



20 February 2020

Our reference: LEX 50559

Mr Ben Fairless

Only by email: [foi+request-6086-4a574ae4@righttoknow.org.au](mailto:foi+request-6086-4a574ae4@righttoknow.org.au)

Dear Mr Fairless

### **Decision on your Freedom of Information Request**

I refer to your request dated 21 January 2020, and received by the Department of Human Services (now known as Services Australia) on the same date, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'In the FOI Manual, there is a reference to a folder path: "G:\FOI\Admin\Manuals & Taskcards". Can you provide all documents contained in this folder as of this email being sent?

In addition, on Page 7 of the FOI Manual it appears that the word "Significant" links to another document. Can I please have a copy of that document?

#### **Administrative release**

On 29 January 2020, Services Australia acknowledged your request and advised that where appropriate, it may be able to release documents to you through the department's administrative access arrangements, without the need for a formal FOI request. We note in your request to the department, you advised that you would prefer this arrangement.

Services Australia has identified one document (totalling 67 pages) which relates to your request for the following material:

'...on Page 7 of the FOI Manual it appears that the word "Significant" links to another document. Can I please have a copy of that document?'

For your information, the word "Significant" on page 7 of the document which was released to you on 20 January 2020, links to another part of the same document. As you have already received this document administratively, I will not release it to you again. I now consider this part of your request withdrawn.

#### **My decision**

In relation to the portion of your request seeking access to documents contained within G:\FOI\Admin\Manuals & Taskcards, Services Australia has taken all reasonable steps to locate the documents you have requested and I am satisfied that they do not exist. For this reason we have refused your request for access. Please see **Attachment A** which outlines the searches we conducted and the reasons for my decision.

#### **You can ask for a review of our decision**

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within Services Australia, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

### **Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

Yours sincerely

Kaitlin  
Authorised FOI Decision Maker  
Freedom of Information Team  
Employment Law and Freedom of Information Branch | Legal Services Division  
Services Australia



## Attachment A

### REASONS FOR DECISION

#### What you requested

On 21 January 2020, you requested the following documents:

'In the FOI Manual, there is a reference to a folder path: "G:\FOI\Admin\Manuals & Taskcards". Can you provide all documents contained in this folder as of this email being sent?

In addition, on Page 7 of the FOI Manual it appears that the word "Significant" links to another document. Can I please have a copy of that document?'

#### What I took into account

In reaching my decision I took into account:

- your original request dated 21 January 2020;
- documents that would fall within the scope of your request;
- other correspondence with you;
- consultations with Services Australia officers about:
  - the nature of the documents, should they exist;
  - Services Australia'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.

The Employment Law and Freedom of Information Branch conducted searches in the File Explorer for the specified folder path. The Branch advised that the folder was not active at the time of the FOI request and therefore no documents were contained in the folder "G:\FOI\Admin\Manuals & Taskcards".

On the basis of these searches, 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.



**Attachment B**

**INFORMATION ON RIGHTS OF REVIEW**

***FREEDOM OF INFORMATION ACT 1982***

**Asking for a full explanation of a freedom of information (FOI) decision**

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

**Asking for a formal review of a FOI decision**

If you still believe a decision is incorrect, the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in Services Australia; and/or
2. the Australian Information Commissioner.

**Note 1:** There are no fees for these reviews.

**Applying for an internal review by an Internal Review Officer**

If you apply for internal review, a different decision maker to the Services Australia delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

**Note 2:** You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

**Applying for external review by the Australian Information Commissioner**

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Note 3:** The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

**Important:**

- If you are applying online, the application form the 'Merits Review Form' is available at [www.oaic.gov.au](http://www.oaic.gov.au).
- If you have one, you should include with your application a copy of the Services Australia decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the agency's decision.

**Complaints to the Australian Information Commissioner and Commonwealth Ombudsman**

***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. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)

***Commonwealth Ombudsman***

You may also complain to the Commonwealth Ombudsman 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. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072  
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.