



FOI16/135; 16/10116

28 October 2016

Mr Mark Mildenhall
By email: foi+request-2241-68d69c25@righttoknow.org.au

Dear Mr Mildenhall

Freedom of Information Request FOI16/135

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, Stephen Bouwhuis, Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests made to the Attorney-General's Department.

On 13 September 2016 you requested access to documents relating to Airsoft. Specifically you sought access to:

"I would like to request all information on the determination of your policy in 2010 to declare Airsoft as "Paramilitary" please could you include information on all consulted parties and any fact checking of qualifications that were made on the submitting parties.

Also I would like to know what is the legal definition that the department has used for "Paramilitary" and if there was any comparison made between paintball, Laser tag and Airsoft or if there was any investigation conducted into the sports.

Also with the creation of full IPSC (International Practical Shooters confederation) sports rules termed action air which has changed the definition of Airsoft itself into a system of delivery of a particular type of round (Being a 6mm plastic BB) and the sports now being referred to as Action air and Airsoft skirmish does the department still stand by the stance of "Paramilitary" [quote or accurately paraphrase the terms of the request, including any clarification or variation in its scope resulting from subsequent consultation with the applicant.]

On 21 September 2016 the department acknowledged your request. You were advised that part of your request could be processed as a valid FOI request, but that the remainder of your request did not meet the requirements of section 15 of the FOI Act. The department advised that it could only accept the following part of your request as a valid FOI request:

"I would like to request all documents relating to the determination of your policy in 2010 to declare Airsoft as Paramilitary. Please could you also include all documents containing information on consulted parties and fact checking of qualifications that were made to submitting parties."

Under section 15 of the FOI Act and as indicated in paragraph 2.29 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act, an FOI request must be for access to a document or documents, not for information generally. As such, the second and third paragraphs of your original request do not satisfy the requirements of a valid FOI request.

On 4 October 2016, you were advised that the period for processing your request was extended by 30 days because the Attorney-General's Department was obliged to consult with a third party organisation under section 27 of the FOI Act.

Decision

I have identified one document which fell within the scope of your request. I did this by arranging for a comprehensive search of the Attorney-General's Department's electronic document management system and making inquiries of staff likely to be able to identify relevant documents.

The document I have identified is an information paper authored by the Australian Airsoft Council on 'Information on the sport and proposals by the Australian Airsoft Council for the phased introduction of Airsoft'. I have decided to grant access to the document in full. The Attorney-General's Department does not hold any other documents within the scope of your request.

Your review rights

If you are dissatisfied with the searches we did to locate documents related to your request, 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
 Strategy and Delivery Division
 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 2000

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 Sarah, FOI case manager, by email at foi@ag.gov.au.

Yours sincerely



Stephen Bouwhuis
Assistant Secretary

Attachments

1. *Document to be released*

