



Australian Government
Attorney-General's Department

Our ref: FOI24/213; CM24/8446

20 May 2024

Bob

By email: foi+request-11344-e955c8ae@righttoknow.org.au

Dear Bob

Freedom of Information Request FOI24/213 – Decision letter

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Department (the department).

Your request

On 20 April 2024, you requested access to:

1. *A Federal Agency, and/or Federal Employee, and/or other Federal personnel have jurisdiction over a man; and*
2. *A Federal Agency, and/or Federal Employee, and/or other Federal personnel have jurisdiction over said man's property.*

On 24 April 2024, the department acknowledged your request and outlined its understand of the documents you were seeking.

On 29 April 2024, you clarified that you are seeking:

..... any legislation or policy that documents:

1. *A Federal Agency, and/or Federal Employee, and/or other Federal personnel have jurisdiction over a man; and*
2. *A Federal Agency, and/or Federal Employee, and/or other Federal personnel have jurisdiction over said man's property.*

Between 30 April 2024 and 7 May 2024, the department corresponded with you about the terms of your request. On 7 May 2024, you reiterated the scope of you request as provided on 29 April 2024.

A decision in relation to your request is due on 20 May 2024.

My decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

In making my decision, I have taken the following into account:

- the terms of your request,

- advice provided to me by officers with responsibility for matters to which your request relates,
- the provisions of the FOI Act, and
- the FOI Guidelines issued by the Australian Information Commissioner (the Guidelines).

S 24A of the FOI Act relevantly provides that an agency or Minister 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:

- is in the agency's possession but cannot be found, or
- does not exist.

When considering a decision to refuse access under s 24A of the FOI Act, the Guidelines relevantly provide at paragraph 3.89 that an agency or minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents,
- the current and past file management systems and the practice of destruction or removal of documents,
- the record management systems in place,
- the individuals within an agency or minister's office who may be able to assist with the location of documents, and
- the age of the documents.

To identify the documents for your request, I arranged for staff likely to be able to identify documents to undertake comprehensive searches of relevant departmental information holdings. In particular, a departmental staff member in the Freedom of Information and Privacy section interrogated the department's records management system using search terms which were developed with reference to the information provided in the scope of your request. Despite these efforts, no relevant documents were identified.

Having regard to the above, I am satisfied that reasonable steps to locate the documents to which you have sought access were undertaken. I am also satisfied that the document does not exist within the department's records holdings. I have therefore decided to refuse access pursuant to s 24A of the FOI Act.

Additional information

Your review rights under the FOI Act are set out at **Attachment A** to this letter.

If you wish to discuss this decision, the FOI case officer for this matter is Alistair, who can be reached on (02) 6141 6666 or by email to foi@ag.gov.au.

Yours sincerely



Leonie Cotton
Assistant Director
Freedom of Information and Privacy Section

Attachments

Attachment A: Review rights



Attachment A – Your review rights

If you disagree with my decision, you may ask for an internal review or Information Commissioner review.

Internal review

You may apply for an internal review of my decision within 30 days of receiving this letter. Your request for internal review must be in writing, and should provide reasons why you believe the review is necessary. You may apply by emailing foi@ag.gov.au or by post to:

Director, Freedom of Information and Privacy Section
Strategy and Governance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

Another officer will make a new decision on your request within 30 days of receiving your request for internal review. If you are unhappy with the internal review decision, you may ask for an information Commissioner review.

Information Commissioner review

Information Commissioner review requests must be submitted within 60 days of receiving this letter. Your request should include your contact details, a copy of my decision, and the reasons why you disagree with my decision. You can apply in one of the following ways:

Online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

Email: foidr@oaic.gov.au

Mail: Director of FOI Dispute Resolution, GPO Box 5288, Sydney NSW 2001.

More information about Information Commissioner review is available at:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.