

22 January 2015

Dear [REDACTED]

1. I refer to your request of 23 December 2014 for access to information held by Defence Housing Australia under the *Freedom of Information Act 1982 (Cth)*.
2. I am an officer authorised under section 23 of the FOI Act to make decisions in respect of request for access to documents. My decision and the reasons for that decision are set out below.

Background

3. On 23 December 2014 you lodged a Freedom of Information (FOI) request by email, in which you have sought access to information regarding [REDACTED] as below:

...whether there were asbestos products in this house, including asbestos insulation used in the ceiling cavity.

I would be grateful if you would make a search of your records and indicate what information you have given the home (up until 1994) was owned by Defence and had originally been built by the Defence Department. Please note, if you don't have specific records for [REDACTED] [REDACTED] you may have general records for the multiple Defence houses built in the same street/suburb.

4. DHA acknowledged receipt of your request and sought further clarification on 24 December 2014.

Legislative background

5. The Act provides a right of access to information in the possession of Commonwealth agencies, limited only by exceptions and exemptions provided for in the Act.

Decision

6. A search by DHA was unable to identify any documents in existence relating to [REDACTED] or general records for houses built in the same suburb for that period. In making my decision, I relied on section 24A of the FOI Act. A copy of this provision is at Attachment A for your information.

HEAD OFFICE



7. In accordance with the National Archives of Australia - Administrative Functions Disposal Authority (AFDA), property files must be kept for seven years after the end of lease. As this period has expired, the documents have been destroyed. I am satisfied that all reasonable steps have been taken to locate any documents that fall within the scope of your request and that no such document exists for [REDACTED] or other properties located within [REDACTED] for Defence housing prior to 1995.

Rights of review

8. If you do not agree with my decision in relation to the release of documents, you are entitled to apply for an internal review of the decision under section 54 of the FOI Act. The attached Notice of Rights of Review contains information on making an application for an internal review by DHA.

FOI disclosure log

9. In accordance with the requirements of section 11C of the FOI Act, Defence Housing Australia is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence Housing Australia will also publish the decision notice, with any personal and business information deleted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines is unreasonable to publish.

Further information

10. Please do not hesitate to contact me if you have any questions about this matter.

Yours sincerely

[REDACTED]
Pip Sackley
Executive Officer

Attachment A: Section 24A, *Freedom of Information Act 1982 (Cth)*

Attachment B: Review rights

24A Requests may be refused if documents cannot be found, do not exist or have not been received

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.

Defence Housing Australia

Freedom of information - Your review rights

If you disagree with the decision made by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982* (the Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request or if your application to have your personal information amended was not accepted.

Internal review

If DHA makes an FOI decision with which you disagree, you can ask DHA to review its decision. The review will be conducted by a DHA officer at a more senior level than the original decision maker. There is NO charge for internal review.

You must apply within 30 days of being notified of the decision, unless you have sought an extension from DHA.

DHA must make a review decision within 30 days. Where DHA has not met its review obligation, you may then approach the Information Commissioner.

Internal review is not available if the Minister or the principal officer of the agency made the decision personally.

How to apply for internal review

You must apply in writing and should include a copy of the notice of the decision provided and the points to which you are objecting and why. You can lodge your application in one of the following ways:

Post: Company Secretary
 Defence Housing Australia
 26 Brisbane Avenue
 BARTON ACT 2600

Email: foi@dha.gov.au

External review

When can I go to the Administrative Appeals Tribunal (AAT)

If eligible, you may have the option of seeking a review by the AAT. AAT application fees may apply. For information on AAT procedures you can visit www.aat.gov.au.



Making a complaint

Complaints about FOI administration by government, including DHA are handled by the Commonwealth Ombudsman. For information on Commonwealth Ombudsman procedures you can visit www.ombudsman.gov.au.

Defence Housing Australia FOI contacts

Defence Housing Australia
26 Brisbane Avenue
BARTON ACT 2600

Ph: +612 6217 8401
Email: foi@dha.gov.au
Website: www.dha.gov.au