



24 March 2016

FOI ref: 1857 and 1863

Jessica  
Right to Know  
[foi+request-1587-5928e0d0@righttoknow.org.au](mailto:foi+request-1587-5928e0d0@righttoknow.org.au)

Dear Jessica

**FREEDOM OF INFORMATION REQUEST**

I refer to your requests dated 23 and 29 February 2016, under the *Freedom of Information Act 1982* (the Act), in which you sought copies of documents relating to:

*"I'm inquiring about the recent sale of Van Diemen's Land (VDL) dairy farm, I would like information on the following:*

- 1: Statistics/documentation on job losses and the effect this will have on the milk supply within and Tasmania and the rest of Australia.*
- 2: Any correspondence between the Treasurer Scott Morrison, the now previous owners and Herman Shao-ming Hu and Kenny Zhang the newly purchased owners.*
- 3: Any other buyers that were considered for the sale"*

And

*"I'm inquiring about the recent sale of Van Diemen's Land (VDL) dairy farm; I would like information on the following:*

- 1: Documentation on job losses and the effect this will have on the milk supply within and Tasmania and the rest of Australia.*
- 2: Any correspondence between the Treasurer Scott Morrison, the now previous owners and Herman Shao-ming Hu and Kenny Zhang the newly purchased owners.*
- 3: Any correspondence between the Treasurer Scott Morrison and other buyers that were considered for the sale. "*

I am an authorised decision maker under section 23 of the Act.

Information relating to point one of your requests is publicly available at:

- [sjm.ministers.treasury.gov.au/media-release/014-2016/](http://sjm.ministers.treasury.gov.au/media-release/014-2016/)
- [www.agriculture.gov.au/abares/publications/display?url=http://143.188.17.20/anrdl/DAFFService/display.php?fid=pb\\_agcstd9abcc0022015\\_11a.xml](http://www.agriculture.gov.au/abares/publications/display?url=http://143.188.17.20/anrdl/DAFFService/display.php?fid=pb_agcstd9abcc0022015_11a.xml)

A search has been conducted in relation to points two and three of your requests. We have conducted a search of our hard copy and electronic files, as well as making enquiries of those who may be able to locate any documents.

No documents relating to these points have been found that would fall within the terms of your request. In accordance with subparagraph 24A(1)(b)(ii) of the Act, I refuse access to documents on the grounds that no documents exist.

A copy of subsection 24A(1) of the Act and information on your rights of review are attached.

There is no charge for this request.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adam McKissack', with a stylized flourish at the end.

Adam McKissack  
Principal Adviser  
Foreign Investment and Trade Policy Division

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24A Requests may be refused if documents cannot be found or do not exist

(1) An agency or Minister may refuse a request for access to a document 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.

## RIGHTS OF REVIEW, WHERE NO DOCUMENTS EXIST — ACCESS REFUSED

### INFORMATION ON RIGHTS OF REVIEW

#### 1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Secretary  
The Treasury  
Langton Crescent  
PARKES ACT 2600

Attention: Parliamentary and Legal Services Unit

OR

#### 2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

AND/OR

#### 3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.