



FOI reference: 23-032



Dear 

FOI 23-032 NOTICE OF DECISION UNDER THE FREEDOM OF INFORMATION ACT

I refer to your request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (**the Department**) received on 2 September 2022 for access to documents under the *Freedom of Information Act 1982* (**the FOI Act**).

You requested the following:

*“...Briefing notes prepared for the Secretary relating to Brisbane City Council's submission of the North West Transport Program Business Case.
Any meeting minutes relating to Brisbane City Council's submission of the North West Transport Program Business Case...”*

On 5 September 2022, we advised you that we had interpreted the scope of your request as above. As we did not receive a contention, we have proceeded on the basis that we have correctly interpreted your scope.

Authority

I am an officer authorised by the Secretary to make decisions about access to documents in the possession of the Department in accordance with subsection 23(1) of the FOI Act.

Decision

I have decided to refuse access to your request under section 24A as they cannot be found or do not exist.

Material considered

In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions in the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- e. officers within the Infrastructure Investment Division.

Reason for Decision

Refuse a request for access (section 24A)

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

The relevant line areas have conducted searches of the Department's document management systems and made enquiries with Department staff who could be expected to identify documents that fall within the scope of your request. These enquiries have revealed that the Department is not in possession of documents relating to briefing notes prepared for the Secretary nor meeting minutes regarding the submission of Brisbane City Council's North West Transport Network program business case. This is because the Department has not prepared any briefing notes for the Secretary nor holds any meeting minutes regarding the submission of Brisbane City Council's North West Transport Network program business case.

I am satisfied that all reasonable steps have been taken to locate the documents you have requested and that the documents cannot be found or does not exist. I have, therefore, decided to refuse access to your request, in accordance with section 24A(1)(b)(ii) of the FOI Act.

Should you have any enquiries concerning this matter, please do not hesitate to contact the FOI Team on FOI@infrastructure.gov.au.

Yours sincerely



Maxine Ewens
Authorised Decision Maker
Queensland, NT and WA Branch
Infrastructure Investment Division

Date: 28/09/2022.