



Dan Monceaux

Email: [foi+request-2926-fca01983@righttoknow.org.au](mailto:foi+request-2926-fca01983@righttoknow.org.au)

Dear Mr Monceaux

**Freedom of Information - Access Decision Letter  
Request No. 170106**

I refer to your request of 8 January 2017 to the Department of the Environment and Energy (the **Department**), in which you have sought access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) to:

*A digital copy of all written submissions received by the department in response the EPBC Act referral for Reef Management Pty Ltd/Water Management/Green Island/QLD/Green Island Desalination Plant - Ref#2001/331.*

**Authority**

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to this request.

**Background**

On 18 January 2017 you agreed that the scope be limited to only seek formal submissions, that is, those made in response to an invitation by the Department regarding the EPBC Act referral for Reef Management Pty Ltd/Water Management/Green Island/QLD/Green Island Desalination Plant - Ref#2001/331.

**Decision**

After considering your FOI request and conducting thorough searches of Departmental records, I have decided not to grant access to the requested documents pursuant to section 24A(1)(b)(ii) of the FOI Act, as I am satisfied they do not exist (our records show that no public submissions were received in respect of EPBC 2001/331).

**ATTACHMENT A** contains information regarding your review rights, should you wish to seek review of my decision.

**Material considered in making decision**

In making my decision I have considered:

- the FOI request;
- the FOI Act;

- advice from subject matter experts within the Department; and
- the *Guidelines issued by the Australian Information Commissioner under s93A of the Freedom of Information Act 1982 (the FOI Guidelines)*.

## Reasons for Decision

### Section 24A(1)(b)(ii) Requests may be refused if documents cannot be found

Subsection 24A(1)(b)(ii) of the FOI Act provides that a request for access may be refused if all reasonable steps have been taken to find the document, and the agency is satisfied that the document does not exist.

The Department conducted the following searches to locate the documents sought:

- relevant hardcopy departmental files;
- electronic folders;
- relevant databases; and
- shared group and personal drives.

As a result of these searches, no documents were found to fall within the scope of your request. This is not a surprising outcome, as our records show that no public submissions were received in respect of EPBC 2001/331.

For the reasons above, I am satisfied that the requested documents do not exist and I have decided not to grant access to the documents subject to your request pursuant to section 24A(1)(b)(ii) of the FOI Act.

### Further assistance

The FOI Contact Officer in the Department can be contacted by telephone on 02 6274 2098 or by email at [foi@environment.gov.au](mailto:foi@environment.gov.au) for any assistance with your request.

Yours sincerely



Charmayne Murray  
A/g Assistant Secretary  
Assessments and Sea Dumping Branch  
Department of the Environment and Energy.

24 January 2017



## **YOUR REVIEW RIGHTS**

You may seek review of this primary decision either internally by the Department (Internal review), or externally by the Information Commissioner (Information Commissioner review).

### **Internal review**

An Internal review is a review of the decision conducted by a senior officer within the Department. The reviewing officer will not be the same person whom made the primary decision.

If you wish to seek an internal review, you must submit a written application to the Department within 30 days after the day you are notified of this decision. Whilst there is no required form for the written Internal Review application, it is recommended that you include your reasons as to why the primary decision should be reviewed.

The decision on the Internal review will be provided to you within 30 days of the Department receiving your application.

You can submit your written Internal review application to the below addresses:

**Email:** [foi@environment.gov.au](mailto:foi@environment.gov.au)

**Post:** FOI Contact Officer  
General Counsel Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

### **Information Commissioner review**

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Department, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

**Online:** <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

**Post:** GPO Box 5218, Sydney NSW 2001

**Fax:** 02 9284 9666

**Phone:** 1300 363 992

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

