



Australian Government
Department of Social Services

Mr Arun Dohle
GERMANY

By email: arundohle@gmail.com

Dear Mr Dohle

Freedom of Information (FOI) Request No. 17/18-055

1. I refer to your correspondence received by the Department of Social Services (the Department) on 5 December 2017, in which you revised your request for access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

... documents related to the funding of "The Colour of all Times" I'm particular interested to know, who received which amount for what exactly.

2. I am authorised to make decisions under subsection 23(1) of the FOI Act and the following is my decision in relation to your request.

Decision on access to documents

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

Reasons for decision

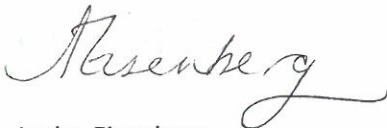
4. An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act if:
 - (a) *all reasonable steps have been taken to find the document; and*
 - (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*
 - (ii) *does not exist.*
5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Department has taken all reasonable steps to find documents falling within the scope of your request, and I am satisfied that documents do not exist.
6. The evidence on which I have based my decision is:
 - your correspondence dated 5 December 2017 revising your FOI 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.
7. I am advised by departmental officers in the Children's Policy Branch that thorough searches have not located any documents which fall within the scope of your request as set out at paragraph 1 of this letter.
 8. They have also advised me that because the Department provided International Social Services (ISS) Australia with a grant to fund a number of projects, including the publication of 'The Colour of Time', ISS is not a contracted service provider of the Department and the Department has no access to its documents or to information regarding the expenditure of the grant.
 9. The Department can advise you that it provided a grant of \$516,000 to ISS Australia in 2016-17 to provide support, information and counselling services for intercountry adoptees and their adoptive parents (particularly for tracing and reunification with birth families).
 10. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the 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

11. I have set out your rights to seek a review of my decision at **Attachment A**.
12. Should you have any enquiries concerning this matter, please do not hesitate to contact me via email at foi@dss.gov.au or on +61 2 6146 3824.

Yours sincerely



Andra Eisenberg
FOI Officer
Government & Executive Services Branch
Corporate Services Group

19 December 2017

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
Corporate Services 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

