



## Notice of Decision

**REQUEST BY:** Deborah-May Torrens  
(Right-to-know.org.au)

**REFERENCE:** FOI/2425/004

### *Freedom of Information Act 1982*

Dear Deborah-May,

#### **Freedom of information request ref. FOI/2425/004**

1. The purpose of this letter is to give you a decision about access to documents that you requested from the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act).
2. I am an officer authorised by the NIAA's Chief Executive Officer under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

#### **Summary**

3. On 12 July 2024, you requested the Attorney-General's Department (AGD) for access to the following documents:

*"I'm contacting You to ask for specific documents, Acts and legislations which allows for an Individual from any Aboriginal Land Council and/or a RNTBC to register LALC's and RNTBC's with private U.S. companies such as Duns and Bradstreet, without knowledge or informed consent of Members, Native Title Holders and Custodians."*

4. On 18 July 2024, the AGD acknowledged your request and advised of transfer to the NIAA.
5. A decision in relation to your request is due on **12 August 2024**.

#### **Material taken into account**

6. I have taken the following material into account in making my decision:
  - the terms of your request
  - the acknowledgement sent to you
  - document searches undertaken by NIAA advisers
  - the FOI Act, and



- Guidelines made by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

## Decision

7. Section 24A(1) of the FOI Act provides that where all reasonable steps have been taken to find documents, and the agency is satisfied that documents cannot be found or do not exist, then the agency may refuse a request for access to the documents.
8. I have decided that the documents you requested access to do not exist (section 24A(1)(b)(ii) of the FOI Act). Information about why they do not exist is given below.

## Information about why the documents do not exist

9. The NIAA has considered your FOI request and has undertaken internal searches for records that may be relevant to your request. This included any mechanism, legislation and legislative instruments that might allow an individual from any Aboriginal Land Council or Registered Native Title Body Corporate (RNTBC) (also referred to as Prescribed Bodies Corporate or PBCs), to register any Aboriginal Land Council (including Local Aboriginal Land Councils or LALCs) and RNTBCs with US companies, such as Dun and Bradstreet. I can confirm the NIAA does not hold any documents that fall within the scope of your FOI request.
10. RNTBCs have prescribed functions under the *Native Title Act 1993* and the *Native Title (Prescribed Bodies Corporate) Regulations 1999* and all RNTBCs must be incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. These are publically available and can be accessed at <https://www.legislation.gov.au/>
11. You may also recall I wrote to you on 6 December 2023, in response to your concerns regarding a PBC appearing on the Dun and Bradstreet Business Directory. I advised I had reviewed the website and Directory, which appears to be a public open source database and includes information about hundreds of millions of organisations and businesses from across the globe. The NIAA is not aware what data sources Dun and Bradstreet uses to compile its Directory.

## Information about searches

12. The NIAA searched for documents in the locations set out below:
  - NIAA parliamentary document management system
  - NIAA records management systems
  - Electronic documents saved on computers
13. I am satisfied that the searches undertaken by the NIAA were reasonable, having regard to
  - the subject matter of the documents you seek, and
  - the record management systems in place.

14. I am satisfied that all reasonable steps have been taken to locate documents within the scope of your FOI request, and that no documents have been identified. Accordingly, I have decided to refuse your request under subsection 24A(1) of the FOI Act.
15. Your rights to seek review under the FOI Act or submit a complaint are set out in **Attachment A** to this notice.

### Questions about this decision

16. If you have any questions about this notice or NIAA's FOI process, please contact the NIAA's FOI Coordinator at:

Email: [foi@niaa.gov.au](mailto:foi@niaa.gov.au)

Post: Freedom of Information Coordinator  
National Indigenous Australians Agency  
GPO Box 2191  
Canberra ACT 2601

Yours sincerely



Rachel Kerrigan  
Branch Manager  
Land and Native Title Branch  
9 August 2024