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Our ref: #1002604  
Contact officer: William Herron  
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16 January 2018

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

Mr Gordon Craven  
4 Spicer Street  
Gympie QLD 4570

***Via email to: [gordon@getmail.com.au](mailto:gordon@getmail.com.au)***

Dear Mr Craven

**Notice of intention to refuse access to documents requested**

I refer to your email of 12 January in which you revised your request for access, under the *Freedom of Information Act 1982* (Cth), to:

*'I seek access to all consumer complaints and business complaints regarding:*

- *zFlowers operating at [zflowers.com](http://zflowers.com) & [zflowers.com.au](http://zflowers.com.au) (and other related domains) operated by Globe Valley Pty Ltd and the Hegarty family in Perth Western Australia, Phillipines and Hong Kong, and*
- *Ready Flowers operating at [readyflowers.com](http://readyflowers.com) & [readyflowers.com.au](http://readyflowers.com.au) (and other related domains) operated by Ready Flowers Pty Ltd and Ready Flowers Limited registered in Hong Kong and the Hegarty family in Perth Western Australia, Phillipines and Hong Kong.'*

The ACCC is considering refusing your request, as currently framed, under s.24 of the Act. This is because the work involved in processing the request would substantially and unreasonably divert the ACCC's resources from its other operations.

Your request, as currently framed, is too large for the ACCC to process. Before we refuse access to the documents you requested, we are giving you the opportunity to revise your request. This is called the 'request consultation process'. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. Before the end of the consultation period you must either, revise your request, tell us that you do not wish to revise your request or withdraw your request.

We are seeking your response by **30 January 2018**.

## **Practical refusal reason**

We must notify you if we intend to refuse access to the documents because a 'practical refusal reason' exists under s.24(1) of the Act. This gives you an opportunity to revise your request so it can be processed.

The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the ACCC from its other operations.

In deciding that this practical refusal reason exists, I have given consideration to how the ACCC could proceed to process your request, and the time and resources that would be involved in doing so. Estimates provided by members of staff in the relevant area of the ACCC assists me in determining an estimate of the probable resource demands of your FOI request.

On advice from the relevant line area your request, as it currently stands, would capture approximately 444 documents, 2,664 pages of material and over 47 hours of staff time would be required to draw together the relevant documents. I must have regard to this under s.24AA(2)(a).

In addition, I consider that 1,371 hours of staff time would be required for tasks including examination of documents, consultation, copying of documents and notification of decision. I must have regard to these under s.24AA(2)(b), (c) and (d).

The resource demands identified above would fall upon me and other staff from various areas of the ACCC. This includes an estimated 222 hours of a staff member with FOI expertise determining whether or not we can release the documents. Due to the relatively small size of the ACCC, we are not able to provide staff with the appropriate skills from other areas to undertake these tasks. Nor is it practicable to provide those skills from outside the ACCC.

Processing this request would, in my view, be a substantial diversion of the ACCC's resources within the meaning of s.24AA(1). To place the estimate above in context, if one person were dedicated to processing your FOI request, working 5 days a week, the person would require 38 weeks to complete your request. It would require 4 staff members working full time, 5 days a week, on your request alone to process the request within 60 days. The ACCC's FOI area currently has a staffing of two people, so to process your request would fully occupy the FOI area for 60 days, as well as 2 further staff members from elsewhere in the ACCC.

## **What should you do**

I am the ACCC officer to contact to try to remove the ground for refusal. Please contact me on (02) 6243 1244. We are happy to provide you with further information to assist you in revising your request in such a way that removes the practical refusal ground.

Even if you modify your request, the practical refusal reason may still exist or we may need further time to process your revised request. This will depend upon the terms of your final request.

It would assist us if you were able to identify the specific documents you are after, or clarify what information you are seeking. For example, I note that your request is particularly wide in scope and captures many documents. The majority of the documents are captured in the second paragraph of your request. Revising your request to the first paragraph only or limiting the paragraphs to a specific date range could possibly remove the practical refusal ground.

**When to respond by**

You have 14 days from the date of this notice (i.e. by **30 January 2018**) to either:

- withdraw the request
- make a revised request
- advise that you do not wish to revise the request.

If you do not respond in one of these ways within 14 days, your request is taken to be withdrawn. If you indicate you do not wish to revise your request, I will decide whether to refuse the request on resource grounds under s.24(1).

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

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

I have attached a copy of s.24AB of the FOI Act for your information.

Yours sincerely



Sonya Petreski

FOI Administration Assistant  
ACCC Legal Group

Sent by email 16/01/2018