



Ms Jessica Staveley

By email: foi+request-1252-14297d37@righttoknow.org.au

Dear Ms Staveley

1. I refer to your correspondence received by the Department of Education and Training (the department) on 28 September 2015, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following document:

'a copy of any invoice(s) received by the Department of Education in relation to the costs associated with the rebranding of the University of Western Sydney/Western Sydney University. This includes, but is not limited to design costs as well as the implementation of new signage, merchandise and advertising.'

Decision on access to documents

2. I am authorised to make decisions under the FOI Act and my decision regarding your request and the reasons for my decision are set out below.
3. An agency or Minister may refuse a request for access under subsection 24A(1) of the FOI Act 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.'*
4. I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the document you are requesting does not exist. All reasonable searches have been undertaken to find documents falling within the scope of your request, and I am satisfied that those documents do not exist.
5. The material upon which I have based my decision is as follows:
 - your correspondence dated 28 September 2015;
 - consultations with departmental officers as to the information held by the department and searches undertaken by them; and
 - the FOI Act.
6. I am advised by departmental staff in the Funding Policy and Legislation Branch that the department has not entered into any agreement to provide financial support for the rebranding of the University of Western Sydney/Western Sydney University, and therefore, searches of the department's files and payments processing system have not produced any invoices pertaining to the costs of the rebranding.
7. Accordingly, I am satisfied that reasonable steps have been taken to determine whether relevant documents exist and such steps have failed to locate any documents falling within the scope of your request.
8. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

9. Should you have any enquiries concerning this matter, please do not hesitate to contact me on (02) 6240 9305 or via email at foi@education.gov.au.

Yours sincerely

M Simpson.

Matthew Simpson
A/g Senior Government Lawyer
Schools, Skills and Corporate Legal Branch
People, Communication and Legal Group

16 October 2015

Your rights of review

INTERNAL REVIEW

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you state clearly why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: The FOI Coordinator
 Schools, Skills, and Corporate Legal Branch
 Location Code: C50MA10
 GPO BOX 9880
 CANBERRA ACT 2601

Email: foi@education.gov.au

EXTERNAL REVIEW BY THE AUSTRALIAN INFORMATION COMMISSIONER

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218 Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
 Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

THE COMMONWEALTH OMBUDSMAN

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.