



Australian Government
Attorney-General's Department

13/12731

27 August 2013

Mr Peter Weissbacher

Sent by email only: foi+request-321-ab3f8b86@righttoknow.org.au

Dear Mr Weissbacher

Freedom of Information Request no. 13/107

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 am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You sought access to:

... a copy of the Hansard entry relating to the Sheriff Act 2009 Victoria

On 1 August 2013 the Department acknowledged your request. The Department noted:

It appears that you are looking for a copy of a Hansard entry about legislation passed by the Victorian State parliament. Your request may be more appropriately directed to the Victorian Department of Justice rather than the Commonwealth Attorney-General's Department. Information regarding the making of a Freedom of Information request to the Victorian Department of Justice can be found at

<http://www.justice.vic.gov.au/home/your+rights/freedom+of+information/> and
<http://www.foi.vic.gov.au/home/how+to+apply/making+a+request/>.

Alternatively, Hansard entries relating to the Parliament of Victoria are publicly available on the website of the Parliament of Victoria at <http://www.parliament.vic.gov.au/hansard>. The full text of the Hansard of the Parliament of Victoria can be searched at <http://tex.parliament.vic.gov.au/bin/texhtmlt?form=jVicHansard.quick>.

I have identified that the Attorney-General's Department has no documents that fall within the scope of your request. I have accordingly decided to refuse your request for access to the documents. More information, including my reasons for my decision, is set out below.

Decision and reasons for decision

With regard to the documents requested in your application, I have found that:

- the documents you requested relating to the *Sheriff Act 2009* (Vic) do not exist (section 24A(1)(b)(ii)) – information about why they do not exist is given below.

Material taken into account

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

- the FOI Act (specifically sections 24A(1)(b)(ii))
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act
- Information contained on the website of the Victoria Department of Justice and the website of the Parliament of Victoria

My reasons for refusing access are given below.

Documents non-existent (s 24A(1)(b)(ii))

As noted in the Department's email to you on 1 August 2013, the documents you requested relate to legislation passed by the Parliament of Victoria. The Commonwealth Government does not have responsibility for Victorian legislation.

Further, Hansard entries relating to the activities of the Parliament of Victoria are publicly available on the website of the Parliament of Victoria at <http://www.parliament.vic.gov.au/hansard>. The full text of the Hansard of the Parliament of Victoria can be searched at <http://tex.parliament.vic.gov.au/bin/texhtmlt?form=jVicHansard.quick>.

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:

online: foi@ag.gov.au
 post: FOI and Privacy Section
 Office of Corporate Counsel,
 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 2999, Canberra ACT 2601
 in person: Level 3, 175 Pitt Street, Sydney NSW

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 me by email at foi@ag.gov.au.

Yours sincerely



Frances Brown
Director
FOI & Privacy Section
Attorney-General's Department