



Australian Government
Attorney-General's Department

14/8456

4 September 2014

Mr Brendan Molloy
Councillor
Pirate Party Australia

By email: foi+request-656-71762278@rightoknow.org.au

Dear Mr Molloy

Freedom of Information Request no. 14/123

This letter provides a response to your request for documents under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Stephen Bouwhuis, Assistant Secretary, am an officer authorised under subsection 23(1) of the FOI Act to make decision in relation to FOI requests.

On 20 June 2014 you requested access to submissions provided to the Department regarding proposed amendments to the *Racial Discrimination Act 1975*. Specifically you sought access to:

‘all submissions to the consultation into amendments to the *Racial Discrimination Act 1975*’.

On 18 July 2014 we sent you a notice under section 24AB of the FOI Act explaining that I intended to refuse your request unless you were able to revise the scope to remove the practical refusal reason.

On 6 August 2014 following negotiations between you and the Freedom of Information Unit in the Department regarding the scope of your request, the Department provided you with documents previously released and mentioned on the Department’s disclosure log.

On 28 August 2014 you were able to reduce the scope of your request to:

‘request submissions from large public organisations with substantive submission, who have agreed to publication’.

I identified 15 documents which fell within the scope of your request. I did this by arranging for searches of both electronic and hard copy records held by the Department as well as making enquiries of staff who may have been able to help locate documents within the scope of your request.

I am satisfied that those searches constitute 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'.

The schedule of documents at **Attachment A** provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Decision and reason for decision

With regard to the documents you requested as set out in the schedule attached, I have decided to grant access in full. This is because these 15 particular organisations provided their express consent for their submissions to the public consultation to be made publicly available at the time of making the submission.

Your review rights

If you are dissatisfied with the searches we did to locate documents related to your request, 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
 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 at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

The Attorney-General's Department will provide the requested documents to you by post in electronic form on a computer disc.

Yours sincerely



Stephen Bouwhuis
Assistant Secretary
Human Rights Policy

Attachments

1. Schedule of documents