



OFFICE OF THE PRIME MINISTER
CHIEF OF STAFF

Reference: FOI/PMO/2014/011

12 MAY 2014

Mr A Freeman
Right to Know

By email: foi+request-577-6e84b424@righttoknow.org.au

Dear Mr Freeman

I refer to your email dated 3 April 2014 in which you made a request addressed to the Prime Minister under the *Freedom of Information Act 1982* (FOI Act) as follows:

Can you please provide information within your Office relating to the commissioning of the search for MH370 and its passengers within Australia's Search and Rescue Area. Please only provide information generating from the Australian Government including any radar traces etc. between 7th-9th March 2014 in the Indian Ocean Search and Rescue Area identifying MH370 or an incoming unidentified plane with a unique flight path into the Indian Ocean towards Antarctica. No other foreign government provided information, media reports or information provided from private companies is required or requested.

Authorised decision-maker

Under arrangements in place for FOI requests made to the Prime Minister, I am authorised to make FOI decisions on his behalf.

Search for documents

Advisers in the Office of the Prime Minister who would be expected to have had involvement in the subject-matter of the request, searched their email accounts, files and other documentary holdings for relevant documents.

As a result of these searches, no relevant documents were found within the terms of your request.

Decision on access

Subsection 24A(1) of the FOI Act provides in part that:

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.

I am satisfied that all reasonable steps have been taken to identify documents relevant to your FOI request and I am satisfied that no documents relevant to the request are in the possession of the Prime Minister or his office. I have therefore made a decision to refuse your FOI request under subparagraph 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

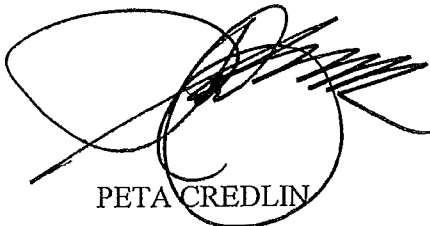
I have decided not to impose a processing charge in respect of your FOI request.

Review and complaint rights

In accordance with the requirements of the FOI Act, I enclose information setting out your rights of review and complaint.

Should you wish to discuss any aspect of the FOI request, please contact the Department on (02) 6271 5849.

Yours sincerely



PETA CREDLIN