



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

Our ref: IEF16/6700

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-2833-4c4c53f4@righttoknow.org.au

Dear Ms Jensen

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence received by the Department of Industry, Innovation and Science (the department) on Sunday 11 December 2016. In your correspondence, you provide that:

Section 0.2.3.1, second paragraph, the following is stated

"The relationship between the acceptance criteria and the relevant Performance Requirements is often a matter of engineering judgement and therefore can vary between individual practitioners and from project to project. This variation can be minimised by the involvement of all stakeholders in the setting of the acceptance criteria that will also form an important part of the fire engineering brief described in Part 1."

You proceed to ask the department to provide the following information:

"1. The legal references (statutes, common law, etc) that the ABCB consulted before endorsing the IFEG, which show that acceptance criteria and relevant performance criteria is a matter of engineering judgement, and not a matter of what is required by the relevant laws of any Australian state or territory to comply with Performance Criteria.

2. The references to the research that the ABCB consulted before endorsing the IFEG, which shows that variation of engineering judgement between individual practitioners can be minimised by the involvement of all stakeholders in the setting of the acceptance criteria."

The department understands the reference to Section 0.2.3.1 in your correspondence relates to a section from the International Fire Engineering Guidelines (IFEG). The department has treated your correspondence as a request for access to documents under the FOI Act.

Decision

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

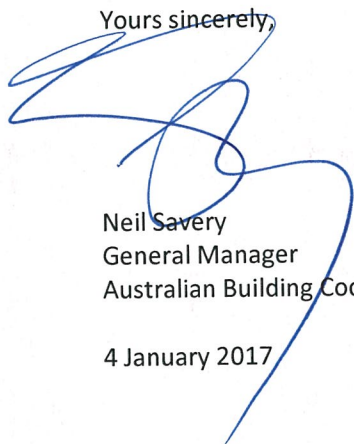
I am satisfied that reasonable searches have been conducted to locate documents that fall within the scope of your request but no such documents exist. I have therefore decided to refuse your request in accordance with section 24A of the FOI Act on the grounds that the document you have requested does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

The IFEG is a collaborative document which is contributed to by a number of different jurisdictions, including governments at different levels from Australia, Canada, the United States of America and New Zealand. The Australian Building Codes Board (ABCB), a division of the department, is a custodian of the IFEG on behalf of the various contributing jurisdictions but is not responsible for endorsing the IFEG. For this reason the department does not hold any documents within the scope of your request.

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

4 January 2017

REVIEW RIGHTS

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 gives you the right to apply for review of my decision by the Information Commissioner.

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
Fax: +61 2 9284 9666
Post: GPO Box 5218
Sydney NSW 2001
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 Australian Information Commissioner

You may complain to the Australian Information Commissioner 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 Australian Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Australian Information Commissioner must be made in writing and can be lodged online using the Information Commissioner Complaint Application form on the Australian Information Commissioner's website at www.oaic.gov.au.