



Australian Government

Department of Agriculture

Ref: LEX-3535

Via email: [foi+request-6031-d1478a88@righttoknow.org.au](mailto:foi+request-6031-d1478a88@righttoknow.org.au)

Dear JS

### Decision on your Freedom of Information request

I refer to your request, received by the Department of Agriculture (**department**) on 20 December 2019, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'The Department of Agriculture is required to publish an FOI Disclosure log. The Department asserts on its Disclosure Log webpage that:

- (a) Where possible, the information will be available in Portable Document Format (PDF) and
- (b) Information that is not available for download may be obtained by writing to the department.

A note on the Webpage states that it was last reviewed on 13 December 2019.

Prior to 22 February 2017 the Department found it possible to upload to its Disclosure Log copies of documents (pdfs) released to FOI applicants. Since February 2017 the Disclosure Log suggests that the Department has not found it possible to upload copies of documents (pdfs) released to FOI applicants.

To overcome its inability to upload pdfs the Department makes the released documents available on request. The Disclosure Log reads: The documents are available on request by contacting the FOI Officer.

Under FOI I seek access to documents that contain details of the reason(s) why the Department has not found it possible to upload documents (pdfs) to its Disclosure Log since 21 February 2017.'

### My decision

I have decided to refuse your request for access to documents 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.

## What I took into account

In reaching my decision, I took into account:

- your request dated 20 December 2019;
- information about:
  - the nature of the documents; and
  - 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 decision

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.

The team responsible for processing freedom of information requests in the department conducted searches, including of a shared drive used by the team and also a shared mailbox. No documents were identified matching the description in your request.

The department's approach of providing a contact to obtain the documents rather than uploading PDF documents has been to ensure that the documents are able to be provided in a format that is suitable for each individual.

On the basis of these searches, I am satisfied, in accordance with section 24A of the FOI Act that all reasonable steps have been taken to find the documents and the documents do not exist.

## 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**) to review 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.

**Further assistance**

If you have any questions, please email [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Yours sincerely



Amy Nichol  
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Assurance and Legal Division

20 January 2020