



**Australian Government**  
**Attorney-General's Department**

Our ref: FOI24/280; CM24/10790

4 July 2024

The FOI People  
By email: [foi+request-11498-85b39b97@righttoknow.org.au](mailto:foi+request-11498-85b39b97@righttoknow.org.au)

Dear applicant

**Freedom of Information Request FOI24/280 – Decision letter**

The purpose of this letter is to provide a decision on your request to access documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Office and which was subsequently transferred to the Attorney-General's Department (the department) under section 16(1) of the FOI Act.

**Your request**

On 5 June 2024, you requested access to:

... all public speeches made by the Attorney-General that contain a condemnation about the killing of children in the occupied Palestinian Territories, specifically in East Jerusalem, the West Bank and the Gaza Strip since the 7th October 2023 and;

... I require all draft and final versions of these speeches.

On 11 June 2024, the department acknowledged your request and advised you the request had been transferred to the department from the Attorney-General's Office under s 16(1) of the FOI Act.

On 14 June 2024, you agreed to an extension of time under s15AA of the FOI Act.

A decision in relation to your request is due on 5 August 2024.

**My decision**

I am an officer authorised under s23(1) of the FOI Act to make decisions in relation to FOI 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).

Section 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, paragraph 3.89 of the Guidelines state 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 and record management systems and the practice of destruction or removal of documents,
- 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, staff members in the Media and Communication section in the Strategy and Governance Branch and the Counter Terrorism Policy and Engagement section in the Security Law and Policy Branch 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 documents do 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](mailto:foi@ag.gov.au).

Yours sincerely



Timothy Caesar  
A/g Assistant Secretary  
Strategy and Governance Branch

#### **Attachments**

Attachment A: Review rights



**Australian Government**  
**Attorney-General's Department**

**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](mailto: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](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

**Email:** [foidr@oaic.gov.au](mailto: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>.

***FOI Complaints***

If you are concerned about how we handled your FOI request, please let us know what we could have done better, as we may be able to rectify the situation. If you are not satisfied with our response, you can make a complaint to the Information Commissioner. Your complaint must be in writing, and can be lodged in one of the following ways:

**Online:** [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

**Email:** [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

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

More information about Freedom of information complaints is available at:

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