



Office of the Attorney-General

18 August 2014

Mr Anthony Dunbar

Sent via email to: foi+request-683-8fb85727@righttoknow.org.au

Dear Mr Dunbar

Freedom of information request no. AGO2014/28

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, Paul O'Sullivan, Chief of Staff, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests. You requested access to:

- a) *Minutes from Attorney General Brandis' meeting held on the evening of 27th of May 2014 (Reference to this meeting can be found on page 77 of the official Legal and Constitutional Affairs Legislation Committee transcript held on the 28th of May 2014 which can be found at the following URL
<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22committees%2Festimate%2F219a9210-1ca0-49cb-903b-3e1309393869%2F0000%22>*
- b) *A full list of all attendees to this meeting and the capacity in which they attended this meeting.*
- c) *Any supplementary documents that were created during this meeting or as result of the meeting*

I have identified that this office holds no documents that fall within the scope of your request. I did this by relying on searches of both electronic and hard copy records across this office, as well as making enquiries of those who may be able to help locate documents within the scope of your request. I am satisfied that the searches undertaken constitute a reasonable search for the purposes of Part 3 of the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); 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. My reasons for my decision are set out below.

Decision and reasons for decision

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

- The terms of your FOI request
- The FOI Act (specifically, section 24A), and
- The Guidelines issued by the Office of the Australian Information Commissioner.

My findings on material questions of fact are that the documents you have requested do not exist within this office. Under section 24A(1) of the FOI Act, a request for access to documents may be refused if:

(a) *All reasonable steps have been taken to find the document; and*

(b) *The agency or Minister is satisfied that the document:*

...

(ii) *does not exist.*

Following all reasonable steps to find the documents, I am satisfied that the documents you have requested do not exist within this office, so I have decided to refuse your request for access under section 24A(1)(b)(ii) of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for Information Commissioner review of the decision. You cannot ask for internal review of an original decision made by a Minister or an authorised member of their staff. Also, the Commissioner cannot investigate a complaint about how the Minister handled your FOI request.

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 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

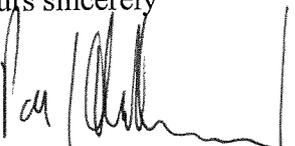
in person: Level 3, 175 Pitt Street, Sydney NSW

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 Office of the Attorney-General on (02) 6277 7300.

Yours sincerely



Paul O'Sullivan
Chief of Staff