



FOI17/014

31 January 2017

Mr Gareth William Smith

By email only: foi+request-2918-0b2d07c4@righttoknow.org.au

Dear Mr Smith,

Freedom of Information Request FOI17/014

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 of your request and my decision

I, Tom Browne, 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 6 January 2017, you requested access to documents relating to the Israeli Defence Force (IDF). Specifically you sought access to:

All documents concerning:

1. *Statistics relating to Australians serving in the Israel Defence Force (IDF) over the last decade.*
2. *Statistics relating to the migration of Israelis into Australia over the last decade.*
3. *The process of vetting Australians in the IDF for possible human rights abuses committed in the Occupied Palestinian Territories.*
4. *The process of vetting Israelis, either migrating to or visiting Australia, for possible human rights abuses committed in the Occupied Palestinian Territories and*
5. *Recruitment procedures for the IDF conducted within Australia.*

On 17 January 2017, the department wrote to you informing you that it had partially transferred this request, under s16(1) of the FOI Act, to the Department of Immigration and Border Protection (DIBP). As per the previous correspondence, the following aspects of the request have been transferred:

2. *Statistics relating to the migration of Israelis into Australia over the last decade.*
4. *The process of vetting Israelis, either migrating to or visiting Australia, for possible human rights abuses committed in the Occupied Palestinian Territories and*

Accordingly, this decision relates only to points 1, 3 and 5 of your request. DIBP will provide you with a separate decision with respect to points 2 and 4 of your request.

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.

Under section 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 the documents and the agency is satisfied that the documents cannot be found or do not exist within the agency. I am satisfied that the department does not hold the documents you seek and accordingly I must refuse your request.

Material taken into account

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

- the scope of your request
- the FOI Act (specifically section 24A, which allows a request for documents to be refused if the documents do not exist within the agency to whom the request is made), 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 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 Courtney, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'TB' followed by a horizontal line.

Tom Browne
Assistant Director
Freedom of Information and Privacy Section