



Australian Government  
AUSTRAC

Reference: PIAT-2888

3 April 2020

Ms Natalie O'Brien  
News Corp Australia  
2 Hold Street  
SURRY HILLS NSW 2010

Sent by email to: natalie.obrien@news.com.au

Dear Ms O'Brien

#### Freedom of Information Request Decision

The Australian Transaction Reports and Analysis Centre (AUSTRAC) refers to your Freedom of Information request (FOI request) that was received on 4 March 2020, in which you, sought access to documents under the provisions of the *Freedom of Information Act 1982* (FOI Act), that you understood to be held by AUSTRAC.


The documents you requested are:

*"I would like to request under Freedom of Information laws any documents, emails, requests, and written communications of any kind referring to a review of Austrac's processes into how it missed Westpac's compliance, and or how it missed any other reporting entities compliance and also any correspondence relating to the establishment of an internal committee to inquire into those matters. The time frame is from July 1, 2018 until March 4, 2020."*

AUSTRAC conducted searches for the documents in scope of this particular FOI request.

These searches resulted in no documents identified within scope of your request. Therefore, I am refusing your request under s 24A(1)(b)(ii) of the FOI Act on the basis that the documents requested do not exist.

Section 26 of the FOI Act requires AUSTRAC to provide a statement of reasons in support of a decision. My reasons for this decision are set out in **Attachment A**.



The FOI Act provides a number of avenues for review if you are dissatisfied with any aspect of this decision. Your review rights are set out in **Attachment B**.

If you have any questions or require further information, please contact the decision maker on 02 6120 2631 or via email [info\\_access@austrac.gov.au](mailto:info_access@austrac.gov.au)

Yours sincerely



Ashley Smith  
Authorised Decision Maker  
AUSTRAC

**Enclosures**

Attachment A – Statement of Reasons  
Attachment B – Review Rights

## Statement of Reasons

I, Ashley Smith, am an officer authorised under s 23 of the FOI Act to make a decision in relation to your request. The following is my decision and the reasons for that decision.

### Overview

Searches on AUSTRAC's systems revealed no documents exist in accordance with the scope of your request. Therefore, I am refusing the FOI request under s 24A(1)(b)(ii) of the FOI Act on the basis the documents do not exist.

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

- (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) *that 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 have taken all reasonable steps to locate documents by conducting multiple searches within AUSTRAC for the documents requested. The search results revealed that AUSTRAC does not hold any documents relating to your request. Therefore, I am satisfied that the documents you have requested do not exist.

### Evidence/Material on which my findings were based

In reaching my decision to refuse access to the documents, I relied on the following documentary evidence:

- *Freedom of Information Act 1982;*
- *Guidelines issued by the Australian Information Commissioner; and*
- *the scope of the request received by AUSTRAC from you on 4 March 2020.*

## Review Rights

The following review rights apply.

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision refusing to grant access to documents. An application for a review of the decision must be made in writing within 30 days of receipt of this letter. No particular form is required; however, it would assist the decision maker if the application grounds on which it is considered that the decision should be reviewed were set out.

Under s 53A of the FOI Act you may have ground for review under s 54 if you can establish that there are other documents held by AUSTRAC which have not been released.

Applications for review of the decision should be addressed to [info\\_access@austrac.gov.au](mailto:info_access@austrac.gov.au) or via mail to:

**Australian Transaction Reports and Analysis Centre**  
Freedom of Information  
PO BOX 5516  
WEST CHATSWOOD NSW 1515

It is preferred you seek internal review before seeking review of the decision by the Australian Information Commissioner.

### Office of the Australian Information Commissioner

One of the three primary functions of the Office of the Australian Information Commissioner is the oversight of the Freedom of Information Act 1982 and review of decisions made by agencies and ministers under that Act. If you are dissatisfied with the result of an FOI request, you may seek an Information Commissioner (IC) review.

IC review applications can be made to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or via mail to:

Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

For further information about IC reviews please refer to the OAIC website.





## **Administrative Appeals Tribunal**

An application may be made to the Administrative Appeals Tribunal (AAT) after the OAIC has made a decision. The AAT may also review a decision by the OAIC not to undertake a review. An application must be submitted to the AAT within 28 days of being notified of the decision by the OAIC. The AAT can be contacted on 1300 366 700.

## **Complaints**

If you are not satisfied with the way AUSTRAC has processed your Freedom of Information request, you can complain to the OAIC. A complaint must be made in writing and must identify AUSTRAC as the agency that made the decision. There is no particular form required to make a request, however, the complaint should set out the grounds on which it is considered the action taken in relation to the FOI request should be investigated. Complaints can be made to the OAIC at the address listed above.

For up to date information please visit the OAIC website at <https://www.oaic.gov.au>