



Office of the Hon Christian Porter MP
Minister for Social Services

Mr R Sweeney

By email: foi+request-3550-458e9af1@righttoknow.org.au

Dear Mr Sweeney

Freedom of Information (FOI) Request

1. I refer to your FOI request received by the Department of Social Services (the Department) on 22 May 2017, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

... the Minister's official diary for the month of April 2016.

2. On 25 May 2017, this FOI request was transferred to the Office of the Minister for Social Services (the Office).
3. I am authorised to make decisions under subsection 23(1) of the FOI Act. The following is my decision and the reasons for the decision.

Decision on access to documents

4. Pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act, I have decided to refuse your request for access to the document on the basis that the document you are requesting does not exist.

Reasons for decision

5. An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act 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.*
6. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Office has taken all reasonable steps to find the document falling within the scope of your request, and I am satisfied that the document does not exist.

7. The evidence on which I have based my decision is:
- your correspondence dated 22 May 2017 outlining the particulars of your request for documents under the FOI Act;
 - the FOI Act and
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
8. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the relevant document exists and such steps have failed to locate any document falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the document you are seeking does not exist.

Rights of review

9. I have enclosed information about your rights of review at **Attachment A**.
10. Should you have any enquiries concerning this matter, please do not hesitate to contact Paul Moger on (02) 6277 7560 or by email at paul.moger@dss.gov.au.
11. Alternatively you can contact the Department of Social Services' FOI Team at foi@dss.gov.au.

Yours sincerely



Cheryl Gwilliam
Chief of Staff

21 June 2017

Encl.

Application for review of decision by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply to the Australian Information Commissioner (Information Commissioner) to review this decision on internal review of an access refusal decision.

If you wish to have this decision reviewed by the Information Commissioner you must apply for the review, in writing or by using the online merits review form available on the Information Commissioner's website at www.oaic.gov.au, within 60 days of receipt of this letter.

To assist the Information Commissioner your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the Information Commissioner about how your FOI request was handled, or other actions the Minister took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218
SYDNEY NSW 2001

Fax: +61 2 9284 9666

Email: enquiries@oaic.gov.au

In person: Level 3
175 Pitt Street
SYDNEY NSW 2000