



Australian Government
Department of Social Services

Mr Bob Buckley
Convenor
Autism Aspergers Advocacy Australia

By email: advocacy4asd@gmail.com

Dear Mr Buckley

Freedom of Information (FOI) Request No. 19/20-082

1. I refer to your correspondence received by the Department of Social Services (the department) on 11 December 2019 in which you requested access, under the *Freedom of Information Act 1982* (the FOI Act) to:

'... copies of all documents, records, information and communication that relate to A4's letter to the Minister on the 4/12/17. We request documents showing:

- (i) The Department received this email from the Minister's office and from the Hon. J. Prentice MP's office and any associated documents or instructions;*
- (ii) Consideration of whether or not to respond, and how to respond; and*
- (iii) Communication with the NDIA relating to the issues raised in the email'*

2. I am an officer authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

Decision on access to documents

3. I have decided to refuse access to documents of the request under subparagraph 24A(1)(b)(ii) of the FOI Act [requests may be refused if documents cannot be found, do not exist or have not been received].
4. In reaching my decision, I have taken the following material into account:
 - your correspondence dated 11 December 2019 outlining the particulars of your request for documents under the FOI Act;
 - consultations with departmental officers as to the information held by the Department and searches for documents undertaken by them;
 - the FOI Act; and
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Reasons for decision

5. An agency or Minister may refuse a request for access to a document 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.
6. The Information Technology Group undertook thorough title and document content searches of the department's records management system using the following terms: A4, Autism Aspergers Advocacy Australia, ABA, Bob Buckley, Buckley, the NDIS does not fund ABA, the NDIS and early intervention for autistic children, between 4 December 2017 and 31 March 2018. No documents were identified within the scope of the request.
7. The Cabinet, Executive and Ministers Support undertook searches of the Parliamentary Document Management System for correspondence received from the applicant between 4 December 2017 and 31 March 2018 relating to the scope. No document was found that matched the time or scope of the request.
8. I am satisfied that all reasonable steps were taken to determine whether the relevant documents exist and such steps did not locate any documents falling within the scope of the request.
9. Therefore, I have decided to refuse the request pursuant to section 24A of the FOI Act on the basis that the documents you are seeking do not exist.

Rights of review

10. I have set out your rights to seek a review of my decision at **Attachment A**.
11. Should you have any enquiries concerning this matter, please do not hesitate to contact me.

Yours sincerely



Ms Judy Lamb
Assistant Director Freedom of Information
Government and Executive Services Branch

2 January 2020

Your rights of review

Internal review

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review in writing within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you clearly state why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Team
Government and Executive Services Branch
Chief Counsel Group
Department of Social Services
GPO Box 9820
CANBERRA ACT 2601

Email: foi@dss.gov.au

External Review by the Australian Information Commissioner

Section 54L of the 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 an agency handled an FOI request, or other actions the agency 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 5218
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: enquiries@oaic.gov.au

In person: Level 3
175 Pitt Street
SYDNEY NSW 2000