

Our reference: FOI-000344

4 June 2015

Ms Chloe Ross

By email to: [foi+request-1064-a809fbbc@righttoknow.org.au](mailto:foi+request-1064-a809fbbc@righttoknow.org.au)

Dear Ms Ross

I refer to your request, received on 7 May 2015, under the *Freedom of Information Act 1982* (**FOI Act**), for access to:

... all information available on the finances and any complaints filed against Indonesian furniture exporter businesses CV Rakabbu and CV Roda Jati.

### **DECISION AND STATEMENT OF REASONS FOR DECISION**

I am authorised by the Fair Work Ombudsman (**FWO**), under s 23 of the FOI Act, to make decisions on requests for access to documents.

In making my decision I took into account your request, the FOI Act, the Australian Information Commissioner's Guidelines and discussions with FWO staff.

#### **Access refusal — s. 24A**

Section 24A of the FOI Act states:

#### **Requests may be refused if documents cannot be found, do not exist or have not been received**

##### *Document lost or non-existent*

- (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.

I have been unable to find any documents in the possession of the FWO relating to either of the businesses named in your freedom of information request (CV Rakabbu and CV Roda Jati).

The FWO records approaches from members of the public in relation to workplace disputes on two databases. The first database is dedicated to recording workplace complaints. The second database records telephone enquiries from members of the public.

We have searched both of these databases for documents falling within the scope of your request using the search terms 'CV Rakabbu', 'CV', 'Rakabbu', 'CV Roda Jati', 'Roda Jati', 'Roda' and 'Jati', and have not found any documents.

We have exhausted our search options as there are no other databases or locations, either physical or electronic, that can be searched. I am therefore satisfied that all reasonable steps have been taken to find documents relating to your request.

As a result, I am refusing you access, under s. 24A(1)(b)(ii) of the FOI Act, to the documents you requested on the basis that they do not exist.

### **Review Rights**

I have attached a document setting out your rights of review of this decision (**Attachment A**).

### **Contact details**

If you need further information, please call Raewyn Harlock on (02) 8293 4681 or send an email to [foi@fwo.gov.au](mailto:foi@fwo.gov.au). Ms Harlock processed your FOI request and can answer any questions you might have.

Yours sincerely



Mark Davidson  
Director – Legal Practice  
**Legal and Business Improvement Group**  
**Fair Work Ombudsman**

## INFORMATION ON RIGHTS OF REVIEW & COMPLAINTS

### Rights of review

If you are dissatisfied with this decision you can apply for internal review by this agency (Option 1 below) or external review by the Australian Information Commissioner (IC Review) (Option 2 below).

You do not have to apply for internal review before seeking IC review. However, the Information Commissioner has expressed the view that it is preferable for a person to seek internal review by the agency before applying for IC Review. If you choose Option 1 (internal review), you can also apply for IC review of the internal review decision within 60 days after receiving notice of our decision.

### Option 1 – Internal review

You can seek internal review of the decision. An application for internal review must be made in writing within 30 days after the date you were notified of the decision, or within such further period as the Fair Work Ombudsman allows. The internal review will be conducted by a senior officer who had no involvement in the initial decision.

There is no particular form required to make a request for internal review. However, it would help the reviewer if you said, in writing, why you think the decision should be reviewed. An application for an internal review of the decision should be sent to:

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

Fax: (02) 6204 2364

or

FOI Manager

GPO Box 9887

SYDNEY NSW 2001

### Option 2 – Review by the Australian Information Commissioner

Alternatively, you can apply in writing to the Australian Information Commissioner for IC review of the decision. An application for IC Review must be made within 60 days after the day you were given notice of this decision.

In making your application, you need to provide an address for notices to be sent (this can be an email address) and a copy of this decision. It would also help the Australian Information Commissioner if you set out the reasons for seeking IC review in your application.

To apply for IC review, please refer to FOI Fact Sheet No. 12

([http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI\\_factsheet12\\_your-rights\\_online\\_July2012.pdf](http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI_factsheet12_your-rights_online_July2012.pdf)) issued by the Office of the Australian Information Commissioner. You can file your application online at <https://forms.business.gov.au/aba/oaic/foi-review/> or download a complaint form from the OAIC's website (<http://www.oaic.gov.au/freedom-of-information/requesting-a-review>.)

### Complaints

You can complain to the Commonwealth Ombudsman about action taken by us in relation to your freedom of information request. You can contact the Commonwealth Ombudsman by calling 1300 362 072, emailing [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au), or by sending a letter to GPO Box 442, Canberra ACT 2601. You can also file your complaint by using the Commonwealth Ombudsman's online complaint form (<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=oco-complaint-form>).