



**Australian Government**  
**Department of Social Services**

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By email: [foi+request-1451-7788bf69@righttoknow.org.au](mailto:foi+request-1451-7788bf69@righttoknow.org.au)

Dear Mr Kelly

**Freedom of Information Request No. 15/16-077**

1. I refer to your correspondence received by the Department of Social Services (**the Department**) on 23 December 2015, seeking access under the *Freedom of Information Act 1982* (**FOI Act**) to:

*"[documents showing] the numbers of government housing homes per area (suburb) in South East Queensland. For example, and purely as an example: there might be '25 in Beenleigh'".*

2. I am authorised to make decisions under subsection 23(1) of the FOI Act. The following is my decision and the reasons for the decision.

**Decision on access to documents**

3. Pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act, I have decided to refuse your request for access on the basis that the documents you are requesting do not exist.

**Reasons for decision**

4. An agency or Minister may refuse a request for access to a document 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.*

5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Department has taken all reasonable steps to find the document falling within the scope of your request, and I am satisfied that the document does not exist.

6. The evidence on which I have based my decision is:

- your correspondence dated 23 December 2015 outlining the particulars of your request for documents under the FOI Act;
- consultations with departmental officers as to the information held by the Department;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

7. I am advised by departmental officers in the Housing and Homelessness Branch within the Housing, Homelessness and Assurance Group that the Department does not hold documents in relation to

social/government housing and is not responsible for policy or programmes in respect of social housing (including the collection of statistics on social housing), as this is a responsibility of state and territory governments.

8. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the relevant document exists and such steps have failed to locate any document falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are seeking do not exist.
9. In order to obtain the information you have requested, you may wish to contact the Queensland Department of Housing and Public Works using the following link:

<http://www.hpw.qld.gov.au/aboutus/RightToInformation/MakeRTIapplication/Pages/default.aspx>

#### **Rights of review**

10. I have enclosed information about your rights of review at **Attachment A**.
11. Should you have any enquiries concerning this matter, please do not hesitate to contact me via [foi@dss.gov.au](mailto:foi@dss.gov.au)

Yours sincerely



Alexandra Brown  
Senior Legal Officer  
Commercial, Disability, Housing and Information Law Branch  
Legal Services Group

6 January 2016

### 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 form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: Freedom of Information (FOI) Coordinator  
Commercial, Disability, Housing and Information Law Branch, TOP AE3  
Department of Social Services  
PO Box 9820  
Canberra ACT 2601

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

### External review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply to the Australian Information Commissioner (Information Commissioner) to review a decision made by an agency on internal review of an access refusal decision.

If you wish to have this decision reviewed by the Information Commissioner you must apply for the review, in writing or by using the online merits review form available on the Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the Information Commissioner 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 Information Commissioner 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](http://www.oaic.gov.au)  
Post: GPO Box 5218  
Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
In person: Level 3, 175 Pitt Street  
Sydney NSW 2000

### 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.