

Our ref: FOI24001

Gary
via Right to Know
By email: foi+request-11566-18e43554@righttoknow.org.au

Dear Gary

Freedom of Information Act 1982 – Notice of Decision

I refer to your emails received by the Climate Change Authority on 25 June 2024, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

- *all documents held by the Climate Change Authority dated between 17 May 2024 and 23 June 2024 containing the term "Kean".*

On 28 June 2024, you confirmed that you are not seeking access to duplicate documents, publicly available documents and the names of junior agency staff.

Decision and reasons

I, Brad Archer Chief Executive Officer, am the principal officer of the authority for the purposes of the FOI Act. I am therefore empowered under section 23(1) of the FOI Act to make decisions in relation to FOI requests made to the authority.

I have decided under section 29 of the FOI Act that no charge is payable in respect of this request.

Section 24(1) of the FOI Act provides as follows:

Document lost or non-existent

- (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*

I am satisfied that reasonable searches have been undertaken for documents relevant to your request. No such documents were located within the authority's records.

I therefore refuse your request under section 24(1) of the FOI Act on the basis that the documents you seek do not exist within our records.

Review Rights

If you are dissatisfied with my decision you may seek review. Your review rights are set out in **Annexure A**

Yours sincerely,



Brad Archer
Chief Executive Officer
Climate Change Authority

12 July 2024

Enclosures

Annexure A – Review Rights

Review Rights

Review by the Australian Information Commissioner

If any decision on internal review were not satisfactory to you, section 54L of the FOI Act gives you the right to apply for review of that decision by the Information Commissioner.

An application for review by the Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Information Commissioner.

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 5218, Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Australian Information Commissioner

You may make a complaint to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Information Commissioner must be made in writing and can be lodged online using the Information Commissioner Complaint Application form on the Information Commissioner's website at www.oaic.gov.au.