

Our Ref: 13/18375
Your Ref:



Australian Government
Department of Industry

Mr Marcus Priest
Right to Know

Industry House, 10 Binara Street
CANBERRA CITY ACT 2601
GPO Box 9839
Canberra ACT 2601 Australia
Web: www.innovation.gov.au
ABN: 74 599 608 295

By email: Marcu.Priest@rightto know.org.au

Dear Mr Priest

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence received by the former Department of Industry, Innovation, Climate Change Science, Research and Tertiary Education, now the Department of Industry, on 10 September 2013 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

“...I seek incoming government briefs- “red” and “blue” books – for the Liberal and Labor parties.”

Decision

I am an authorised decision maker under section 23 of the FOI Act.

I have interpreted your FOI request as pertaining to the final incoming government briefs, or Blue Book and Red Book, prepared by the now Department of Industry.

I am satisfied that reasonable searches have been conducted to locate the documents that fall within the scope of your request but:

- the final incoming government brief, or Blue Book, prepared by the now Department of Industry for the Liberal party did not exist at the time your FOI request was made on 10 September 2013; and
- the final incoming government brief, or Red Book, prepared by the now Department of Industry, for the Labor party does not exist, nor did it exist at the time your FOI request was made on 10 September 2013.

I have therefore decided to refuse your request in accordance with section 24A(1)(ii) of the FOI Act on the grounds that the documents you have requested either do not exist or did not exist on or before 10 September 2013.

Blue Book

Following the machinery of government changes effected by the Administrative Arrangements Orders issued on 18 September 2013, the incoming government brief for the Coalition-led government was completed by the now Department of Industry when it was presented to the Minister for Industry, the Hon Ian MacFarlane MP.

If you wish to obtain a copy of the incoming government brief presented to the Minister for Industry on 18 September 2013 you may wish to consider lodging a fresh FOI application for this document to the Department of Industry.

Red Book

As the Labor party failed to retain government following the election held on 7 September 2013 the incoming government brief for an Australian Labor Party led government, or the Red Book, was never finalised by the now Department of Industry.

If you wish to obtain a copy of any specific draft documentation or briefing material that may have formed part of the Red Book, in the event that it was ever finalised, you may wish to consider lodging a fresh FOI application for this document to the Department of Industry.

Any fresh FOI application should be addressed to:

FOI Coordinator
Department of Industry
GPO Box 9839
CANBERRA ACT 2601

or by e-mail to: FOI@innovation.gov.au.

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 of Industry (other than me) appointed by the Secretary of the Department of Industry 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. 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.

Any application for a review of a decision should be addressed to the FOI Coordinator.

If the decision on internal review was not satisfactory to you, you would then be entitled to seek review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time the internal decision is notified, should you take that course.

Review by the Australian Information Commissioner

Alternatively, section 54L of the Act gives you the right to apply for review of my decision by the Australian Information Commissioner. An application for review by the Australian Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Australian Information Commissioner must be made

within 60 days of receipt of this notice. There is no fee for review by the Australian Information Commissioner.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
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.

Please do not hesitate to contact the FOI team on 6102 8104 or via e-mail at FOI@innovation.gov.au, if you require any further clarification.

Yours sincerely



Vanessa Graham
Head of Division
Corporate

4 October 2013