



Australian Government
Attorney-General's Department

FOI19/227; 19/7129

23 October 2019

Ms Jannet Baker

By email: <mailto:foi+request-5650-e6b1551a@righttoknow.org.au>

Freedom of Information Request FOI 19/227

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).

Your request

On 26 September 2019, you requested access to documents from the Australian Government Solicitor. Specifically you sought access to:

'...all documents that related to the costs charged to the National Disability Insurance Scheme and or any other Government Department (including costs worn by the department in relation to the commonwealth defending the case 2018/5420 Morrison-Francis and National Disability Insurance Agency within the Administration Appeals Tribunal.

This includes any documents that relate to the hours worked and have not been charged to another government department as of the date of this request.

To be abundantly clear this request covers the period 01.01.2010 - 26.09.2019'

The Attorney-General's Department (the department) acknowledged your request on 10 October 2019.

My decision and reasons for decision

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

I have decided to refuse your request as any documents within its scope are documents in respect of activities undertaken by the Australian Government Solicitor. The department is exempt from the operation of the FOI Act in relation to documents in respect of activities undertaken by the Australian Government Solicitor. The operation of this exemption is explained further below.

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

- the terms of your request
- the provisions of the FOI Act (specifically section 7(2) and Part II of Schedule 2), and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Exemption of certain persons or bodies (subsection 7(2))

Subsection 7(2) of the FOI Act states:

(2) The persons, bodies and Departments specified in Part II of Schedule 2 are exempt from the operation of this Act in relation to the documents referred to in that Schedule in relation to them.

Division 1 of Part II of Schedule 2 lists the Attorney-General's Department as exempt from the operation of the FOI Act in relation to:

(b) documents in respect of activities undertaken by the Australian Government Solicitor;

I am satisfied that any documents the department might hold that are covered by the terms of your request fall under the scope of this exemption, and are therefore not subject to the FOI Act.

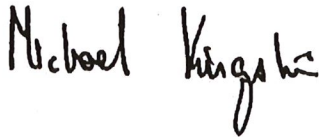
Additional Information

Your review rights under the FOI Act are set out at **Attachment A** to this letter.

Questions about this decision

If you wish to discuss this decision, please contact Antony Catt, Director, Freedom of Information and Parliamentary Section, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Michael Kingston
Australian Government Solicitor

Attachments

Attachment A: Review Rights



Attachment A FOI Review Rights

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter. Applications for internal review must be lodged by email or post.

email: foi@ag.gov.au
post: Freedom of Information and Parliamentary Section
Strategy and Governance Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

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 the decision letter, and can 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>.