



Dear Troy

By email: foi+request-5915-5220fc3d@righttoknow.org.au

I refer to your request received by the Department of Education (the department) on 18 November 2019 for access under the *Freedom of Information Act 1982* (FOI Act) to:

...the minutes for the (Tuition Protection Service) Advisory Board meetings held within the 2018 and 2019 calendar years.

On 2 December 2019 I notified you of the preliminary estimate of the charge for processing your request and on 11 December 2019 you revised the scope of your request to:

the TPS Minutes of the Advisory Board that occurred on or around 23rd of October 2019 only.

I am authorised to make decisions under the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

Decision on access to documents

I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that I am satisfied that the documents you are requesting do not exist.

Reasons for decision

An agency or Minister may refuse a request for access under subsection 24A(1) of the FOI Act 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 have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that I am advised that all reasonable steps have been taken by relevant departmental officers to find documents falling within the scope of your request and those documents do not exist.

I am advised that the meeting minutes of the TPS Advisory Board meeting of 23 October 2019 will not be finalised and endorsed until the following meeting, which I am advised is expected to be held in March 2020.

You may wish to make a new FOI request for the minutes at that time.

I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

Yours sincerely

J.T.

Jim
Senior Government Lawyer
Child Care, Corporate and Practice Management Legal Branch

20 December 2019

Attachment A

Internal Review

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Email: foi@education.gov.au

Post: The FOI Coordinator
Child Care, Corporate and Practice Management Legal Branch
Department of Education
Location code: C50MA10
GPO BOX 9880
CANBERRA ACT 2601

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC, you must apply for the review, in writing or by using the online merits review form available at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC, your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The AIC advises that, before making a complaint to it, you should raise your concerns directly with the relevant agency.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218 Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.