



Mr Roger Lee

[foi+request-1289-2584cee2@righttoknow.org.au](mailto:foi+request-1289-2584cee2@righttoknow.org.au)

Dear Mr Lee

**Freedom of Information - Access Decision Letter**  
**Request No. 151006**

I refer to your request of 5 October 2015 to the Department of the Environment (the **Department**), in which you have sought access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) to:

documents regarding deals between mining companies and The Federal Government regarding the sales of lands in Queensland for mining.

**Authority**

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to this request.

**Decision**

After considering your FOI request and conducting thorough searches of Departmental records, I have decided to refuse you access to the requested documents pursuant to subsection 24A(1) of the FOI Act, as I am satisfied documents falling within the scope of your request do not exist.

**Material considered in making decision**

In making my decision I have considered:

- the FOI request;
- the FOI Act; and
- the Office of the Australian Information Commissioner (the **OAIC**), *Guidelines under s 93A of the FOI Act (FOI Guidelines)*.

I am required under section 26 of the FOI Act to provide a statement of reasons for my decision and make the following statement setting out my findings on the material.

My decision and the reasons for my decision to refuse to grant access to the requested documents, or to information contained in particular documents, is set out below.

## Reasons for Decision (Statement of Reasons pursuant to section 26 of the FOI Act)

### Section 24A – Requests may be refused if documents cannot be found

Subsection 24A(1) of the FOI Act provides that a request for access may be refused 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.

The Department conducted the following searches to locate the documents sought:

- relevant hardcopy departmental files;
- electronic folders;
- relevant databases;
- shared group and personal drives; and
- relevant email Mailboxes.

Despite thorough searches within the Department, no documents were found to fall within the scope of your request. As such I am satisfied that the requested documents do not exist.

Accordingly, I have decided to refuse your request for access pursuant to subsection 24A(1) of the FOI Act.

### Review rights

Under the FOI Act you may seek a review of my decision through:

- an internal review that is conducted by the Department – see Part VI of the FOI Act; or
- a review by the Information Commissioner – see Part VII of the FOI Act.

Further information regarding your review rights is available at **Attachment A** and the **enclosed** OAIC's FOI Fact Sheet 12 titled *Freedom of Information – your review rights*.

### Further assistance

The FOI Contact Officer in the Department can be contacted by telephone on 02 6274 2098 or by email at [foi@environment.gov.au](mailto:foi@environment.gov.au) for any assistance with your request.

Yours sincerely



Emma Campbell  
Assistant Secretary  
Landcare and Biodiversity Policy Branch

14 October 2015