



13/20510

8 January 2014

Mr Renai LeMay  
renai@delimiter.com.au

Dear Mr LeMay

**Freedom of Information Request no. FOI13/215**

The purpose of this letter is to give you a decision about access to documents that you requested from the Attorney-General's Department (the department) under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Douglas Rutherford, Acting Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 17 December 2013, you requested access to:  
*'the full "Copyright and the Digital Economy" report.'*

On 20 December 2013, the department acknowledged your request as a valid request under section 15 of the FOI Act.

I identified one document which fell within the scope of your request. The document is *Copyright and the Digital Economy* (ALRC Report 122). I did this by arranging for a search of electronic records and making inquiries with staff in my branch within the department. With regard to the document that you have requested, I have decided to grant access in full. However, I have decided to defer access to this document under section 21(1)(b) of the FOI Act until close of business Thursday, 27 February 2014. More information on this decision is provided below.

**Decision to defer access**

With regard to the document you have sought, I have decided to defer access under section 21(1)(b) of the FOI Act. This provision states:

(1) *An agency which, or a Minister who, receives a request may defer the provision of access to the document covered:*

...

(b) *if the document concerned has been prepared for presentation to Parliament or for the purpose of being made available to a particular person or body or with the intention that it should be so made available – until the expiration of a reasonable period after its preparation for it to be so presented or made available'*

....

The document you have sought was prepared for presentation to Parliament with the intention that it be made publicly available. This report titled '*Copyright and the Digital Economy*' was delivered by the Australian Law Reform Commission to the Attorney-General on 2 December 2013. Under section 23 of the *Australian Law Reform Commission Act 1996*, the Attorney-General must cause each report and interim report of the Australian Law Reform Commission on a matter that is the subject of a reference to be tabled in each House of the Parliament within 15 sitting days of that House after the Attorney-General receives it. As a result, it is anticipated that this report will be tabled in both Houses of Parliament on, or before, Thursday, 27 February 2014. Accordingly, I have decided to defer access to this document until close of business Thursday, 27 February 2014. Once this deferment period has expired, a copy of this report will be provided to you.

### **Your review rights**

If you are dissatisfied with my decision to defer access, 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**

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

online: [foi@ag.gov.au](mailto:foi@ag.gov.au)  
post: FOI and Privacy Section  
Office of Corporate Counsel,  
Attorney-General's Department,  
3-5 National Circuit  
Barton, ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

### **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 writing within 60 days of the date of this letter, and be lodged in one of the following ways:

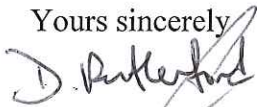
online: <https://forms.business.gov.au/aba/oaic/foi-review-/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

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

**Questions about this decision**

If you wish to discuss this decision, please contact Elise Perry by email [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Douglas Rutherford  
A/g Assistant Secretary  
Commercial and Administrative Law Branch  
Civil Law Division

