



26 November 2020

JS

By email: [foi+request-6845-a52d7bf3@righttoknow.org.au](mailto:foi+request-6845-a52d7bf3@righttoknow.org.au)

Dear JS

**Freedom of Information Request – Decision**

I refer to your email of 27 October 2020 in the following terms:

*Three options for publishing information are specified in the FOI legislation:*

1. *making the information available for downloading from the agency's website*
2. *linking to another website where the information can be downloaded, or*
3. *giving details of how the information may be obtained.*

*Up to Sept 2017 the ABCC used option 1 to meet its disclosure log obligation by making the information available for downloading from its website.*

*Since October 2017 the ABCC has used option 3 to meet its disclosure log obligation by giving details of how the information may be obtained.*

*Under FOI I seek access to documents concerning or relating to the decision by the ABCC to change from option 1 to option 3 to meet its disclosure log obligations.*

**Decision Maker**

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your application.

**Decision**

As part of processing your request, searches were conducted for documents in scope of your request. The searches involved:

- making direct contact with personnel who were in the team responsible for processing FOI requests and making decisions about the ABCC's FOI disclosure logs between September and October 2017. These personnel were requested to search their own emails and documents to determine whether any documents were in scope; and
- directing the ABCC Information Officer to search across the ABCC's archived emails and documents for documents regarding the FOI disclosure log.

As a result of the searches conducted by the ABCC Information Officer and by the relevant personnel, no documents within the scope of your request were located.

I am satisfied that the searches detailed above were thorough and that all reasonable steps have been taken to locate documents relevant to your request. As no documents could be located, I therefore

refuse access to documents on the grounds all reasonable steps have been taken to locate documents but the documents do not exist pursuant to section 24A(1) of the FOI Act.

### **Review rights**

#### ***Internal review***

I am not the principal officer of the ABCC. As a result, you are entitled under section 54 of the FOI Act to seek an internal review of my decision. An internal review will be conducted. Your application must be made within 30 days of you receiving this notice.

An internal review may be submitted by sending it to Freedom of Information Section, ABCC, at either of the following contact addresses:

- **By post:** GPO Box 9927 MELBOURNE VIC 3001 Australia
- **By email:** [foi@abcc.gov.au](mailto:foi@abcc.gov.au)

Please note in your application the decision that you wish to be reviewed.

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

#### ***Review by the Australian Information Commissioner***

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website: [www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commission at:

- **By post:** GPO Box 5218 Sydney NSW 2001
- **By email:** [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

If you have any queries about this notice, please do not hesitate email [foi@abcc.gov.au](mailto:foi@abcc.gov.au).

Yours sincerely



James Matheson  
**Australian Building and Construction Commission**