



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/272

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: JS

**DECISION BY: Ms Maia Ablett
Acting Assistant Secretary
Legal Policy Branch**

By email: foi+request-6902-17a01ccd@righttoknow.org.au

Dear JS

I refer to your email of 17 November 2020 in which you made a request (the **FOI request**) under the *Freedom of Information Act 1982* (the **FOI Act**) to the Department of the Prime Minister and Cabinet (the **Department**) in the following terms:

As the Department would know the Department of Home Affairs has consistently and repeatedly failed to comply with the disclosure log requirements of the FOI legislation.

Under FOI I seek access to documents, concerning or relating to the failure by the Department of Home Affairs to comply with the disclosure log requirement in the FOI legislation,

(a) sent from or

(b) received by

the Department of Prime Minister and Cabinet during the period December 2017 to the date of this request.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Decision

I have decided to refuse your request under section 24A(1)(b)(ii) of the FOI Act, on the basis that the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

In making this decision, I have had regard to the following material:

- the terms of your request;
- searches undertaken by the Department regarding your request;
- the FOI Act; and
- the ‘Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*’ (the **FOI Guidelines**).

Reasons

Section 24A(1) of the FOI Act provides that:

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.

Searches were undertaken across the Department’s relevant systems for documents within scope of your request. As a result of these searches, no documents relevant to your request have been identified.

I am satisfied that all reasonable steps have been taken to find documents relevant to the request, and that the requested documents do not exist. I have therefore decided to refuse your request under section 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose processing charges in respect of your request.

Review rights

Information about your rights of review under the FOI Act is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Complaint rights

You may make a complaint to the Information Commissioner about the Department’s actions in relation to a request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department’s decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Yours sincerely



Maia Ablett
Acting Assistant Secretary
Legal Policy Branch

17 December 2020