



Mr Jackson Gothe-Snape
Right to Know

By email: foi+request-3779-09a48133@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your correspondence received by the Department of Education and Training (the department) on 22 August 2017 in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to:

Please provide an itemised summary of all trips booked with your travel provider for 2016-17 in a spreadsheet format.

Having regard to your previous FOI request dated 8 August 2017, I assume your request relates to trips of the Minister for Education and Training and the Assistant Minister for Vocational Education and Skills. On this assumption, I have interpreted your request as seeking "an itemised summary of all trips booked with your travel provider for 2016-2017 for the Minister for Education and Training and the Assistant Minister for Vocational Education and Skills, in a spreadsheet format."

I am authorised to make decisions under the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

Decision on access to documents

I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that I am satisfied that the documents you are requesting do not exist.

Reasons for decision

An agency or Minister may refuse a request for access 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.*

I have decided to refuse your request pursuant to section 24A(1) of the FOI Act on the basis that I am advised that all reasonable steps have been taken by relevant departmental officers to find documents falling within the scope of your request and those documents do not exist.

Why the documents do not exist

As previously advised in the department's correspondence to you dated 17 August 2017, the department is not responsible for arranging and paying for the travel of the Minister for Education and Training or the Assistant Minister for Vocational Education and Skills.

The relevant staff members within the department with the knowledge of the travel booking system have conducted a search and have made enquiries with individuals who may be able to help locate such documents. These searches have confirmed that no bookings were made through the department's travel provider for either the Minister or the Assistant Minister during 2016-17.

As previously advised, the Department of Finance reports on Parliamentarians' expenditure at six monthly intervals and these reports are available on the Department of Finance website. From 3 April 2017, the Independent Parliamentary Expenses Authority (IPEA) was established as the independent body with functional responsibility for overseeing parliamentary work allowances and travel related expenses. You may be able to obtain the information you are seeking through the publicly available material on the Department of Finance website and/or through the IPEA.

As such, I am satisfied that the documents falling within the scope of your request do not exist. Therefore, I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

Yours sincerely



Emily Virtue
Principal Government Lawyer
Schools, Child Care and Corporate Legal Branch

5 September 2017

Your rights of review

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: The FOI Coordinator
Schools, Child Care and Corporate Legal Branch
Location Code: 50MA10
GPO BOX 9880
CANBERRA ACT 2601

Email: foi@education.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC 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 AIC about how an agency handled an FOI request, or other actions the agency 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

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.