



**Australian Government**  
**Department of Agriculture  
and Water Resources**

Ref: LEX-045

Shane Townsend

Via email: [foi+request-4724-3c854692@righttoknow.org.au](mailto:foi+request-4724-3c854692@righttoknow.org.au)

Dear Mr Townsend

**Decision on your Freedom of Information request**

I refer to your request dated 1 August 2018 and received by the Department of Agriculture and Water Resources (**department**) on the same date for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'...all video footage of animals on board live animal export ships that departed Australia between, and including, 23 and 27 July 2018.'

**My decision**

I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they do not exist.

Please see **Attachment A** for the reasons behind my decision.

**You can ask for a review of my decision**

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 must be made in writing by post to the FOI Officer or email to [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) for review of my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website [www.oaic.gov.au](http://www.oaic.gov.au) or phone the OAIC on 1300 363 992.

**Contact details**

Should you wish to discuss any issues arising from this letter, please email [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Yours sincerely

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

Cameron Hutchison  
Assistant Secretary  
Live Animal Exports Branch  
17 August 2018

## REASONS FOR DECISION

### What you requested

'...all video footage of animals on board live animal export ships that departed Australia between, and including, 23 and 27 July 2018.'

### What I took into account

In reaching my decision I took into account:

- your original request dated 1 August 2018;
- consultations with departmental officers about the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and
- the FOI Act.

### Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

#### Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document 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.

Searches of the department's records were conducted which did not identify any documents matching the description in your request. Upon further enquiry, I am advised that the on-board observer did not record any video footage of animals on live animal exports ships that departed Australia during the period 23 and 27 July 2018 inclusive.

On the basis of these searches and enquiry, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents do not exist.