

8 February 2022

DHA Ref: FOI2122-11

Ms Anna Lee
Email: foi+request-8281-18a758cf@righttoknow.org.au

Dear Ms Lee

I refer to your request received by Defence Housing Australia (DHA) on 9 January 2022, in which you sought access under the *Freedom of Information Act 1982 (Cth)* (**FOI Act**) to the following documents:

'Information about the options of LIA accommodation available for long term stays at Gallipoli Barracks, QLD, including the amenities in the rooms.'

On 18 January 2022, I acknowledged receipt of your request.

Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests for access to documents. My decision and statement of reasons are set out below.

I have decided to refuse your request for access to documents under section 24A of the FOI Act, as the documents do not exist.

Material on which my decision is based

In making my decision, I have taken into account:

- a) the terms of your freedom of information request
- b) advice provided to me by the officers of this agency that have core responsibility for the documents you sought access to, including confirmation that reasonable searches have been undertaken to identify all of the documents held within the scope of your request
- c) consultation with third parties and/or other agencies whose information is contained in the documents you requested
- d) the Freedom of Information Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- e) the relevant provisions of the FOI Act.



Head office

FOI Legislation

Section 24A – Requests may be refused if documents cannot be found, do not exist or have not been received

Section 24A of the FOI Act relevantly provides:

Document 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.

I am satisfied that reasonable searches have been undertaken for the requested information. I have been advised by DHA Service Delivery officers that DHA does not hold documents containing information about the options of LIA accommodation available for long term stays at Gallipoli Barracks, QLD, including the amenities in the rooms.

Therefore I am refusing your request under section 24A(1)(b)(i) of the FOI Act because the documents you requested do not exist.

Further assistance

As previously advised, depending on your specific booking enquiry or needs, DHA can advise you what accommodation is available to you depending on the details of your booking request, and who to contact for further information about room amenities.

Please contact our Housing Contact Centre on **139 342** for further assistance.

Rights of review

If you do not agree with my decision in relation to your request for access to documents, you are entitled to apply for an internal review of the decision and/or external review by the Australian Information Commissioner. Information on your rights is at **Attachment A**.

Yours sincerely

Sally

FOI Officer

E. xxx@xxx.xxx.xx

Defence Housing Australia



Head office

Your review rights under the FOI Act

If you disagree with the decision made by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982* (the FOI Act), you can ask for a review of the decision. Under sections 54 and 54L of the FOI Act, you can request a review of a 'refuse access' decision, for example refusal to: give access to documents, or a decision refusing to amend or annotate a record of your personal information.

There are two ways you can ask for review of a decision: internal review by DHA, and external review by the Australian Information Commissioner.

Internal review

You can ask DHA to review its decision. An internal review requires a fresh decision to be made by a DHA officer with internal review delegation at a more senior level than the original decision maker. There is no charge for an internal review.

To request an internal review of this decision, you must send your request to DHA in writing using the details below within 30 days of being notified of the primary decision. You may wish to outline the aspects of the decision to which you are objecting and why. We will acknowledge your request for internal review upon receipt, and will make an internal review decision within 30 days of receiving your request.

Email: foi@dha.gov.au
Post: Privacy & Compliance
Defence Housing Australia
26 Brisbane Avenue
BARTON ACT 2600

External Review

You may apply directly to the Information Commissioner for an external review without requesting an internal review. However, requesting an internal review in the first instance allows DHA the opportunity to reconsider its initial decision and your concerns are likely be addressed more quickly.

Making a complaint

You may make a complaint to the Information Commissioner about actions taken by DHA in relation to your application. The complaint needs to be in writing.

Further information about the external review process or how to make a complaint to the Information Commissioner is available by visiting <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>:

Contacting the Australian Information Commissioner

To apply for an external review by the Information Commissioner, it is recommended that you complete the online form available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>. Further information about assistance with applying for an external review is also available.



OFFICIAL



If you're unable to use the online form, download and complete the OAIC FOI review form from the above website, and send it to the OAIC either by:

- **Email:** send it to foidr@oaic.gov.au (be aware that email isn't encrypted, so it can be copied or tracked)
- **Mail:** send it to the Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001 (send it by registered mail if you're concerned about sending it by standard post)
- **Fax:** send it to 02 9284 9666



Head office

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