



Mr Charlie Schroeder
By Email: foi+request-4715-62d1f9c5@righttoknow.org.au

Dear Mr Schroeder,

Freedom of Information – Access Decision Letter – Request No. 180716

I refer to your revised request of 8 August 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:

*all reports and documentation referencing East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017) submitted to, and documentation from the office of the Minister of Department of the Environment and Energy by/to East Gippsland Shire Council and Department of Environment, Land, Water and Planning from Wednesday 01 January 2014 up to Tuesday 31 July 2018.*

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.

Decision

I have decided to refuse your request under section 24A(1) of the FOI Act. I am satisfied that all reasonable steps have been taken to find documents that fall within the scope of your request, and that they do not exist.

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

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 to a document 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.

If the Department held documents within the scope of the request, they would usually be held by the Environment Standards Division in an electronic form or record. Officers of this area conducted searches of the following locations to attempt to locate the requested documents:

- the Department's online file storage system;
- electronic document folders;
- relevant databases;
- shared group and personal drives; and
- relevant email mailboxes.

Despite conducting thorough searches, no documents were found to fall within the scope of your request. As such, I am satisfied that all reasonable steps have been taken to find the documents and that they do not exist.

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 for any assistance with your request.

Yours sincerely



Gregory Manning
Assistant Secretary
Assessments & Post Approvals Branch

25 August 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

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

