



Australian Government
Office of Parliamentary Counsel

Our ref: T22/33

Alex Pentland
By email to: foi+request-8776-4429b49a@righttoknow.org.au

Dear Alex

Freedom of information request - OPC correspondents and comments regarding "Sex Discrimination Amendment (Protecting Students) Bill 2018"

1 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).

2 On 21 April 2022, you sought access to:

- (a) correspondence held by the Office of Parliamentary Counsel relating to the proposed (but never tabled) "Sex Discrimination Amendment (Protecting Students) Bill 2018".

Decision and reasons for decision

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

4 Our office identified 87 documents meeting the description of your request.

5 I have refused access to all documents in full, on the basis that these documents are exempt documents under section 42 (documents subject to legal professional privilege).

6 Under section 42 of the FOI Act, a document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

7 The documents you are seeking comprise:

- (a) communications for the dominant purpose of provision of drafting instructions to the Office of Parliamentary Counsel; and
- (b) communications for the dominant purpose of provision of draft legislation and legal advice by the Office of parliamentary Counsel to the Attorney-General's Department.

8 These documents are subject to legal professional privilege. The instructing agency entitled to claim legal professional privilege in relation to the documents is the Attorney-General's Department.

9 Given the extent of the redactions that would be required, it is not reasonably practicable for OPC to prepare edited copies of the documents.

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

- the content of the documents that fall within the scope of your request;
- the FOI Act;
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act;

Your review rights

11 If you are dissatisfied with my decision, 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

12 Under section 54 of the FOI Act, you may apply for an internal review of my decision. Your application must be made within 30 days after the date of this letter.

13 An internal review will be conducted by a different officer. 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 lodged in one of the following ways:

email: foi@opc.gov.au

post: FOI Coordinator, Locked Bag 30, Kingston ACT 2604

14 If you choose to seek an internal review, you will subsequently have a right to apply for Information Commissioner review of the internal review decision.

Information Commissioner review

15 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 after the date of this letter, and be lodged in one of the following ways:

online:

https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

16 More information about Information Commissioner review is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

FOI Complaints

17 If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online:

<https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA>
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email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney 2001

18 More information about complaints is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

19 If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, more information is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely



Stephen Campbell
General Manager Corporate
22 April 2022