



Australian Government
Attorney-General's Department

Our ref: FOI23/577; CM23/36885

8 January 2024

CB

By email: foi+request-10850-ff9873bc@righttoknow.org.au

Dear CB

Freedom of Information Request FOI23/577 – 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 8 November 2023, you requested access to:

all documents, including minutes, file notes or correspondence, recording the outcomes of Senior Leadership Group (SLG) meetings over the period between 1 May 2023 and 1 July 2023.

This request is to include any documents, correspondence, minutes, or file notes created by, or in the possession of the Chief of Staff to the Secretary, or Executive Officers to any member of the SLG.

To assist with processing the request I am not requesting correspondence relating to organising a time to meet of the SLG, nor am I requesting documents/attachments/submissions that are already publicly available that were discussed at SLG.

On 10 November 2023, the department acknowledged your request.

On 30 November 2023, the department wrote to you seeking a 30-day extension of time under section 15AA of the FOI Act to process your request. You responded the same day consenting to the extension of time.

On 18 December 2023, the department wrote to you seeking the exclusion of agenda documents for Senior Leadership Group meetings. You responded the same day and confirmed:

I am explicitly looking for any document that is recording the outcome of SLG meetings, so I am happy to exclude agendas.

A decision in relation to your request is due on 8 January 2024.

My decision

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

I have considered your request for outcomes of SLG meetings and have interpreted this to mean clear action items taken from SLG to be actioned by responsible officers. I have identified 8 documents that fall within the scope of your request. I did this by making inquiries of staff likely to be able to identify relevant documents and arranging for comprehensive searches of relevant departmental electronic and hard copy holdings.

In making my decision regarding access to the relevant documents, I have taken the following material into account:

- the terms of your FOI request
- the content of the documents identified as within scope of your request
- the provisions of the FOI Act, and
- the FOI Guidelines issued by the Australian Information Commissioner (the Guidelines).

I have decided to grant access to 8 documents in part with deletion of material which may be regarded as irrelevant to your request under section 22(1) of the FOI Act.

Statement of Reasons

Section 22: Access to edited copies with exempt or irrelevant matter deleted

Section 22 of the FOI Act provides that if an agency decides to give access to a document that would disclose information that would reasonably be regarded as irrelevant to the request, and it is possible for the agency to prepare a copy (an *edited copy*) of the document, modified by deletions, the agency must prepare the edited copy and give the applicant access to it.

In deciding to delete material which would reasonably be regarded as irrelevant to a request, the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC) (the Guidelines) provide at paragraph 3.95 that:

It is important for agencies to keep in mind that the implicit purpose of s 22 is to facilitate access to information promptly and at the lowest reasonable cost through the deletion of material that can readily be deleted, and that an applicant has either agreed or is likely to agree that the material is irrelevant

I note that when the department acknowledged your request by email on 10 November 2023, you were advised that the following information would be regarded as irrelevant to your request:

- personal information of junior officers of the department or other government authorities
- duplicate documents, and
- incomplete email chains within the scope of the FOI request.

As there is no record available to me to suggest that you disagreed with this approach, I have decided to regard the above categories of information as irrelevant to your request and have deleted this material under section 22 of the FOI Act. I have also deleted other material in the documents that is irrelevant to the terms of your request.

Having regard to terms of your request, and the material identified as being explicitly of interest to you, I decided that material not capturing Senior Leadership Group outcomes is also irrelevant to your request. Given this, I considered it likely that you would also agree that this information is irrelevant to your request and have deleted this material under section 22 of the FOI Act.

Additional information

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

The schedule of documents at **Attachment B** sets out brief information about each document within the scope of your request and my decision in relation to access to each of those documents.

The documents to which I have decided to grant full or partial access under the FOI Act are at **Attachment C**.

Questions about this decision

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

Yours sincerely



Esther Bogaart
First Assistant Secretary
First Nations and Justice Policy Division

Attachments

Attachment A: Review rights
Attachment B: Schedule of documents
Attachment C: Documents



Australian Government
Attorney-General's Department

Attachment A - FOI Review rights

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter, and be lodged in one of the following ways:

email: foi@ag.gov.au

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

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

Information Commissioner review

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 of the date of the decision 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

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.



Attachment B - Schedule of documents - Freedom of Information Request FOI23/577

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
1	12 and 17 May 2023	2	Secretary Office A/g Chief of Staff (CoS) - personal notes from Senior Leadership Group (SLG)	Grant access in part	Section 22(1): Irrelevant material
2	17 May 2023	2	Secretary Office A/g CoS to returning A/g CoS handover email	Grant access in part	Section 22(1): Irrelevant material
3	15 June 2023	1	Executive Officer to SLG member - personal notes from Adviser Catch Up	Grant access in part	Section 22(1): Irrelevant material
4	15 June 2023	1	Executive Officer to SLG member - personal notes from Adviser Catch Up	Grant access in part	Section 22(1): Irrelevant material
5	22 June 2023	1	Ad hoc attendee - personal notes from SLG	Grant access in part	Section 22(1): Irrelevant material
6	28 June 2023	1	Secretary Office CoS email	Grant access in part	Section 22(1): Irrelevant material
7	28 June 2023	3	Ad hoc attendee - personal notes from SLG	Grant access in part	Section 22(1): Irrelevant material
8	28 June 2023	1	SLG member - personal notes from SLG	Grant access in part	Section 22(1): Irrelevant material