



Australian Government
**Department of Industry,
Innovation and Science**

Our ref: IEF16/1106

GPO Box 9839
Canberra ACT 2601 Australia
Email: FOI@industry.gov.au
ABN: 74 599 608 295

Ms Jensen
Right-to-Know

By email: foi+request-1723-4d23cae1@righttoknow.org.au

Dear Ms Jensen

Freedom of Information Act 1982 – Notice of Decision

I refer to your request received by the Department of Industry, Innovation and Science (the department) on 6 March 2016 for access under the *Freedom of Information Act 1982* (FOI Act) to the following:

“...please provide a copy the due diligence exercise/analysis (or similar) that the Australian Building Codes Board undertook to establish that the FBIM is suitable for establishing the robustness of a fire engineered solution, so that Australian consumers or members of the public have not been provided with any false or misleading representation as to the capability of the FBIM.

Please also supply the list of fire brigade operational procedures that the Australian Building Codes Board used as part of the validation/analysis exercise (or similar)”.

Decision

I am an authorised decision maker in relation to this decision under section 23 of the FOI Act.

I am satisfied that reasonable searches have been conducted to locate documents that fall within the scope of your request but no such document exists. I have therefore decided to refuse your request in accordance with section 24A of the FOI Act on the grounds that the document you have requested does not exist.

If you are dissatisfied with my decision, your review rights are set out in **Attachment A**

Please do not hesitate to contact the FOI team on (02) 6102 8104 or by email at foi@industry.gov.au if you require any further clarification.

Yours sincerely,

Neil Savery
General Manager
Australian Building Codes Board

29 March 2016.

Application for Internal Review

Section 54 of the FOI Act gives you the option to apply for a departmental internal review of my decision. If you make an application for internal review it will be conducted by an officer of the department (other than me) appointed by the Secretary of the department to conduct a review and make a completely fresh decision on the merits of the case.

Application for a review of the decision must be made within 30 days after the day of receipt of this letter, or within 15 days of receipt of the documents to which this decision relates (whichever is the longer period). You do not have to pay any fees or processing charges for an internal review, except for charges relating to the provision of any additional relevant material located as a result of the review (for example photocopying). While a specific form is not required, it would assist the decision maker if your application specifies the grounds on which you consider the decision should be reviewed.

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

FOI Coordinator
Department of Industry, Innovation and Science
GPO Box 9839
CANBERRA ACT 2601

or by e-mail to: FOI@industry.gov.au.

Review by the Australian Information Commissioner

If any decision on internal review were not satisfactory to you, section 54L of the FOI Act currently gives you the right to apply for review of my decision by the Information Commissioner.

We note, however, that the *Freedom of Information Amendment (New Arrangements) Bill 2014* (the FOI Bill) is currently under consideration by the Australian Senate and, if the FOI Bill is passed by the Senate, the right to seek review by the Information Commissioner will cease. In the event that the FOI Bill is passed, any outstanding requests for review by the Information Commissioner will be transferred to the Administrative Appeals Tribunal (AAT). For further information please refer to the Information Commissioner's website: www.oaic.gov.au.

An application for review by the Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Information Commissioner.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Commonwealth Ombudsman

The Information Commissioner has advised that from 1 November 2014 onwards, FOI applicants may 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. There is no fee for making a complaint. The Commonwealth Ombudsman will undertake a completely independent investigation of any complaint. You can make a complaint by telephone, in person, in writing, by fax, or using the online complaint form. Further information about making a complaint is available at: <http://www.ombudsman.gov.au/pages/making-a-complaint/>.