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Australian Government

**Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts**

Our reference: FOI 25-061

CR

By email: foi+request-11859-56cb859c@righttoknow.org.au

Dear Applicant

Decision on your Freedom of Information Request

On 8 August 2024, you submitted a request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

You requested access to:

1. Briefs to the Minister for Communications relating to receiving gifts from gambling groups.
2. Correspondence relating to receiving gifts from gambling groups.

2 Authority to make decision

I am authorised by the Secretary to make decisions in relation to Freedom of Information requests under section 23(1) of the FOI Act.

3 Decision

The right of access under the FOI Act is limited to a 'document of an agency', being a document in the possession of the Department, whether created in the Department or received in the Department (section 4 of the FOI Act refers).

Section 24A of the FOI Act provides that an agency 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

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(ii) does not exist.

The business areas responsible for the subject matter of your request has conducted searches of the Department's information holdings, including PDMS and Outlook. No documents matching the description in your request were identified as being in the possession of the Department.

I am satisfied that all reasonable steps have been taken to find documents which would be relevant to your request and that the documents do not exist in the possession of the Department.

I have decided, in accordance with section 24A of the FOI Act, that the Department does not hold a document in its possession that meets the terms of your request.

4 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from departmental officers with responsibility for the subject matter captured by your request

5 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

6 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

6.1 Internal review

You can request an internal review within 30 days of receiving this decision. An internal review will be conducted by a different departmental officer from the original decision-maker.

No particular form is required to apply for review although it will assist the Department if you are able to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be sent to FOI@infrastructure.gov.au

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you if you remain dissatisfied with the decision.

6.2 Information Commissioner review or complaint

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Further information

If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'ML', written in a cursive style.

Margaret Lopez
Assistant Secretary
Media Industry and Sustainability Branch
Online Safety, Media and Platforms Division

Date: 6 September 2024