



Watson Norwood

Via email: foi+request-10257-0cba7fb5@righttoknow.org.au

Dear Watson Norwood

Decision on your Freedom of Information request

I refer to your request, received by the Department of Agriculture, Fisheries and Forestry (**department**) on 6 May 2023 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am writing to make a request under the Freedom of Information Act for a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency.

I request that this is provided as a document and not a simple redirect to the agency website as I am of the view that your online disclosure logs do not actively reflect your FOI requests that you have received in this period.

I would appreciate it if you could provide me with this information in an electronic format, such as a PDF or spreadsheet, if possible.

If there are any fees associated with fulfilling this request, please let me know in advance so that I can consider my options.'

My decision

I have decided to refuse your request for access to documents under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they do not exist.

What I took into account

In reaching my decision, I took into account:

- your original request dated 6 May 2023;
- information about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and

- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) 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:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

FOI requests are managed by a team within the Legal Division. Searches have been conducted by the relevant team relating to FOI Logs and did not identify any documents matching the description in your request. I undertook further consultations with the team and was informed that this is because the only FOI Log is the page titled 'Disclosure Log' on the department's website found by visiting [Disclosure log - DAFF \(agriculture.gov.au\)](https://www.agriculture.gov.au/disclosure-log), which you have specifically excluded from your request. The department does not have any other document that would be considered an FOI Log or would fall within the scope of your request.

I understand that the department publishes document sets on the disclosure log on the department's website of FOI decisions and documents released to applicants in accordance with Part II of the FOI Act. Additionally, portfolio agencies are responsible for processing their FOI requests and disclosure logs. The department does not manage this for its portfolio agencies.

On the basis of these searches, I am satisfied, in accordance with section 24A of the FOI Act, that all reasonable steps have been taken to find the documents and the documents do not exist.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@agriculture.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

Further assistance

If you have any questions, please email foi@agriculture.gov.au.

Yours sincerely

LDunstone

Lesley Dunstone
Acting General Counsel
Legal Division
5 June 2023