



20 December 2016

Mr Ben Fairless

By email: [foi+request-2597-1e60edad@righttoknow.org.au](mailto:foi+request-2597-1e60edad@righttoknow.org.au)

Dear Mr Fairless

### **Freedom of Information Request**

I refer to your request to the Australian Institute of Criminology (AIC) of 6 November 2016 for access under the *Freedom of Information Act 1982* (the FOI Act) to:

*a copy of the current FOI Delegations, and any related directions issued in respect of FOI.*

The AIC received your request on Sunday 6 November 2016.

The 30 day statutory period for processing your request commenced from the day after that date. A decision was therefore due to you by Tuesday 6 December 2016. My apologies for the slight delay in responding to you.

### **Authority and materials considered**

I am authorised under section 23 of the FOI Act to make a decision concerning the information you have requested access to.

In reaching my decision I have taken into consideration:

- the relevant provisions of the FOI Act;
- relevant guidelines issued by the Office of the Australian Information Commissioner; and
- relevant Tribunal and Federal Court decisions concerning the operation of the FOI Act.

### **Summary of Decision**

I have refused your request for access to documents because the documents you have sought access to cannot be found or do not exist.

### **Reasons for Decision**

Under section 24A of the FOI Act an agency may refuse access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document does not exist.

I have consulted with the relevant individuals in the agency and can confirm that the AIC does not have a current FOI delegation. I am therefore satisfied that the documents you have requested do not exist.

As the AIC does not currently have a delegation in relation to FOI decisions, the responsibility for FOI decisions, as per section 23 of the FOI Act, lies with the Director of the AIC.

### **Your review rights**

If you are dissatisfied with this decision you can apply for internal review or review by the Information Commissioner. You do not have to apply for internal review before seeking the Information Commissioner's review.

#### **Internal review**

You may seek internal review by making an application in writing to the AIC within 30 days of being notified of this decision. A written application for a review should be sent to the Deputy Director (Research) – [rick.brown@aic.gov.au](mailto:rick.brown@aic.gov.au), or by post to:

Australian Institute of Criminology  
GPO Box 1936  
Canberra  
ACT 2601

#### **Information Commissioner review**

Alternatively, you may apply in writing for review by the Information Commissioner. In making your application you need to provide:

- an address for notices to be sent (this can be an email address)
- a copy of this decision.

It would also help if you set out the reasons for review in your application. Requests for review must be in writing and can be made via the website ([www.oaic.gov.au](http://www.oaic.gov.au)), by email at [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au), or by post at:

Office of the Australian Information Commissioner  
GPO Box 2999  
Canberra ACT 2601

If you are objecting to a decision to refuse access to documents you must apply to the Information Commissioner within 60 days of being given notice of the decision. You can contact the Information Commissioner by phone on 1300 363 992.

#### **Right to complain**

You may make a complaint to the Information Commissioner about action taken by the AIC in relation to your application. The complaint needs to be in writing and identify the agency against which the complaint is made.

The Information Commissioner may be contacted on **1300 363 992**. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Chris Dawson', with a long horizontal line extending to the right.

Chris Dawson, APM  
Director (CEO)