



**Australian Government**  
**Director of National Parks**

Dr Caroline Noller

By email: [foi+request-4478-50358458@righttoknow.org.au](mailto:foi+request-4478-50358458@righttoknow.org.au)

Dear Dr Noller

**Freedom of Information – Access Decision Letter – Request No. 180404**

I refer to your request of 9 April 2018 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:

*2015, 2016 and 2017 visitor entry numbers to the Kosciusko National Park, specifically, information on gate entries at the Thredbo and Perisher gates month by month.*

**Authority**

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

**Background**

On 10 April 2018, the Department's FOI contact officer attempted to contact you by email to advise that the Kosciusko National Park is managed by the NSW Parks and Wildlife Service, and therefore the Department is unlikely to hold the documents that you seek. The Department received no response from you in relation to this correspondence.

**Decision**

I have decided to refuse your request under section 24A of the FOI Act.

Information regarding your review rights is at **ATTACHMENT A**.

**Material considered in making decision**

In making my decision I have considered:

- your FOI request;
- the FOI Act; and
- the *Guidelines issued by the Australian Information Commissioner under s93A of the Freedom of Information Act 1982 (the FOI Guidelines)*.

**Reasons for decision (Statement of reasons pursuant to section 26 of the FOI Act)**

**Section 24A – Requests may be refused if documents cannot be found or do not exist**

Section 24A(1) 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 either the document does not exist, or the document is in the agency's possession but cannot be found.

I note that Kosciusko National Park is managed by the NSW National Parks and Wildlife Service and that the Department does not have responsibility for maintaining records of the visitor entry numbers into Kosciusko National Park. Despite conducting searches, no documents were found to fall within the scope of your request. I am satisfied that all reasonable steps have been taken to find the documents, however the documents either do not exist, or cannot be found.

Accordingly, I have decided to refuse your request for access in accordance with section 24A(1) 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

A handwritten signature in black ink, appearing to read 'Judy West', written in a cursive style.

Judy West  
A/g Director of National Parks

24 April 2018

## YOUR REVIEW RIGHTS

### Internal review

If you wish to seek an internal review, you must apply to the Department within 30 days after the day you are notified of this decision.

An application for internal review of the decision made must be made in writing. No particular form is required but it is helpful if you set out in the application the grounds on which you consider that the decision should be reviewed. Your application for an internal review should be sent to one of the following addresses:

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

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

### Review by the Information Commissioner

You may request a review of this decision by the Information Commissioner.

If you request an internal review and are unhappy with the result you may also apply for an Information Commissioner review.

If you wish to request a review by the Information Commissioner you must apply to the Information Commissioner within 60 days after the day on which notice of this decision (or an internal review decision) was given to you.

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)