



Australian Government
Attorney-General's Department

Our ref: FOI20/140; CM20/7354

18 September 2020

Mr John Smith
By email: foi+request-6611-5265dbec@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request FOI20/140 – Decision letter

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* (the FOI Act).

Your request

On 19 August 2020, you requested access to:

A document showing:

- *the number of personnel procured from Hays in the 19/20 financial year,*
- *the amount spent by the department recruiting personnel from Hays in the 19/20 financial year, and*
- *the position titles of all personnel recruited through Hays, working in the Sydney office of your Department as at 19 August 2020.*

On 20 August 2020, the department acknowledged your request.

A decision in relation to your request is due on 18 September 2020.

My decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the Attorney-General's Department (the department).

I have made inquiries of staff likely to be able to identify documents relevant to your request, and arranged for comprehensive searches of relevant departmental electronic and hard copy holdings. It appears that your request seeks access to information that is not available in discrete form in any existing documents of the department.

However, section 17(1) of the FOI Act provides that where the department can produce a written document containing the information requested in discrete form using 'a computer or other equipment that is ordinarily available [to it]... for retrieving or collating stored information', the department should deal with the request as if it were a request for access to such a document.

On this basis, the department has produced a document containing the information you have requested under section 17(1) of the FOI Act.

In making my decision regarding access to the relevant document, I have taken the following material into account:

- the terms of your request
- the content of the documents identified as within scope of your request
- the provisions of the FOI Act, and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

I have decided to grant access in full to the document.

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

Section 7(2) of the FOI Act provides that:

(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 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.

Section 17(1) is subject to the exemption in section 7(2) of the FOI Act. As a result, the document produced by the department in response to your FOI request does not include information in respect of activities undertaken by the Australian Government Solicitor.

Additional information

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

The Schedule of documents at **Attachment B** sets out brief information about each document within the scope of your request and my decision in relation to access to each of those documents.

The documents to which I have decided to grant full or partial access under the FOI Act are at **Attachment C**.

Questions about this decision

you wish to discuss this decision, the FOI case officer for this matter is Sarah, who can be reached on (02) 6141 6666 or at foi@ag.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Daryl Adam', with a stylized flourish extending to the right.

Daryl Adam

Assistant Secretary

Business Operations Branch

Attachments

Attachment A: Review rights

Attachment B: Schedule of documents

Attachment C: Document