



Office of Senator the Hon Simon Birmingham

Assistant Minister for Education and Training
Senator for South Australia

Mr Nathan Davies
foi+request-928-927207db0@righttoknow.org.au

Dear Mr Davies,

I refer to your correspondence dated 16 February 2015 in which you requested the Assistant Minister for Education provide access under the *Freedom of Information Act 1982* (FOI Act) to:

- "1. All documents containing information on the budget and funding for public schools during 2014*
- 2. All documents containing information on the budget and funding for privet [sic] schools during 2014".*

Decision

I am authorised by the Assistant Minister to make decisions under the FOI Act.

I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are requesting do not exist.

Reasons for decision

An agency or Minister may refuse a request for access under subsection 24A(1) of the FOI Act 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 have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that all reasonable searches have been undertaken to find documents falling within the scope of your request, and I am satisfied that those documents do not exist.

The evidence upon which I have based my decision is as follows:

- your correspondence dated 16 February 2015;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner issued under section 93A of the FOI Act.

Searches have been undertaken by all staff in the office of the Assistant Minister to identify any documents within the scope of your request. I note that the office commenced its operation on 23 December 2014. However, no documents within scope were found.

On the basis of the above information, I am satisfied that reasonable steps have been taken to determine whether relevant documents exist and such steps have failed to locate any documents falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are seeking do not exist.

Rights of review

Your rights of review with respect to this decision are set out at **Attachment A**.

If you should have any queries regarding your request, please contact our office at minister@education.gov.au.

Yours sincerely



16/3/15

Rachael Thompson
Chief of Staff

Your rights of review regarding decisions on access to documents

External Review by the Australian Information Commissioner

Section 54L of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how the Minister handled an FOI request, or other actions the Minister took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.