



**Australian Government**  
**Attorney-General's Department**

Our ref: FOI22/182; CM22/22832

23 September 2022

BE

By email: [foi+request-9225-304cfbeb@righttoknow.org.au](mailto:foi+request-9225-304cfbeb@righttoknow.org.au)

Dear BE

**Freedom of Information Request FOI22/182 – Decision letter**

I am writing to advise you of my decision regarding your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Department (the department).

**Background details of your request**

On 4 August 2022, you made your request for documents to the department. Following clarification, on 10 August 2022, you confirmed the following scope:

*(1) Question Time Briefs (QTB) prepared by the Attorney-General's Department (the department) for the Attorney-General's Office (the Office), excluding portfolio agencies, for sitting days 27 July to 4 August 2022.*

*Cleared briefs provided by the department to the Office are included (showing tracked changes from the previous cleared version), but uncleared working drafts held within the department are not. Duplicates will be excluded, along with documents which are assessed as functionally duplicate (for example, where the only update has been to things like date, formatting or minor editorial/grammatical changes but no substantive text changes).*

*(2) The department's current QTB index (as at 4 August 2022).*

Following our acknowledgement of your request on 11 August 2022, the department commenced processing your request. Preliminary processing steps, including searching for and obtaining documents and conducting consultations within the department, were undertaken.

As outlined in our letter to you of 5 September 2022, following these preliminary processing steps and analysis of the material within scope, we determined that processing your request with the scope you confirmed on 10 August 2022 would substantially and unreasonably divert the resources of this department.

The department provided you with a notice of intention to practically refuse the request, and asked you to consider narrowing the scope of your request. The processing of your FOI request was suspended as at that date. On 7 September 2022 you agreed to narrow the scope of your request to part 2 only – the department's QTB index as at 4 August 2022.

Your agreement to narrow the scope of your request means that a practical refusal reason no longer exists. Accordingly, the time period for processing your request resumed, and a decision in relation to this request was due on 19 September 2022.

## My decision

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

I have identified one document that falls within the scope of your request. I did this by making inquiries of staff likely to be able to identify relevant documents and arranging for comprehensive searches of relevant departmental electronic holdings. In this case, a member of the department's Ministerial and Executive Support Section searched the department's Parliamentary Document Management System and extracted the final version of the QTB index that was sent from the department to the Attorney-General's Office.

In making my decision regarding access to this document, I have considered:

- the terms of your request
- the content of the document identified
- the provisions of the FOI Act, and
- the FOI Guidelines issued by the Australian Information Commissioner (the Guidelines).

I have decided to grant access in part to one document. I have decided to remove material that may be regarded as irrelevant to your request under s 22(1) of the FOI Act.

Section 22 of the FOI Act provides that if an agency decides to give access to a document that would disclose information that would reasonably be regarded as irrelevant to the request, and it is possible for the agency to prepare a copy (an *edited copy*) of the document, modified by deletions, the agency must prepare the edited copy and give the applicant access to it.

In deciding to delete material which would reasonably be regarded as irrelevant to a request, the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC) (the Guidelines) provide at paragraph 3.95 that:

*It is important for agencies to keep in mind that the implicit purpose of s 22 is to facilitate access to information promptly and at the lowest reasonable cost through the deletion of material that can readily be deleted, and that an applicant has either agreed or is likely to agree that the material is irrelevant*

I have excluded material under s 22(1) on the basis that it is out of scope of your request, which sought the question time brief index for the department and not portfolio agencies. The excluded material comprises index entries for portfolio agencies.

## Additional information

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

The document to which I have decided to grant partial access under the FOI Act is at **Attachment B**.

**Questions about this decision**

If you wish to discuss this decision, the FOI case officer for this matter is Dana, who can be reached on (02) 6141 6666 or by email to [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sarah Christensen', written over a horizontal line.

Sarah Christensen  
Director  
Freedom of Information and Privacy Section

**Attachments**

Attachment A: Review rights  
Attachment B: Document



**Australian Government**  
**Attorney-General's Department**

**Attachment A - FOI Review rights**

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

***Internal review***

Under s 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter, and be lodged in one of the following ways:

email: [foi@ag.gov.au](mailto:foi@ag.gov.au)

post: Freedom of Information and Privacy Section  
Strategy and Governance Branch  
Attorney-General's Department  
3-5 National Circuit BARTON ACT 2600

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

***Information Commissioner review***

Under s 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 the decision letter, and be lodged in one of the following ways:

online: [https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney NSW 2001

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