



3 October 2016

BR

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

Dear BR

Your Freedom of Information Internal Review Request

The Office of the Fair Work Building Industry Inspectorate (Known as Fair Work Building & Construction) (**FWBC**) received an email on 1 September 2016 in which you requested an internal review under the *Freedom of Information Act 1982 (FOI Act)*.

The decision you request be reviewed is the decision made by FWBC on 31 August 2016 to refuse access to the requested documents under section 24A(1) of the FOI Act on the grounds that all reasonable steps have been taken to find the documents requested and the documents do not exist.

I note that section 15(5) of the FOI Act provides that the relevant period to process a request and give notice of the decision reached is 30 days from the date it was received.

FOI Internal Review

My authority to undertake an internal review comes from a delegation made by the Director of the Fair Work Building Industry Inspectorate on 21 September 2016. The relevant delegation is available on website at:

<https://www.fwbc.gov.au/about/delegation-and-appointments>.

Documents considered in my review

In reaching my decision in relation to the internal review of FWBC's decision of 31 August 2016, I considered the following documents:

- your email dated 31 August 2016 to the FWBC – FOI mailbox;
- the results of searched undertaken to locate documents matching the description of the documents specified in your original request;
- *Freedom of Information Act 1982*; and
- Office of the Australian Information Commissioner – Guidelines and Factsheets in relation to internal reviews.

Decision and reasons for Decision

I have decided to refuse your request for access to the following documents:

1. Documents containing the total amount of costs incurred (including costs of external legal services) arising out of or connected with legal proceedings 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 proceedings file number BRG21/2016 against the Director FWBC

In the FWBC decision of 31 August 2016 it was explained that your request for access was refused because after taking all reasonable steps to find documents of the type requested, no documents exist that meet the description of the documents you have sought.

In making my decision I have relied on the record searches undertaken by the original decision maker. As a result of my personal review of these FWBC records that contain various figures for work undertaken in relation to the specified legal proceedings, I have been unable to identify any documents that specify a total cost in relation to those proceedings.

No Charges

I confirm that no charges apply to your request

Review of my decision

If you are dissatisfied with the internal review I have conducted you may apply to the Office of the Australian Information Commissioner (OAIC) for a review of my decision. More details about such a process can be accessed from the OAIC's website (<http://www.oaic.gov.au>).

Yours sincerely



Cliff Pettit
Senior Executive Service Officer
Fair Work Building & Construction