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Australian Government
Independent Parliamentary
Expenses Authority

17 November 2023

By email: foi+request-10693-6dd5a2b9@righttoknow.org.au

Dear Alex Pentland

Freedom of Information (FOI) Request 23-24-14

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Nicole Pearson, am an officer under section 23(1) of the FOI Act to make decisions in relation to FOI request.

You requested access to documents relating to the Independent Parliamentary Expenses Authority (IPEA) on 18 September 2023. Specifically, you sought access to:

".. the flights, origins and destinations, dates and costs related to all airfares booked for Senator Jacinta Nampijinpa Price since 21 May 2022."

Decision and reasons for decision

In making my decision, I have taken the following into account:

- the terms of your request
- advice provided to me by officers with responsibility for matters to which your request relates
- the provisions of the FOI Act; and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Section 24A of the FOI Act relevantly provides that an agency or Minister may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document:

- is in the agency's possession but cannot be found; or
- does not exist.

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When considering a decision to refuse access under section 24A of the FOI Act, the Guidelines relevantly provide at paragraph 3.89 that an agency or Minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents;
- the current and past file management systems and the practice of destruction or removal of documents;
- the record management systems in place; and
- the individuals within an agency or minister's office who may be able to assist with the location of documents.

Under section 11 of the FOI Act, you have a right to request access to documents. A document of an agency is defined in section 4 of the FOI Act as being a document in possession of an agency whether created in the agency or received in the agency.

The Independent Parliamentary Expenses Authority (IPEA) is not in possession of a document as described in your request. IPEA is also unable to create an accurate document as described, as the expenditure report functionality for the Parliamentary Expenses Management System (PEMS) is still being built. The reporting module function is expected to be live from December 2023, and the information you seek will be publicly available in the near future.

Having regard to the above, I have decided to refuse access pursuant to section 24A of the FOI Act.

Questions about this decision

If you wish to discuss this decision, please contact me using the details below.

Yours sincerely



Nicole Pearson

Branch Manager

Independent Parliamentary Expenses Authority

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T: 02 6215 3991

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Attachments

Attachment A: Review rights