



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

FOI16/008; 16/848

15 January 2016

Mr Ben Smith

By email: [foi+request-1494-f9e82db4@righttoknow.org.au](mailto:foi+request-1494-f9e82db4@righttoknow.org.au)

Dear Mr Smith,

**Freedom of Information Request FOI 16/008**

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, Frances Brown, Director, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 13 January 2016 you requested access to documents relating to investigations by the Attorney-General. Specifically you sought access to:

*“any and all documents, diary entries, internal memos, external memos, correspondence and minutes of meetings or any other documents which mention or lead to the AG's decision to not investigate this matter – being Tony Abbott's dual citizenship, and any illegal registration by him, for election candidacy in the Federal Parliament”*

Your request was acknowledged on 13 January 2016.

I have identified that the 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 documents relating to investigation by the Attorney-General of allegations regarding election candidacy do not exist (section 24A(1)(b)(ii)).

## **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 (s 24A)**

Following completion of the searches referred to above, I am satisfied that the department does not hold documents relating to your request.

Under section 24A(1) of the FOI Act, an agency may refuse a request for access to documents if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*

....

- i) does not exist.*

## **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](mailto: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](mailto:enquiries@oaic.gov.au)

post: GPO Box 2999, Canberra ACT 2601

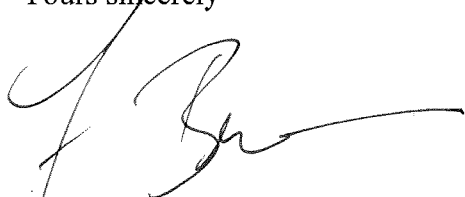
in person: Level 3, 175 Pitt Street, Sydney NSW

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 Siobhan, FOI case manager, by telephone on (02) 6141 6666 or by email [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Frances Brown

Director, Freedom of Information and Privacy