



Australian Government

Fair Work Building & Construction

31 August 2016

By email:

foi+request-2088-9deef69@righttoknow.org.au

Dear BR,

Freedom of Information request – Decision

1. This letter refers to an access request received by Fair Work Building & Construction ("**FWBC**") under the *Freedom of Information Act 1982* (Cth) ("**the FOI Act**") by email from you on 1 August 2016 ("**FOI request**").
2. The FOI request sought access to documents described as follows:

Please provide access to the following:

1. Documents containing the total amount of costs incurred (including costs of external legal services) arising out of or connected with legal proceeding file number BRG21/2016 against the Director of FWBC
2. Documents containing the total amount of costs incurred (including costs of external legal services) arising out of or connected with any other matters (including administrative matters) pertaining to the applicant in legal proceeding file number BRG21/2016 against the Director of FWBC.
3. The FOI request also asked that all correspondence to be sent "by return email".

Timeframe for processing FOI request

4. Section 15(5) of the FOI Act provides that the relevant period an agency has to deal with an FOI request is 30 days from the date the request was received. FWBC is a relevant agency under the FOI Act and as noted, FWBC received your FOI request on 1 August 2016.
5. For the purposes of section 15(5) of the FOI Act, FWBC confirmed receipt of the FOI request by email dated 5 August 2016.

FOI Authority and decision

6. My authority to make an FOI decision is derived from a delegation made by the Director of FWBC on 15 August 2016.
7. In making this decision I have had regard to relevant materials including the FOI Act, relevant parts of the FOI Guidelines as published by the Office of the Australian Information Commissioner ("**OAIC**") ("**the Guidelines**"), and results of searches undertaken to locate documents matching the description of those contained in the FOI request.

8. Searches of FWBC documents were undertaken in response to the FOI request. Further, as the FOI request sought documents of a particular nature, inquiries of relevant FWBC staff that deal with such matters were made.
9. Under section 24A of the FOI Act access can be refused because, after taking all reasonable steps to find documents, the agency is satisfied that the documents cannot be found or do not exist.
10. As a result of the searches and inquiries undertaken, I have concluded that no documents exist that meet the description referred to in the FOI request. I am satisfied that the circumstances under section 24A of the FOI Act apply to the FOI request.
11. Accordingly, my decision is to refuse access under section 24A(1) of the FOI Act on the grounds that all reasonable steps have been taken to find the documents requested and I am satisfied that the documents do not exist.

No Charges

12. I confirm that no charges apply to the FOI request.

Internal Review and Complaints

13. I am not the principal officer of FWBC.
14. As a result, you are entitled to seek an internal review of the decision. You have 30 days from the date of this letter to seek an internal review application. You may do so in writing to: **Freedom of Information (FWBC)**, at either of the following contact addresses:

By post:
GPO Box 9927 MELBOURNE VIC 3001 Australia

By email:
foi@fwbc.gov.au

15. You may also submit an information review request to the Office of the Australian Information Commissioner (OAIC) about the processing of your FOI request. More details about such a process can be accessed from the OAIC's website: <http://www.oaic.gov.au/>
16. If you have any questions about this matter, please send them to foi@fwbc.gov.au.

Yours sincerely,



Ben Vallence
Fair Work Building & Construction