

25 July 2025

Bob

By email: foi+request-13187-252307e1@righttoknow.org.au

Dear Bob

STATEMENT OF REASONS – ABC FOI 202425-130

I refer to your email sent Monday 19 May 2025 seeking access under to:

I request the already disclosed documents from 202425-060 listed in <https://www.abc.net.au/about/freedom-of-information-disclosure-log/103700676>

We note your email did not state that it was a request made under the *Freedom of Information Act* (Cth) 1982 (the **FOI Act**) as is required by s 15 of the FOI Act.

The ABC provided you with the answer to this request, by return email sent on 6 June 2025, that your request referred to an entry on the log that was not accurate, and that no documents were released under FOI but were shared with as individual as administrative release.

We did not receive response from you.

As a formal decision was not issued by the statutory due date, under s 15AC of the FOI Act the decision became a deemed access refusal decision on Wednesday **18 June** 2025.

The ABC provides this statement of reasons to outline the decision I would have made had a decision been issued within the original statutory timeframe as the ABC has not received notice of an IC Review request.

Authorisation

I am authorised by the Managing Director of the ABC to make decisions about FOI requests under s 23 of the FOI Act.

Decision

No documents were found to exist in relation to scope of your request. Under s 24A of the FOI Act, access is considered to be refused.

Material taken into account

In making my decision I have considered:

- the scope of your request
- the content of the document/s requested
- the FOI Act
- the guidelines issued by the Office of the Australian Information Commissioner under s 93A of the FOI Act (**the Guidelines**)

Locating and identifying documents

I consider all reasonable steps were taken to identify and locate relevant documents that answer your request. I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate the documents relevant to your request.

Reasons for decision

s 24A – no documents

We note your scope refers to a file number that was temporarily noted on the disclosure log, in error, about documents that were not released under FOI decision. The ABC corrected this upon receiving your email and there is no such entry remaining on the log.

Section 24A of the FOI Act states that an agency may refuse a request for access to a document when all reasonable steps have been taken to find a document, and it is satisfied that the document either cannot be found or does not exist.

I am satisfied that no documents were located as falling within scope of this part of your request. This is because documents that were 'disclosed' by the ABC were shared administratively in response to a specific email received from an individual. There is no entry on the ABC's disclosure log regarding the file number stated in the scope.

In accordance with s 24A(1) of the FOI Act, I am satisfied that:

1. all reasonable searches have been conducted, and
2. no relevant documents could be found, or exist.

Under s 24A of the FOI Act, on the basis that reasonable searches were conducted and no relevant documents were found to exist, access is considered to be refused.

As 24A no documents finding is the same outcome as the information provided to you in the ABC's email of 6 June 2025, that no documents exist, should the wording of your initial email be taken as a valid FOI request.

Review rights

Your review rights are set out in **Annexure A**.

Yours sincerely



Ali Edwards
Head of Rights Management & FOI Decision Maker
foi.abc@abc.net.au

Annexure A – Your Review Rights

If you are dissatisfied with this decision you can apply for an Information Commissioner (IC) Review..

APPLICATION FOR INFORMATION COMMISSIONER (IC) REVIEW

Alternatively, you have the right to apply for a review by the Information Commissioner of the decision refusing to grant access to documents. Your application must:

- be in writing;
- be made **within 60 days** of receipt of this letter (the original decision or the internal review decision, or a deemed refusal decision);
- give details of how notices may be sent to you (eg. an email address); and
- include a copy of the decision for which a review sought.

Please refer to the OAIC website the IC review process page for further information including the online form for applying for IC review:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews>

Alternatively, an application for IC Review can be emailed to: FOIDR@oaic.gov.au or

posted to: Director of FOI Dispute Resolution
OAIC
GPO Box 5218
Sydney NSW 2001

The Information Commissioner has a discretion not to undertake a review.

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may complain to the Information Commissioner about action taken by the ABC in the performance of functions, or exercise of powers, under the FOI Act. The Information Commissioner may make inquiries for the purpose of determining whether or not to investigate a complaint.

Complaints can be made in writing to: OAIC - GPO Box 5218
Sydney NSW 2001