



Statement of reasons made under the *Freedom of Information Act 1982*

Decision and reason for decision of
 Julian Yates, First Assistant Secretary, Territories and Disaster Reconstruction Division

Applicant: [REDACTED]
Decision date: 24 May 2012
FOI reference number: FOI 11-42
Documents: Relating to tender documentation from the Christmas Island District High school.

Contents

Summary 1
 Authority to make this decision 1
 Background 2
 Decision 2
 Reasons for decision 2
 Your rights of review 2

Summary

1. I have made a decision that documents subject to your request do not exist or cannot be found.

Authority to make this decision

2. I, Julian Yates, First Assistant Secretary, Territories and Disaster Reconstruction Division, am an officer authorised by the Secretary of the Department of Regional Australia, Regional Development, Local Government, Arts and Sports to make decisions about access to documents in the possession of the Department in accordance with Section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

Background

3. On 23 April 2012 you made a request for access to documents in the possession of the Department of Regional Australia, Regional Development, Local Government, Arts and Sports (the Department). Your request sought access to:

"tender documentation from the Christmas Island District High School. More specifically the Shire seeks a copy of the tender awarded by the CIDHS/Education Dept to the local company 'Full Moon

International' for gardening/lawn mowing/horticultural services for the years 2008/09, 2009/10 and 2010/11"

Decision

4. In accordance with Section 24A of the FOI Act, I have made a decision that documents subject to your request do not exist.

Reasons for decision

5. Before coming to the conclusion that the documents cannot be found or do not exist, the department must take all reasonable steps to find the documents.
6. The steps taken to locate the documents to which you are seeking access have been:
 - Interrogations of all files on which the documents may have been located, including searches of electronic filing systems.
7. Despite the searches undertaken, no documents matching the terms of your request were identified.
8. The search did not provide evidence that such a document exists.
9. I am satisfied that all reasonable steps have been taken to locate the document in question.

Your rights of review

10. If you disagree with your FOI decision, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).
11. You can ask the Department to review its decision in relation to access to documents. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:
 - Post:** FOI Coordinator
Department of Regional Australia, Regional Development and Local Government
GPO Box 803
Canberra ACT 2601
Fax: +61 2 6210 6076
Email: FOI@regional.gov.au
12. You can ask the OAIC to review the Department's decision in relation to access to documents. The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that the Department's decision is wrong, it will be treated as an application for a review. You do not need to seek an internal review from the Department before seeking an external review from the Information Commissioner. However, going through the Department's internal review process gives the Department the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process. The Information Commissioner's

review is free. You must apply to the Information Commissioner within 60 days of being given notice of the decision. You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

You must apply in writing and you can lodge your application 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

25 National Circuit

Forrest, ACT; or at

Level 8, Piccadilly Tower

133 Castlereagh Street

Sydney, NSW

More information about Information Commissioner Reviews is available from

http://www.oaic.gov.au/publications/FOI_fact_sheet12_your_review_rights.html.



Julian Yates

First Assistant Secretary

Territories and Disaster Reconstruction Division

24 May 2012