



## Office of Senator the Hon. Michael Ronaldson

Minister for Veterans' Affairs  
Minister Assisting the Prime Minister for the Centenary of ANZAC  
Special Minister of State

Ref: SMOSFOI14-02

Mr Brendan Molloy  
President  
Pirate Party Australia

30 SEP 2014

Via email: [foi+request-755-82401a03@righttoknow.org.au](mailto:foi+request-755-82401a03@righttoknow.org.au)

Dear Mr Molloy

### Freedom of Information Request – SMOSFOI14-01

Thank you for your email to the Special Minister of State (the Minister) in which you sought access to the following document under the *Freedom of Information Act 1982* (FOI Act):

*copies of all official documents of the Minister relating to or considered when responding to Senate Order 330 (10 July 2014) except:*

- a) copies of the order or motion;*
- b) the letter from the Clerk of the Senate dated 10 July 2014 regarding the order;*
- c) the letter from the Minister to the Clerk of the Senate dated 10 July 2014 (as tabled);*
- or*
- d) duplicate copies of other documents within the scope of the request.*

### Authorised decision-maker

I am authorised by the Minister to grant or deny access to documents under the FOI Act on his behalf.

### Decision

Under subparagraph 24A(1)(b)(ii) of the FOI Act, the Minister may refuse a request for access to a document if the Minister is satisfied that the document does not exist. In line with this provision, I have decided to refuse your request.

### Reasons for Decision

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

- the scope of your FOI request;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC Guidelines).

### Scope of Your Request

I have interpreted the scope of your request to be any official documents that the Minister took into account or considered or has relevance to the Minister's response to Senate

Order 330 (on 10 July 2014) dated 10 July 2014.

In coming to my decision, I have:

- Consulted with relevant officers in the Minister's office to confirm that no such documentation exists;
- Undertaken a search of relevant hardcopy files where the document is likely to be retained; and
- Undertaken a search of relevant electronic files where the document is likely to be retained.

As a result of these searches and consultations, I am satisfied that the Minister does not hold any document that you are seeking. I am satisfied that all reasonable steps have been taken to find any document that may fall within the scope of your request, under paragraph 24A(1)(a) of the FOI Act. As the Minister does not hold any document, I have decided to refuse your request.

### **Charges**

I note that you made an application for waiver of charges in relation to processing this FOI request on 29 August 2014. I have decided that you are not liable to pay a charge in accordance with Regulation 3 of the Freedom of Information Regulations for the processing which has been undertaken to date.

### **Review Rights**

The process for review and appeal rights is set out at Attachment A.

Please contact the FOI Team within the Department of Finance on (02) 6215 1783 if you wish to discuss your request.

Yours sincerely,



**Daryl Wight**

Chief of Staff

On behalf of Senator the Hon Michael Ronaldson, Special Minister of State

ENCL.

## Freedom of Information – Your Review Rights

If you disagree with the decision made by the Minister, you can ask for the decision to be externally reviewed by the Australian Information Commissioner. As the decision is made by the Minister, internal review of the decision is not available.

### Review by the Australian Information Commissioner (IC)

The IC is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The IC can review access refusal decisions (s 54L(2)(a) of the FOI Act), access grant decisions (s 54M(2)(a)), refusals to extend the period for applying for internal review under s 54B (s 54L(2)(c)), and agency internal review decisions under s 54C (ss 54L(2)(b) and 54M(2)(b)).

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 IC within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

#### ***Do I have to pay?***

No. Review by the IC is currently free.

#### ***How do I apply?***

You must apply for IC review in writing and you can lodge your application in one of the following ways:

**Post:** Office of the Australian Information Commissioner  
GPO Box 2999  
CANBERRA ACT 2601

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Fax:** 02 9284 9666

**In person:** Level 3  
175 Pitt Street  
SYDNEY NSW 2000

An electronic application form is also available on the OAIC's website ([www.oaic.gov.au](http://www.oaic.gov.au)). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

### ***When can I go to the Administrative Appeals Tribunal (AAT)?***

Under the FOI Act, you must seek external review through the IC prior to applying to the AAT for such a review. The fee for lodging an AAT application is currently \$816 (from 1 July 2012), although there are exemptions for health care and pension concession card holders and the AAT can waive the fee on financial hardship grounds.

#### **Finance FOI contact details**

FOI Coordinator  
Legal Services Branch  
Department of Finance  
John Gorton Building  
King Edward Terrace  
PARKES ACT 2600

**Phone:** 02 6215 1783

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

**Website:** [www.finance.gov.au/foi/foi.html](http://www.finance.gov.au/foi/foi.html)