



Canberra Office  
ABS House  
45 Benjamin Way  
Belconnen ACT 2617  
Phone 1300 135 070

Locked Bag 10  
Belconnen ACT 2616  
[www.abs.gov.au](http://www.abs.gov.au)  
ABN 26 331 428 522



FOI ref: 201617/38

Jackson Gothe-Snape

[foi+request-2118-60cf92f7@righttoknow.org.au](mailto:foi+request-2118-60cf92f7@righttoknow.org.au)

Dear Mr Gothe-Snape

**RE: YOUR FREEDOM OF INFORMATION REQUEST**

I refer to your emails of 19 and 21 September 2016 (Attachment A) to the FOI contact officer in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act):

'Emails provided on August 10th by David Kalisch or staff in his office to the DPMC explaining what happened to the Census website on August 9th.'

'I intend my request to cover emails sent by Mr Kalisch himself or on his behalf, for example by his executive assistants and liaison officers.'

**Response to your request**

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

A search has been conducted for documents relevant to your request. No documents have been found that fall within the scope of your request.

As a result, in accordance with subsection 24A(1)(b)(iii) of the FOI Act (see Attachment B), I refuse your request on the grounds that no documents exist.

**Charges**

The ABS will not charge you any fees associated with processing this request.

**Internal Review of the Decision**

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision by the ABS. Additionally, you may request a review of this decision by the Information Commissioner. Details of both procedures involved in an application to review a decision are set out at Attachment C.

If you have any queries on this matter please contact the ABS FOI Contact Officer at [freedomofinformation@abs.gov.au](mailto:freedomofinformation@abs.gov.au) or on (02) 6252 7203.

Yours sincerely

Christine Williams  
Program Manager  
Governance & Parliamentary Liaison Branch  
Australian Bureau of Statistics

7 October 2016

ATTACHMENT A

From: Jackson Gothe-Snape <foi+request-2118-60cf92f7@righttoknow.org.au>

To: Emily Covington,

Date: 21/09/2016 02:42 PM

Subject: Re: FOI 201617/38 [DLM=Sensitive]

Dear Emily Covington,

Thanks for getting back to me seeking to clarify the request.

I intend my request to cover emails sent by Mr Kalisch himself or on his behalf, for example by his executive assistants and liaison officers.

Yours sincerely,

Jackson Gothe-Snape

-----Original Message-----

Dear Mr Gothe-Snape

Thank you for your reply.

With regard to your revised scope, could you please clarify what you mean by 'in his office'.

Kind Regards

FOI Contact Officer

Australian Bureau of Statistics

(P) (02) 6252 7203

(E) [1][ABS request email] (W) [2]www.abs.gov.au

From: Jackson Gothe-Snape <[FOI #2118 email]>

To: Emily Covington <[email address]>,

Date: 19/09/2016 12:19 PM Subject: Re: FOI 201617/38 [DLM=Sensitive]

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Dear Emily Covington,

In relation to the first FOI request as part of this correspondence, I have paid the deposit and have sent confirmation of the transfer to [ABS request email].

In relation to the second request subject to the most recent practical refusal, can I please narrow the scope of my request to:

Emails provided on August 10th by David Kalisch or staff in his office to the DPMC explaining what happened to the Census website on August 9th.

Yours sincerely,

Jackson Gothe-Snape

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Please use this email address for all replies to this request:

foi+request-2118-60cf92f7@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Freedom of Information Act

Section 24A

**24A Requests may be refused if documents cannot be found, do not exist or have not been received**

*Document lost or non-existent*

- (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.

*Document not received as required by contract*

- (2) An agency may refuse a request for access to a document if:
  - (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
  - (b) the agency has not received the document; and
  - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

**INFORMATION ON RIGHTS OF REVIEW**

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

If you disagree with our decision you have the right to apply for an internal review under section 54 of the FOI Act.

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

No particular form is required but it would assist the decision-maker were you to 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:

ABS FOI Contact Officer  
Policy, Legislation and Assurance Section  
Australian Bureau of Statistics  
Locked Bag 10  
BELCONNEN ACT 2617

**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 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 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.