



John Smith

Via email: foi+request-9355-351dd533@righttoknow.org.au

Dear John Smith

Decision on your Freedom of Information request

I refer to your request, received by the Department of Agriculture, Fisheries and Forestry (**department**) on 6 September 2022 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I request all correspondence between the Minister's Office and the RSPCA (SA or national) about exemptions from pre-slaughter stunning requirements, between the period 1 January 2018 to present.'

On 8 September 2022, you confirmed that you were seeking the documents in the possession of the department.

My decision

I have decided to refuse your request for access to documents under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that the documents do not exist.

What I took into account

In reaching my decision, I took into account:

- your request dated 6 September 2022;
- other correspondence with you on 8 September 2022;
- information about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (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.

The Meat Exports Branch conducted searches of the department's record management systems and electronic documents, as well as the department's parliamentary document management system for relevant phrases to your request such as 'RSPCA', 'stunning', 'pre-slaughter' and 'slaughter'. However, this Branch did not identify any documents matching the description in your request. I undertook further consultations with this Branch and was informed that the reason for this is because in 2007, the Australian Government implemented a moratorium to ensure that no new approvals for ritual slaughter were allowed for export registered meat establishments. This moratorium is still in place and therefore there are no exemptions to pre-slaughter stunning requirements.

On the basis of these searches, I am satisfied, in accordance with section 24A of the FOI Act, that all reasonable steps have been taken to find the documents and the documents do not exist.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@agriculture.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

Further assistance

If you have any questions, please email foi@agriculture.gov.au.

Yours sincerely



Darryl Barbour
Acting Assistant Secretary
Meat Exports Branch

29 September 2022