



Australian Government
Attorney-General's Department

FOI16/005; 16/226

11 January 2016

Mr Grant Skinner

By email: foi+request-1467-048d6d00@righttoknow.org.au

Dear Mr Skinner

Freedom of Information Request FOI16/005

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).

Summary

I, Albin Smrdel, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 1 January 2016 you requested access to documents relating to yourself. Specifically you sought access to:

'a copy of the application to declare me vexatious in the Supreme Court of Victoria in 2012. Specifically I want the party who made the application to the Attorney-General's Department in 2012 made available to me please.'

I have identified that the Commonwealth Attorney-General's Department has no documents that fall within the scope of your request. I did this by arranging for a comprehensive search of the department's electronic document management system and making inquiries of staff likely to be able to identify relevant documents.

I have accordingly decided to refuse your request for access to the documents. More information, including my reasons for my decision, is set out below.

Decision and reasons for decision

With regard to the documents requested in your application, I have found that the documents you requested about an application to declare you vexatious in the Supreme Court of Victoria do not exist (section 24A(1)(b)(ii)) – information about why they do not exist is given below.

Material taken into account

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

- the content of the documents that would fall within the scope of your request
- the FOI Act (specifically section 24A)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

My reasons for refusing access are given below.

Documents cannot be found or do not exist (section 24A)

As mentioned above, a search of the department's electronic document management system was undertaken and no documents containing an application to declare you vexatious in the Supreme Court of Victoria, or any other court, were identified. Searches were also undertaken of the emails and hard copy records of officers likely to hold documents within the scope of your request and no documents were identified.

Accordingly, I am satisfied under section 24A(1) that the documents you have requested do not exist.

Please note that the Commonwealth Attorney-General's Department has responsibility for the federal courts and the federal judiciary. In your FOI request, you advised that the proceedings to declare you vexatious were in the Supreme Court of Victoria. Therefore, you may wish to contact the Victorian Department of Justice and Regulation, which is the Victorian Government Department responsible for managing the Victorian Attorney-General's portfolio, for further information regarding the application to declare you vexatious.

The Victorian Department of Justice and Regulation Freedom of Information Unit may be contacted in one of the following ways:

Email: foi@justice.vic.gov.au
Phone: 03 8684 0063
Website: <http://www.justice.vic.gov.au/home/your+rights/freedom+of+information/>
Post: GPO Box 4356
Melbourne VIC 3001

Your review rights

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

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
Office of Corporate Counsel,
Attorney-General's Department,
3-5 National Circuit
Barton, ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

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 this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review-/>
email: enquiries@oaic.gov.au

post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

Questions about this decision

If you wish to discuss this decision, please contact Jo, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Albin Smrdel', with a stylized flourish at the end.

Dr Albin Smrdel
Assistant Secretary