



**Australian Government**

**Australian Commission for  
Law Enforcement Integrity**

Our Reference: 4/15

16 September 2014

"Scott"

**By e-mail:** [foi+request-756-c8142c12@righttoknow.org.au](mailto:foi+request-756-c8142c12@righttoknow.org.au)

Dear Scott,

**Your Freedom of Information Request - Decision**

I refer to your e-mail of 31 August 2014 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to "the amount of criminal convictions held by a total of all QUEENSLAND POLICE SERVICE employees".

I am an authorised decision-maker under section 23 of the FOI Act. This letter sets out my decision on your request for access.

**Decision**

Having overseen a search of ACLEI records, I have located 0 documents relevant to your request. If a document with such information exists, I have determined that it has never been in the possession of ACLEI.

Given the nature of your enquiry, you may wish to direct any further enquiries to the Queensland Police Service.

Accordingly, your request is refused under subsection 24A(1) of the FOI Act.

**Review rights**

You are entitled to seek review of this decision. Your rights are set out at Attachment A to this letter.

**Relevant provisions**

I have enclosed copies of the provisions of the FOI Act relevant to your request at Attachment B to this letter.

**Contacts**

If you require clarification of any of the matters discussed in this letter you should contact the ACLEI FOI Co-ordinator by phone on 02 6141 2300, or by e-mail at [foi@aclei.gov.au](mailto:foi@aclei.gov.au) .

Yours faithfully

A handwritten signature in blue ink, appearing to read "J. McKay", with a stylized flourish at the end.

FOI Coordinator

## ATTACHMENT A - REVIEW RIGHTS

1. You are entitled to seek review of this decision.

### *Internal Review*

2. Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:
  - 30 days of you receiving this notice; or
  - 15 days of you receiving the documents to which you have been granted access.
3. An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

Executive Director  
Australian Commission for Law Enforcement Integrity  
GPO Box 305  
CANBERRA CITY ACT 2601  
[foi@aclei.gov.au](mailto:foi@aclei.gov.au)
4. If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

### *External review by the Australian Information Commissioner*

5. Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.
6. The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website [www.oaic.gov.au](http://www.oaic.gov.au).
7. You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999  
Canberra ACT 2601

### *Complaints to Ombudsman or Information Commissioner*

8. You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by ACLEI in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)  
Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)  
Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify ACLEI as the relevant agency.

## ATTACHMENT B – RELEVANT FOI ACT PROVISIONS

### 24A Requests may be refused if documents cannot be found, do not exist or have not been received

#### *Document lost or non-existent*

- (1) An agency or Minister may refuse a request for access to a document if:
  - (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document:
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.

#### *Document not received as required by contract*

- (2) An agency may refuse a request for access to a document if:
  - (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
  - (b) the agency has not received the document; and
  - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

### 54 Internal review—access refusal decision

- (1) This section applies if an access refusal decision is made in relation to a request to an agency for access to a document, other than a decision made personally by the principal officer of the agency or the responsible Minister.
- (2) The applicant in relation to the request may apply under this Part for the review (the *internal review*) of the access refusal decision.

### 54L IC reviewable decisions—access refusal decisions

- (1) An application may be made to the Information Commissioner for a review of a decision covered by subsection (2).
- (2) This subsection covers the following decisions:
  - (a) an access refusal decision;
  - (b) a decision made by an agency on internal review of an access refusal decision (see section 54C);
  - (c) a decision refusing to allow a further period for making an application for internal review of an access refusal decision (under section 54B).

Note 1: An application for the review of an access refusal decision made for the purposes of paragraph (a) may be made regardless of whether the decision was the subject of internal review.

Note 2: If no decision is made on internal review within 30 days, a decision to affirm the original access refusal decision is taken to have been made (see section 54D).

- (3) The IC review application may be made by, or on behalf of, the person who made the request to which the decision relates.