



Mrs P Gale

By email: [foi+request-626-2fe2692c@righttoknow.org.au](mailto:foi+request-626-2fe2692c@righttoknow.org.au)

Dear Mrs Gale

1. I refer to your correspondence received by the Department of Education (the department) on 26 May 2014, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

*Documents identifying the following in relation to SES Higher Education Division/Group international travel created in the period September 4th, 2013 to 26 May 2014:*

- (i) name of the Senior Executive Service traveller*
- (ii) rank/position of the traveller*
- (iii) total cost of the travel*
- (iv) date the booking was made (if the travel has not yet taken place)*
- (v) purpose of the travel*
- (vi) destination(s) and dates of travel.*

2. I am authorised to make decisions under section 23 of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

#### **Decision on access to document**

3. Pursuant to paragraph 24A(1)(b) of the FOI Act, I have decided to refuse your request for access to documents on the basis that the documents requested either cannot be found or do not exist.

#### **Reasons for decision**

4. An agency or Minister may refuse a request for access to a document 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.*
5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the department has taken all reasonable steps to find the documents falling within the scope of your request, and I am satisfied that the documents do not exist. The evidence upon which I have based my decision is as follows:
  - your correspondence dated 26 May 2014;
  - consultations with departmental officers regarding the information held by the department and searches undertaken by them;

- the FOI Act; and
  - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
6. I am advised that the department's travel records for Higher Education Division/Group commenced from 5 December 2014 onwards, the date relevant staff moved into the department as a result of machinery of government changes. I am advised that there was no SES international travel within the Higher Education Division/Group from 5 December 2014 to 26 May 2014. If you wish to seek documents prior to 5 December 2014 it is open to you to make a request to the Department of Industry.
7. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
8. Should you have any questions, please do not hesitate to contact me on (02) 6121 5966 or via email at [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely



Kirsten Burns  
Senior Government Lawyer  
Corporate and External Review Team  
Legal and Compliance Group

10 June 2014

**REVIEW RIGHTS**

**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:

Post:       The FOI Coordinator  
              Corporate and External Review Team  
              Location Code: C12MT1-LEGAL  
              GPO BOX 9880  
              CANBERRA ACT 2601

Email:       [foi@education.gov.au](mailto:foi@education.gov.au)

**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 on the AIC's website at [www.oaic.gov.au](http://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.

Applications for review or complaint can be lodged 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)  
In person:   Level 3, 175 Pitt Street  
              Sydney, NSW 2000

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

**The Commonwealth Ombudsman**

You can 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.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.