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Australian Government

Office of Parliamentary Counsel

Our ref: T24/221

Tyler Hu

XXXXXXXXXXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXX.XXX.XX

Dear Mr Hu

Freedom of information request no. 14-2025

1 The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982 (FOI Act)*.

2 You requested access to documents relating to the International Organisations (Privileges and Immunities—Asian Infrastructure Investment Bank) Regulation 2015. Specifically, you sought access to:

“A copy of the Regulation as made with signature of the Governor-General/Administrator and relevant ministers. Documents that were submitted to the Governor-General/Administrator for the Governor-General's/Administrator's signature of the Regulation (e.g. notes, certificates etc).”

Decision and reasons for decision

3 I, Stephen Campbell, General Manager Corporate, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

4 I have refused your request under subsection 24A(1) of the FOI Act.

5 Under subsection 24A(1) of the FOI Act, an agency 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 does not exist.

6 Staff of the Office of Parliamentary Counsel (OPC) conducted searches of OPC's records management systems to identify the documents specified in your request. I am therefore 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 OPC's records holdings.

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7 OPC recommends you refer to the public source information about this instrument which is available on the Federal Register of Legislation website here - <https://www.legislation.gov.au>.

8 I have taken the following material into account in making my decision:

- The FOI Act; and
- The guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Your review rights

9 If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

10 Under section 54 of the FOI Act, you may apply for an internal review of my decision. Your application must be made within 30 days after the date of this letter.

11 An internal review will be conducted by a different officer. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be lodged in one of the following ways:

email: xxx@xxx.xxx.xx

post: FOI Coordinator, Locked Bag 30, Kingston ACT 2604

12 If you choose to seek an internal review, you will subsequently have a right to apply for Information Commissioner review of the internal review decision.

Information Commissioner review

13 Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter, and be lodged in one of the following ways:

online:

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

email: xxxxx@xxxx.xxx.xx

post: GPO Box 5218 Sydney NSW 2001

14 More information about Information Commissioner review is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

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FOI Complaints

15 If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney 2001

16 More information about complaints is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

17 If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, more information is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely



Stephen Campbell

General Manager Corporate

26 September 2024