

17 December 2020

Mr Elmer Fudd

**By email:** [foi+request-6908-a39e7c9b@righttoknow.org.au](mailto:foi+request-6908-a39e7c9b@righttoknow.org.au)

Dear Mr Fudd

### **Application for documents under *Freedom of Information Act 1982***

I refer to your email dated 18 November 2020 to which you have sought information under the Act, in relation to the following documents:

I request copies of any documents containing or disclosing the existence of any allegation or finding that Scott Morrison as Managing Director of Tourism Australia breached or acted inconsistently with any of the following:

- a) the Tourism Australia Values or Code of Conduct;
- b) the Financial Management and Accountability Act 1997;
- c) the Commonwealth Procurement Guidelines;
- d) the Commonwealth Grant Guidelines.

I am an officer authorised under section 23 of the FOI Act to make all decisions in respect of requests for documents received by Tourism Australia under the FOI Act.

#### Documents

Various officers of Tourism Australia have undertaken a thorough search for your requested documents and no documents have been located. Therefore, I am satisfied that there are no documents within the scope of your request in the possession of Tourism Australia.

#### Review Rights

You have two alternative options for review of my decision. The first is an internal review within Tourism Australia. The second option is review by the Australian Information Commissioner.

#### *Internal review*

Section 54 of the FOI Act gives you the right to apply for an internal review of my decision. If you make an application for internal review it will be conducted by an officer of Tourism Australia (other than me) appointed by the Managing Director, to conduct a review and make a completely fresh decision on the merits of the case.

Application for a review of the decision must be made within **30 days** after the day of receipt of this letter. You do not have to pay any fees or processing charges for an internal review, except for providing access to any additional relevant material located as a result of the review (for example, photocopying, inspection, etc). No particular form is required but it would assist the decision-maker were you to set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

FOI Officer  
Tourism Australia  
GPO Box 2721  
Sydney NSW 1006

If the decision on internal review was not satisfactory to you, you would then be entitled to seek a review of that decision by the Australian Information Commissioner.

*Information Commissioner Review*

As an alternative, section 54L(2)(a) of the FOI Act gives you the right to apply for an external review of my decision by the Australian Information Commissioner.

The Information Commissioner is an independent office holder who can review the decisions of agencies under the FOI Act. The Commissioner's office charges no fee for a review.

You must apply in writing for a review by the Commissioner. You can do this in any one of the following ways:

- Online: [www.oaic.gov.au](http://www.oaic.gov.au).
- Post: GPO Box 2999, Canberra, ACT 2601.
- Fax: (02) 9284 9666.
- Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).
- In person in Canberra: Level 3, 25 National Circuit, Forrest, ACT 2602 or
- In person in Sydney: Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney, NSW 2000.

An application form is available on the Commissioner's website [www.oaic.gov.au](http://www.oaic.gov.au). An application should include a copy of the notice of decision that is appealed against (if one was provided), and the applicant's contact details. Reasons should be given suggesting why the decision is wrong.

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of receiving the decision. If you are objecting to a decision to grant access to another person you must apply within 30 days of receiving the decision. The Commissioner can grant an extension of time in an appropriate case where an application for review has been delayed.

More information about Commissioner reviews can be found at [http://www.oaic.gov.au/publications/fact\\_sheets/FOI\\_fact\\_sheet12\\_your\\_review\\_rights.html](http://www.oaic.gov.au/publications/fact_sheets/FOI_fact_sheet12_your_review_rights.html) or by phoning 1300 363 992.

*Complaints to the Commonwealth Ombudsman*

You may 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. The Ombudsman will make a completely independent investigation of your complaint.

Complaints to the Ombudsman can also be lodged via the Ombudsman's web page:

[www.comb.gov.au](http://www.comb.gov.au). The Ombudsman usually prefers complainants to first seek internal review before complaining about a decision.

If you have any queries, please contact [foi@tourism.australia.com](mailto:foi@tourism.australia.com).

Yours sincerely



**Mark Craig**  
**Executive General Manager, Corporate Services**  
**Freedom of Information Officer**