



LS5732 ~ file 16/717

Brendan Manning

Email to: foi+request-2158-7b229cff@righttoknow.org.au

Dear Mr Manning

Your Freedom of Information Request No. LS5732

I refer to your email of **22 August 2016 4:48pm**, to the Australian Electoral Commission ('AEC'), in which you request (your 'FOI Request') access under the [Freedom of Information Act 1982](#) (the 'FOI Act'), to documents relating to inquiries into individual donors of political parties.

Summary

- 2 I, Paul Pirani, Chief Legal Officer of the AEC, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
- 3 I have interpreted your FOI Request as seeking :
 - a summary of every AEC inquiry conducted into individual donors, political parties and associated entities since 1 July 2005.
- 4 I identified that there are no documents that fall within the scope of your FOI Request.
- 5 Accordingly, I have decided to refuse your FOI Request.
- 6 More information, including my reasons for my decision, is set out below.

Decision and reasons for that decision

- 7 I was unable to identify the existence of any document(s) that fall within the scope of your FOI Request.
- 8 Inquiries were made in the AEC's Disclosure, Assurance and Engagement Branch and a thorough search of shared computer drives was conducted. The outcome of those inquiries was that no such documents exist.
- 9 Accordingly, I am refusing your FOI Request under subsection 24A of the FOI Act. Let me explain the reasons for this decision.

10 Subsection 24A of the FOI Act provides:

24 requests may be refused if documents cannot be found, do not exist or have not been received

- (1) An agency or Minister may refuse a request for access to document(s) if:
- (a) all reasonable steps have been taken to find the document(s); and
 - (b) the agency or Minister is satisfied that the document(s) is in the agency's or Minister's possession but cannot be found or does not exist.

11 I made my decision because I was satisfied for the purposes of paragraph 24A(1)(a) of the FOI Act, that all reasonable steps have been taken by the AEC's Disclosure, Assurance and Engagement Branch to locate the documents you are seeking.

12 After undertaking the relevant searches (as outlined in paragraphs 8 and 11 of this letter), I was satisfied for the purposes of paragraph 24A(1)(b)(ii) of the FOI Act, that no 'summaries' of documents exist that fall within the scope of your FOI Request.

13 I note that the FOI Act does not require an agency to create a new document containing the information that is sought.

14 I further found that the AEC publishes for reference by the public a list of certain compliance investigation in respect of contraventions, or possible contraventions, of the disclosure offences listed in section 315 of the Act that it has undertaken in and since 2008 at:
http://www.aec.gov.au/Parties_and_Representatives/compliance/investigations.htm

15 Accordingly, I decided to refuse your FOI Request.

Material taken into account

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

- (a) the content of the documents that could fall within the scope of your request if they exist or could be found;
- (b) the FOI Act, specifically sections 24A(1), 24A(1)(b)(ii) and 93A; and
- (c) the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act, specifically paragraphs 3.80 to 3.84.

Information Commissioner review

17 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 52189, Sydney NSW 2001
in person:	Level 3, 175 Pitt Street, Sydney NSW

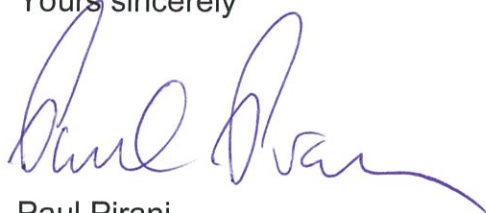
- 18 More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

QUESTIONS ABOUT THIS DECISION

- 19 If you wish to discuss this decision, please contact Owen Jones at:

email:	owen.jones@aec.gov.au
fax:	02 6293 7657
post:	Locked bag 4007, Canberra ACT 2601
telephone:	02 6271 4528

Yours sincerely



Paul Pirani
Chief Legal Officer

27 September 2016
