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Australian Government Office of Parliamentary Counsel

Our ref: T23/92

Alex Pentland

By email to: foi+request-10522-1d54bf1c@righttoknow.org.au

Dear Alex

Freedom of information request no. 6-2023

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 On 2 August 2023, you sought access to:

- (a) correspondence and documents held by the Office of Parliamentary Counsel relating to the “Public Governance, Performance and Accountability Amendment (Vaccine Indemnity) Bill 2023”, a bill given notice in the Senate by Senator Ralph Babet on the 2nd of August 2023

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 Staff of the Office of Parliamentary Counsel (OPC) conducted searches of OPC’s records management systems for any documents relevant to each point in your request. These searches were unable to identify any correspondence as specified in your request.

Documents non-existent (section 24A)

5 I have decided to refuse your request under subsection 24A(1) of the FOI Act (Documents non-existent).

6 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 cannot be found or does not exist.

7 There are no further searches which could reasonably be undertaken to locate these documents. I am therefore satisfied that reasonable searches have been conducted and such documents do not exist.

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

- the FOI Act;

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

9 Please note that the Bill appears to be a private Senator's Bill and generally, the Office of Parliamentary Counsel only drafts government Bill.

Your review rights

10 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

11 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.

12 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: foi@opc.gov.au

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

13 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

14 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: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

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

FOI Complaints

16 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

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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

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

18 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

A handwritten signature in black ink, appearing to read 'S. Campbell', with a stylized, cursive script.

Stephen Campbell
General Manager Corporate

11 August 2023