



Australian Government
Office of the Australian Information Commissioner

Our reference: FOIREQ22/00009

Trent Morrison-Francis

By email: foi+request-8266-247ba117@righttoknow.org.au

Your Freedom of Information Request – FOIREQ22/00009

Dear Trent Morrison-Francis

I refer to your request for access to documents made under the *Freedom of Information Act 1982 (Cth)* (the FOI Act) and received by the Office of the Australian Information Commissioner (OAIC) on 7 January 2022.

In your request you seek access to the following:

Dear Office of the Australian Information Commissioner,

Please take this request for any documents that your department holds in relation to any "Exemptions" or "Wavers" as defined by the Webster Dictionary or socially accepted definitions of the words in the country of Australia to comply with any legislation that your office has powers, authority or manages under legislation for its management as a superannuation provider.

To remove any doubt we are asking for all schemes that Commonwealth Superannuation Corporation manages including

*CSS
ABN: 19 415 776 361
RSE: R1004649*

*DFRDB
ABN: 39 798 362 763*

*Military Super
ABN: 50 925 523 120
RSE: R1000306*

*ADF Super
ABN: 90 302 247 344
RSE R1077063*

*ADF Cover
ABN: 64 250 674 722*

The period for the request relates to all documents created on or after the 01st January 2017 by either your office and or the Commonwealth Superannuation Corporation (where practicable if your office is not the creator of the documents).

On 19 January 2022 I acknowledged your request and provided my interpretation of its scope as being for the following:



“all documents the OAIC holds in relation to any exemptions or waivers the OAIC receives as a superannuation provider created on or after 1 January 2017 up to date of your FOI request on 7 January 2022.”

On 3 February 2022 you confirmed this interpretation of your request.

Decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

I have refused your request for documents under s 24A of the FOI Act on the basis that all reasonable steps have been taken to find the documents you have requested and I am satisfied that no documents exist.

Reasons for decision

Material taken into account

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

- your freedom of information request of 7 January 2022
- the FOI Act, in particular s 24A
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (the FOI Guidelines) and
- searches conducted within the agency and the AHRC.

Documents cannot be found or do not exist (s 24A)

I have refused your request for access to documents under s 24A of the FOI Act on the basis that all reasonable steps have been taken to find the documents you have requested and no documents exist.

Section 24A provides as follows:

Requests may be refused if documents cannot be found, do not exist or have not been received

Documents lost or non-existent

- (1) 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 undertaken

We conducted our searches within Human R area of the OAIC and the Australian Human Rights Commission (AHRC) due to the nature of the request, i.e. documents regarding the “*exemptions or waivers the OAIC receives as a superannuation provider*” that are generally stored within that area.

We conducted searches within AHRC as the agency providing payroll services for the OAIC and potentially the documents containing information you are seeking access to would be stored within the AHRC.

The AHRC did not locate any documents relevant to your request. The Human Resources area of the OAIC did not locate any documents relevant to your request.

I also consulted with a Record Management Officer, within the OAIC who conducted “global searches” in Resolve, Content Manager and other relevant computer drives.

The following searches were conducted:

1. Resolve searches:

- a. Search for Summary “*Commonwealth Superannuation Corporation waiver*” – No results
- b. Search Client Name for “*Commonwealth Superannuation Corporation waiver*” - – No results
- c. Search of Resolve Document Store for “*Commonwealth Superannuation Corporation waiver*” – No results
- d. Search for Summary “*Commonwealth Superannuation Corporation provider*” – No results
- e. Search Client Name for “*Commonwealth Superannuation Corporation provider*” - – No results
- f. Search of Resolve Document Store for “*Commonwealth Superannuation Corporation provider*” – No results
- g. Search for Summary “*Commonwealth Superannuation Corporation exemption*” – No results
- h. Search Client Name for “*Commonwealth Superannuation Corporation exemption*” - – No results
- i. Search of Resolve Document Store for “*Commonwealth Superannuation Corporation exemption*” – No results

2. Content Manager

- a. Document Title Word search for “*Commonwealth Superannuation Corporation waiver*” – No results
- b. Document Content search for “*Commonwealth Superannuation Corporation waiver*” – No results
- c. Document Title Word search for “*Commonwealth Superannuation Corporation provider*” – No results
- d. Document Content search for “*Commonwealth Superannuation Corporation provider*” – No results
- e. Document Title Word search for “*Commonwealth Superannuation Corporation exemption*” – No results
- f. Document Content search for “*Commonwealth Superannuation Corporation exemption*” – No results

3. Other

- a. H: Drive is a personal drive (Cannot search all H: Drives. ICT only can conduct those searches)
- b. G: Drive - Search for “*Commonwealth Superannuation Corporation waiver*” – No results

- c. G: Drive - Search for *"Commonwealth Superannuation Corporation provider"* – No result
- d. G: Drive - Search for *"Commonwealth Superannuation Corporation exemption"* – No result
- e. I: Drive - Search for *"Commonwealth Superannuation Corporation waiver"* – No results
- f. I: Drive - Search for *"Commonwealth Superannuation Corporation provider"* – No results
- g. I: Drive - Search for *"Commonwealth Superannuation Corporation exemption"* – No results
- h. J: Drive - Search for *"Commonwealth Superannuation Corporation waiver"* – No Results
- i. J: Drive - Search for *"Commonwealth Superannuation Corporation provider"* – No Results
- j. J: Drive - Search for *"Commonwealth Superannuation Corporation exemption"* – No Results
- k. M: Drive- Search for *"Commonwealth Superannuation Corporation waiver"* – No Results
- l. M: Drive- Search for *"Commonwealth Superannuation Corporation provider"* – No Result
- m. M: Drive- Search for *"Commonwealth Superannuation Corporation exemption"* – No Result
- n. V: Drive- Search for *"Commonwealth Superannuation Corporation waiver"* – No Results
- o. V: Drive- Search for *"Commonwealth Superannuation Corporation provider"* – No Results
- p. V: Drive- Search for *"Commonwealth Superannuation Corporation exemption"* – No Results

- q. Outlook: Cannot search all Outlook email boxes (ICT only can conduct those searches)
- r. Paper Files: OAIC does not have paper files except for Protected (and above) files

Based on the searches conducted above, we were unable to locate any document that fall within scope of the request.

Findings

Based on the advice from the above-mentioned officers, the terms of your FOI request and the searches undertaken, I am satisfied that all reasonable steps have been taken to find documents that fall within the scope of your request and that the documents do not exist.

Therefore, I refuse your request for access to documents under s 24A of the FOI Act.

Your review rights are outlined on the following page.

Yours sincerely

Elena Elagina
Lawyer



7 February 2022

If you disagree with my decision

Internal review

You have the right to apply for an internal review of my decision under Part VI of the FOI Act. An internal review will be conducted, to the extent possible, by an officer of the OAIC who was not involved in or consulted in the making of my decision. If you wish to apply for an internal review, you must do so in writing within 30 days. There is no application fee for internal review.

If you wish to apply for an internal review, please mark your application for the attention of the FOI Coordinator and state the grounds on which you consider that my decision should be reviewed.

Applications for internal reviews can be submitted to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Alternatively, you can submit your application by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Further Review

You have the right to seek review of this decision by the Information Commissioner and the Administrative Appeals Tribunal (AAT).

You may apply to the Information Commissioner for a review of my decision (IC review). If you wish to apply for IC review, you must do so in writing within 30 days. Your application must provide an address (which can be an email address or fax number) that we can send notices to, and include a copy of this letter. A request for IC review can be made in relation to my decision, or an internal review decision.

It is the Information Commissioner's view that it will usually not be in the interests of the administration of the FOI Act to conduct an IC review of a decision, or an internal review decision, made by the agency that the Information Commissioner heads: the OAIC. For this reason, if you make an application for IC review of my decision, and the Information Commissioner is satisfied that in the interests of administration of the Act it is desirable that my decision be considered by the AAT, the Information Commissioner may decide not to undertake an IC review.

Section 57A of the FOI Act provides that, before you can apply to the AAT for review of an FOI decision, you must first have applied for IC review.

Applications for IC review can be submitted online at:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

Alternatively, you can submit your application to:

Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

Or by email to foi@oaic.gov.au, or by fax on 02 9284 9666.

Accessing your information

If you would like access to the information that we hold about you, please contact foi@oaic.gov.au. More information is available on the [Access our information](#) page on our website.