



Australian Government
Attorney-General's Department

FOI16/030; 16/2898

29 March 2016

Ms Brooke Gibbs

By email: foi+request-1669-0cc78341@righttoknow.org.au

Dear Ms Gibbs,

Freedom of Information Request FOI 16/030

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, Brooke Hartigan, Acting Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 28 February 2016 you requested access to documents relating to correspondence regarding the legalisation of medical marijuana. Specifically you sought access to:

“any correspondence between the Attorney-General and the Health Minister regarding amendments to the Narcotic Drugs Act 1967, specifically amendments relating to legalising medical marijuana”

Your request was acknowledged on 9 March 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 systems 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 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 (s 24A)

Section 24A(1)(b)(ii) of the FOI Act allows a request for access to be refused if all reasonable steps have been taken to find the document and the agency or Minister is satisfied that the document does not exist. The searches that have been undertaken in regards to this request are described above.

Based on these searches, I am satisfied that there are no documents in the possession of the Attorney-General's Department within the scope of your request.

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 5218, Sydney NSW 2001

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.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Brooke Hartigan', with a long, sweeping horizontal stroke extending to the right.

Brooke Hartigan

A/g Assistant Secretary