



Australian Government
Attorney-General's Department

26 October 2017

JS

By email: 'foi+request-4126-80ced036@righttoknow.org.au'

Dear JS

Freedom of Information Request FOI17/169; 17/11062

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, Marc Roberts, Acting Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 7 October 2017 you requested access to documents relating to assessments or considerations made in respect of a potential breach of the Australian Public Service Code of Conduct. Specifically you sought access to:

" ... documents in the possession of the Department relating to any assessment or consideration - conducted in the period 1 December 2013 to 12 September 2017 – that the behaviour of the Director of the Fair Work Building Industry Inspectorate involved a potential breach of the Australian Public Service Code of Conduct.."

I advise that the Attorney-General's Department has no role in undertaking assessments of agency compliance with the APS Code of Conduct. Individual agencies are responsible for their own compliance and assessment. Accordingly, the department has no documents that fall within the scope of your request.

I have therefore decided to refuse your request under section 24A of the FOI Act, which allows for a refusal where documents cannot be found, do not exist or have not been received.

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), 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 the FOI Unit by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Marc Roberts
A/g Assistant Secretary