



Solicitor-General of the Commonwealth of Australia

Mr Phillip Sweeney

By email: [foi+request-5287-4c8ae56f@righttoknow.org.au](mailto:foi+request-5287-4c8ae56f@righttoknow.org.au)

Dear Mr Sweeney

**REQUEST FOR ACCESS TO DOCUMENTS – NOTIFICATION OF ACCESS  
REFUSAL DECISION**

1. I refer to your request of 3 March 2019, submitted through the Right to Know website.

2. By that request, which was expressed as directed to me, you sought access under the *Freedom of Information Act 1982* (Cth) (**Act**) to a copy of:

an opinion from the Solicitor-General to Senator Cormann (or any other Government Minister) on the constitutional validity of [the Treasury Laws Amendment (Putting Consumers First—Establishment of the Australian Financial Complaints Authority) Bill 2017] and the purported powers that enacting this Bill would purport to provide to the private company AFC Limited, especially with respect to later dealings with a Chapter III Court by an Australian citizen who had prior dealings with this private company.

3. As Solicitor-General, and the principal officer of an agency within the meaning of s 4(1) of the Act, I am authorised under s 23(1) of the Act to make decisions in relation to applications made to me for access to documents under the Act.

4. Section 24A(1)(b)(ii) of the Act relevantly provides that an agency may refuse a request for 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.

5. All reasonable steps have been taken to find the document you seek, including searches by my Counsel Assisting of my Office's records, and I am satisfied

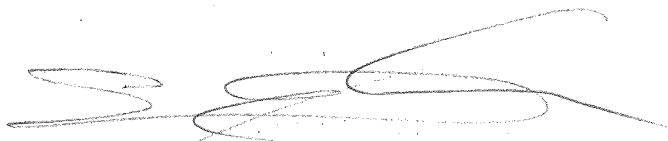
that the document does not exist. I therefore refuse your request for access in accordance with s 24A(1)(b)(ii) of the Act.

6. If you are not satisfied with my decision, I note that internal review is not available as it was made personally by me as the principal officer of the agency: s 54(1) of the Act. However, you may apply to the Australian Information Commissioner for review of my decision within 60 days of the date of this letter, subject to any extension of time granted by the Commissioner. You may also make a complaint to the Commissioner about action taken by me in the performance of functions, or the exercise of powers, under the Act. Any such application or complaint must be in writing and may be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 5218, SYDNEY NSW 2001  
fax: (02) 9284 9666

7. Further information on how to make an application or a complaint can be found on the Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

Yours faithfully



Dr Stephen Donaghue QC  
Solicitor-General of the  
Commonwealth of Australia

26 March 2019