



FOI16/136; 16/10119

11 October 2016

Simon
Right to Know
By email: foi+request-2246-9db6055d@righttoknow.org.au

Dear Simon

Freedom of Information Request FOI16/136

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

On 14 September 2016 you requested access to documents relating to discretionary powers. Specifically you sought access to:

Documents listing and/or summarising 'discretionary powers' currently conferred on ministers of the federal government by legislation or regulation.

I have determined that the 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.

Decision and reasons for decision

Under subsection 24A(1) of the FOI Act, an agency may refuse a request for access to documents if all reasonable steps have been taken to find documents within the scope of an FOI request and the agency is satisfied that no documents can be found or exist within the agency.

The department does not possess any document listing or summarising legislative powers conferred on government ministers either across all portfolios or specifically for the Attorney-General's Portfolio. Therefore, I am satisfied that the department has no documents that fall within the scope of your request.

Accordingly, I have to refuse your request.

If you are seeking documents relating to powers in legislation within the Attorney-General's Portfolio, either Acts of Parliament or legislative instruments, it is open to you to make a new request under the FOI Act specifying that you are seeking particular documents. As each

Commonwealth department administers its portfolio legislation separately, you would need to seek documents relating to powers in legislation in other portfolios from other agencies. I am satisfied that this department possesses no document listing legislative powers across all portfolios.

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), and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

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 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:

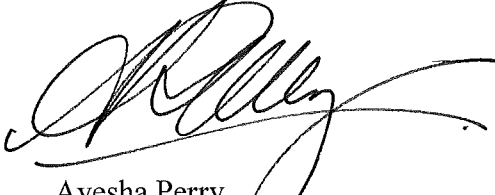
online: https://forms.business.gov.au/aba/oaic/foi-review-/
email: enquiries@oaic.gov.au
post: GPO Box 5218, SYDNEY NSW 2001
in person: Level 3, 175 Pitt Street, SYDNEY NSW 2000

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 Alex, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Ayesha Perry
Assistant Secretary

