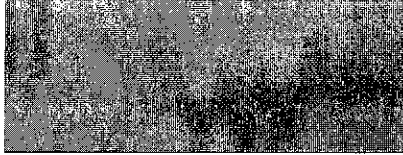




Australian Government
Australian Pesticides and
Veterinary Medicines Authority

Our reference: G11233 (LEX 3979)

15 August 2014



Dear

Freedom of Information Request
Notice of Decision on Access
Efficacy of Chlorine and Hydrogen Peroxide

1. I refer to your request under the *Freedom of Information Act 1982 (FOI Act)* received by the APVMA on 1 July 2014 and clarified on 1 August 2014. Your request seeks access to:

the scientific evidence that demonstrates the efficacy of the following APVMA registered pool sanitisers in respect of the APVMA guidelines <http://apvma.gov.au/node/1039>

<i>Waterco calcium hypochlorite tablet 650</i>	<i>Product number 59426</i>
<i>Poppit Sanitiser</i>	<i>Product number 39380</i>
<i>Orica Eclipse liquid chlorine for swimming pools</i>	<i>Product number 50590</i>

2. I am an officer of the Australian Pesticides and Veterinary Medicines Authority (APVMA) authorised under section 23 of the FOI Act to make decisions in respect of access requests. I am also authorised to make decisions in respect of the publication of information released in response to access requests.

Decision

3. I have decided to refuse access to this request on the basis that the documents sought do not exist.
4. A statement of reasons in support of my decision is provided at **Attachment 1**.
5. I have decided to publish this decision on the APVMA disclosure log pursuant to section 11C of the FOI Act. I have decided to not publish any material that could be used to identify you as this would result in an unreasonable publication of personal information.

Access to documents

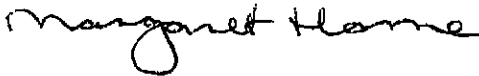
6. On 1 August 2014 the APVMA advised that you were liable to pay a charge of . You paid this charge in full on 6 August 2014. As there are no charges or third party appeals outstanding, I am able to provide you with my findings immediately.

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Review and complaint rights

7. You may seek review of this decision if you are not satisfied with it. If you wish to seek internal review of this decision, you need to expressly request in writing that the APVMA do this. If you wish to seek external review from the Office of the Australian Information Commissioner (OAIC) you need to follow the steps at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>. Please be aware that you have 30 days from receiving this letter to seek internal review from the APVMA, or 60 days to seek external review from the OAIC.
8. If you are concerned about the way your FOI request was handled you may formally lodge a complaint with the OAIC. If you wish to make a complaint please follow the steps at <http://www.oaic.gov.au/freedom-of-information/making-a-complaint>.
9. If you have any questions about this decision or wish to seek internal review of it, please contact the FOI team at foi@apvma.gov.au or on (02) 6210 4785.

Yours sincerely



Margaret Horne
Principal Legal Officer
Position No 0097
Legal and Strategic Coordination Program



STATEMENT OF REASONS FOR [REDACTED]

Material relied on

1. I had regard to the following:

- a. the terms of the request received by the APVMA on 1 July 2014 and clarified on 1 August 2014;
- b. the FOI file G11233 which records the management and processing of this FOI request;
- c. correspondence with the applicant in relation to the request;
- d. the APVMA's product files 59426, 39380 and 50590;
- e. advice from APVMA officers within the Pesticides and Case Management programs with responsibility for matters relating to the documents to which the applicant seeks access;
- f. the FOI Act, including the objects provision; and
- g. the Guidelines issued under section 93A of the FOI Act by the Office of the Australian Information Commissioner (the Guidelines).

Reasons for decision

2. Pursuant to section 11A of the FOI Act, an agency must grant access to a document unless the document is either an exempt document, or the document is a conditionally exempt document and access to the document would be contrary to the public interest.
3. I have decided to refuse access to this request on the basis that the documents sought do not exist.

Documents not found or do not exist

4. Section 24A(1) permits me to refuse access to a document if I am satisfied that all reasonable steps have been taken to find the document and that it cannot be found or does not exist.
5. This request sought scientific evidence that three products met the APVMA's efficacy guidelines at <http://apvma.gov.au/node/1039>. Officers within the Pesticides area conducted searches for the scientific data, including where possible searches of the product file, chemistry file and raw data submitted to the APVMA in respect of each product. These searches did not reveal any documentation that met the above scope.

6. The guidelines at <http://apvma.gov.au/node/1039> only apply to applications received and reviews commenced on or after 1 July 2014. The APVMA would require scientific evidence that the products met the referred guidelines if:
 - a. we received an application or commenced a review in respect of one or more of the products on or after 1 July 2014; **and**
 - b. the application required the production of scientific evidence in respect of the 2014 guidelines. Applications that may require the production of this evidence include variations to the formulation, variations to the label claims and minor use permits.

7. Officers within the Case Management program have advised that there have been no applications received or reviews commenced after 1 July 2014 in respect of the products. As a result the APVMA does not hold any scientific evidence that the products meet the guidelines at <http://apvma.gov.au/node/1039>.

8. I am satisfied that all reasonable searches have been taken to find the documents and that they do not exist. I refuse access to them under section 24A of the FOI Act.