



Australian Government

Fair Work Building & Construction

3 October 2016

By email:

foi+request-2191-086da3da@righttoknow.org.au

Dear BR,

Freedom of Information dated 31 August 2016 - 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 an email from you on 31 August 2016 ("FOI request").
2. The FOI request also asked that all correspondence to be sent "by return email".
3. The FOI request is attached to the return email notifying you of this decision.

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 31 August 2016.
5. For the purposes of section 15(5) of the FOI Act, FWBC confirmed receipt of the FOI request by email dated 7 September 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 21 September 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 enquiries undertaken to locate documents that are described by the FOI request.
8. Under section 24A of the FOI Act an agency may refuse a request for access if, after taking all reasonable steps to find documents, a satisfactory view is formed that the documents cannot be found or do not exist.
9. As a result of the enquiries 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.

10. 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

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

Internal Review and Complaints

12. I am not the principal officer of FWBC.
13. 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

14. 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/>
15. If you have any questions about this matter, please send them to foi@fwbc.gov.au.

Yours sincerely,



Ben Vallenge

Fair Work Building & Construction