



Mr Dan Monceaux

Email: foi+request-6271-e77c1cb6@righttoknow.org.au

Dear Mr Monceaux

Freedom of Information Request No. 200403
Decision on Access

I refer to your request of 4 April 2020 to the Department of Agriculture, Water and the Environment (**Department**) under the *Freedom of Information Act 1982* (Cth) (**FOI Act**). Your request is as follows:

I am writing to request electronic copies of any correspondence between T-Ports and this department regarding their intention to develop grain handling, storage and loading facilities at Lucky Bay in South Australia and/or their intention to transship grain from Lucky Bay in South Australia to ocean-going vessels at transshipment points within the Franklin Harbor Marine Park.

Authority

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to your request.

Decision

The Department has identified no documents relevant to the scope of your request.

ATTACHMENT A contains information regarding your review rights, should you wish to seek review of my decision.

Material considered in making my decision

I had regard to:

- the scope of the FOI request;
- the relevant provisions in the FOI Act;
- advice from subject matter experts within the Department; and
- the *FOI Guidelines* issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Reasons for decision

Section 24A(1)(b)(ii)

Documents do not exist

Under subparagraph 24A(1)(b)(ii) of the FOI Act, the Department may refuse access to a document if:

- all reasonable steps have been taken to find the document; and
- the Department is satisfied that it does not exist.

To locate the documents, the Department's officers conducted searches of relevant email accounts and searches of electronic files held in one of the Department's electronic filing systems, SPIRE. As a result of these searches, no documents falling within the scope of the request were identified.

I am satisfied that all reasonable steps have been taken to find documents that fall within the scope of the request, and that they do not exist.

Accordingly, I have decided to refuse your request under section 24A of the FOI Act.

Further assistance

The FOI Contact Officer in the Department can be contacted by telephone on 02 6274 2098 or by email at foi@environment.gov.au.

Yours sincerely

Monica Collins

Assistant Secretary

Environment Compliance Branch

1 May 2020

ATTACHMENTS:

A. INFORMATION SHEET "YOUR REVIEW RIGHTS"



YOUR REVIEW RIGHTS

You may seek review of this primary decision either internally by the Department (internal review), or externally by the Information Commissioner (Information Commissioner review).

Internal review

An internal review is a review of the decision conducted by a senior officer within the Department. The reviewing officer will not be the same person whom made the primary decision.

If you wish to seek an internal review, you must submit a written application to the Department within 30 days after the day you are notified of this decision. Whilst there is no required form for the written internal Review application, it is recommended that you include your reasons as to why the primary decision should be reviewed.

The decision on the internal review will be provided to you within 30 days of the Department receiving your application.

You can submit your written internal review application to the below addresses:

Email: foi@environment.gov.au

Post: FOI Contact Officer
Environment Legal Branch
Department of Agriculture, Water and the Environment
GPO Box 787
Canberra ACT 2601

Information Commissioner review

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Department, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

Online: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Post: GPO Box 5218, Sydney NSW 2001

Fax: 02 9284 9666

Phone: 1300 363 992

Email: enquiries@oaic.gov.au