set out in Attachment A.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sonya Petreski', with a stylized flourish at the end.

Sonya Petreski

FOI Administration Assistant  
ACCC Legal Group

Sent by email 23/04/2019

## ATTACHMENT A

### INFORMATION ON RIGHTS OF REVIEW

#### 1. ACCC Internal Review

Under s.54 of the FOI Act, you can apply for an internal review of my decision by writing to the ACCC within 30 days of receipt of this letter indicating that you seek an internal review of this decision.

If you make an application for review, another officer of the ACCC will review and make another decision in regards to these documents.

There is no charge payable for requesting an internal review. No particular form is required to apply for review. You will need to set why the decision should be changed.

Please send any correspondence to:

FOI Coordinator

Australian Competition & Consumer Commission

GPO Box 3131

Canberra ACT 2601

Email: [foi@accc.gov.au](mailto:foi@accc.gov.au)

If you make an application for internal review and we do not make a decision within 30 days or such further period as the IC allows, the original decision is considered affirmed. In such circumstances, you can seek review of our deemed decision by the IC.

#### 2. Review by the Information Commissioner

You may ask for a review of a decision by the Australian Information Commissioner (IC). You do not have to go through our internal review process first for this process. If you do choose to seek an internal review, you can still seek IC review for the internal review decision if we refuse access to the documents.

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

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: [enquiries@oaic.gov.au](mailto: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. A filing fee of \$920.00 (as at 1 July 2018) should accompany your application, unless you are granted legal aid or you come within an 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 if you are successful.

### **3. Complaint to the Information Commissioner**

You may request the Information Commissioner to investigate action taken by the ACCC in relation to this Freedom of Information request. There is no fee for making a complaint. The Information Commissioner will consider your complaint and, if appropriate, conduct an investigation into it. Any investigation will be completely independent.

You must lodge your complaint in writing and do so in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218, Sydney NSW 2001

Fax: +61 2 9284 9666

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)