



**Australian Government**  
**Department of Industry**

Our ref: DIISR14/53325

GPO Box 9839  
Canberra ACT 2601 Australia  
Email: [FOI@industry.gov.au](mailto:FOI@industry.gov.au)  
ABN: 74 599 608 295

Ms Terese Geraghty  
Right to Know

By email: [foi+request-583-65983c7e@righttoknow.org.au](mailto:foi+request-583-65983c7e@righttoknow.org.au)

Dear Ms Geraghty

**Freedom of Information Act 1982 – Notice of Decision**

I refer to your correspondence received by the Department of Industry (the department) on 7 April 2014 for access under the *Freedom of Information Act 1982* (FOI Act) to “...a copy of the Australian EITI Pilot Summary Report that was projected to be finalised in early 2014”.

**Background**

On 15 April 2014, the department notified you that the Australian Pilot of the EITI is still ongoing and has yet to report to government. Accordingly, we sought your agreement to withdraw this request and submit a fresh request at a later date.

By email dated 16 April 2014, you advised that you “would like to review any related documentation that may explain the project running over the time allocation and any new negotiated time frames”. The issues raised in your email dated 16 April 2014 have been addressed separately.

**Decision**

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

I am satisfied that reasonable searches have been conducted to locate documents relevant to your request. As previously advised, the Australian Pilot of the EITI is still ongoing, and accordingly the department does not have a copy of the requested report. I have therefore decided to refuse your request on the grounds that the document you have requested does not exist.

**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 (other than me) appointed by the Secretary of the department 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.

Application for a review of a decision should be addressed to:

FOI Coordinator  
Department of Industry  
GPO Box 9839  
CANBERRA ACT 2601

or by e-mail to: [FOI@industry.gov.au](mailto:FOI@industry.gov.au).

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](http://www.oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

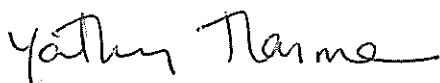
An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

### **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](http://www.oaic.gov.au).

Please do not hesitate to contact the FOI team on (02) 6102 8104 or via e-mail at [FOI@industry.gov.au](mailto:FOI@industry.gov.au), if you require any further clarification.

Yours sincerely



Katherine Harman  
General Manager  
Minerals Productivity

7 May 2014