



Australian Government
Attorney-General's Department

14/ 2631

11 March 2014

Dear Mr Nolan

Email foi+request-516-3ea20097@righttoknow.org.au

Dear Mr Nolan

Freedom of Information Request no. 14/023

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

On 14 February 2014 you requested access to documents relating to internal communication relating to “three strikes” ruling. The scope of your request has been taken as the following:

“any and all internal communications from the incoming Attorney General’s Department dated from 19 September 2013 relating to any proposed ‘three strikes’ regulations for copyright policy”

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 searches of both electronic and hard copy records, as well as making enquiries of those who may have been able to help locate documents within the scope of your request.

I am satisfied that the searches undertaken by the relevant areas of this department constitutes a ‘reasonable search’ for the purposes of Part 3 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI act; that is, ‘a reasonable search on a flexible and common sense interpretation of the terms of the 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

My findings on material questions of fact are that the documents you requested do not exist within this department. Under section 24(a) of the FOI Act, an agency may refuse a request for access to documents if:

- (a) All reasonable steps have been taken to find the documents; and*
 - (b) The agency or Minister is satisfied that the document;*
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- (ii) does not exist.*

Following all reasonable steps to find the documents, I am satisfied that the documents you have request do not exist within this department, so I have decided to refuse your request for access to documents under section 24A(1) 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:

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 the action officer, Meagan Wilson on (02) 6141 4311 or by email foi@ag.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Walter', with a long horizontal stroke extending from the end.

Andrew Walter
Assistant Secretary
Attorney-General's Department