



**Australian Government**  
**Department of Finance**

Reference: FOI 23-24/127  
Contact: FOI Team  
E-mail: [foi@finance.gov.au](mailto:foi@finance.gov.au)

Ben Fairless  
Via Right to Know

**By email only:** [foi+request-11274-36c05b0d@righttoknow.org.au](mailto:foi+request-11274-36c05b0d@righttoknow.org.au)

Dear Mr Fairless,

### **Freedom of Information Request – FOI 23-24/127**

On 27 March 2024, the Department of Finance (Finance) received your request seeking access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

This is a request for all documents created as a result of FOI 23-24/072.

The purpose of this letter is to provide you with notice of my decision under the FOI Act.

#### **Authorised decision-maker**

I am authorised by the Secretary of Finance to grant or refuse access to documents.

#### **Decision**

I have identified eight (8) documents falling within the scope of your request. I have decided to release all 8 documents with irrelevant information redacted.

In making my decision, I have had regard to the following:

- the terms of your FOI request;
- the content of the documents that fall within the scope of your request;
- consultations with third parties in accordance with the FOI Act;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

#### **Locating and identifying relevant documents**

Finance located documents by reviewing the digital file for FOI 23-24/072, as well as other Finance share drives and document management systems, extracting the relevant documents

which were created by Finance between the date of your request and the date of the notification of the decision to you and removing duplicates.

Relevant staff within the ICT Division, including the decision maker in respect of your previous request, were also consulted to determine if there were any documents captured by your request that were not saved within the FOI file, such as emails within the ICT Division, handwritten notes or OneNote documents. The ICT Division confirmed that there were no handwritten notes or OneNote documents, and additional emails were identified as falling within the scope of your request.

The documents are identified in the Schedule at **Attachment A**.

## Reasons

### Irrelevant information removed from the documents – section 22

Section 22 of the FOI Act provides that (relevantly):

- (1) This section applies if:
  - (a) an agency or Minister decides:
    - (i) to refuse to give access to an exempt document; or
    - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
  - (b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:
    - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
    - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request...

On 12 April 2024, Finance advised that subject to any objections raised by you, the names and contact details of junior staff (non-SES officers) and staff employed under the *Members of Parliament (Staff) Act 1984* (adviser level and below) would be redacted under section 22(a)(ii) of the FOI Act on the basis that these details are irrelevant to the request.

Accordingly, I have redacted irrelevant information from the documents and released the edited form of the documents to you.

## Charges

I have decided that a charge is not payable in this matter.

## Third party consultation

Finance consulted with a third party and provided them with a copy of the documents with our proposed redactions. We did not receive any objections to the release of the documents.

## Review and appeal rights

You are entitled to request an internal review or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment B**.

## Publication

Finance will publish the documents released to you on our [Disclosure Log](#). Finance's policy is to publish the documents the working day after they are released to you.

If you have any questions in regards to this request, please contact the FOI Team on the above contact details.

Yours sincerely,

A handwritten signature in black ink that reads "Kelly Hoffmeister". The signature is written in a cursive, flowing style.

Kelly Hoffmeister  
Assistant Secretary  
Legal and Assurance Branch | Corporate Strategy and Operations Division  
Department of Finance

24 May 2024

**SCHEDULE OF DOCUMENTS RELEVANT TO FOI 23-24/127**

<b>Document No.</b>	<b>Date of Document</b>	<b>No. of Pages</b>	<b>Description of Document</b>	<b>Decision</b>
1	21/12/2023	3	Email allocating a decision maker	Release in part Irrelevant material redacted under section 22
2	21/12/2023	3	Internal ICT Division email relating to previous similar FOI requests	Release in part Irrelevant material redacted under section 22
3	22/12/2023	3	Email confirming decision maker to FOI team	Release in part Irrelevant material redacted under section 22
4	22/12/2023	2	Formal notification to decision maker	Release in part Irrelevant material redacted under section 22
5	04/01/2024	1	Scoping meeting email	Release in part Irrelevant material redacted under section 22
6	19/01/2024	5	Emails relating to the decision letter	Release in part Irrelevant material redacted under section 22
7	19/01/2024	2	Email notification to Deputy Secretary	Release in part Irrelevant material redacted under section 22
8	Undated	5	Draft version of decision letter	Release in full



## Australian Government

### Department of Finance

## Freedom of Information – Your Review Rights

If you disagree with a decision made by the Department of Finance (Finance) or the Minister for Finance (Minister) under the *Freedom of Information Act 1982* (the FOI Act) you can have the decision reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of the documents that has not been agreed to by Finance or the Minister, or if your application to have your personal information amended was not accepted. There are two ways you can seek a review of our decision: an internal review (IR) by Finance or the Minister, or an external review (ER) by the Australian Information Commissioner (IC).

### Internal Review (IR)

If, Finance or the Minister (we/our), makes a Freedom of Information (FOI) decision that you disagree with, you can seek a review of the original decision. The review will be carried out by a different decision maker, usually someone at a more senior level.

You must apply for an IR within 30 calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

### Review by the Australian Information Commissioner (IC)

The Office of the Australian Information Commissioner (OAIC) is an independent office who can undertake an ER of our decision under the FOI Act. The IC can review access refusal decisions, access grant decisions, refusals to extend the period for applying for an IR, and IR decisions.

If you are objecting to a decision to refuse access to a document, impose a charge, or a refusal to amend personal information, you must apply in writing to the IC within 60 calendar days of receiving our decision.

### **Third parties**

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the IC within 30 calendar days of being notified of our decision to release your information. Further assistance is located [here](#).

### **Do I have to go through the internal review process?**

No. You may apply directly to the OAIC for an ER by the IC.

### **If I apply for an internal review, do I lose the opportunity to apply for an external review?**

No. You have the same ER rights of our IR decision as you do with our original decision. This means you can apply for an ER of the original decision or of the IR decision.

### **Do I have to pay for an internal review or external review?**

No. Both the IR and ER are free.

## How do I apply?

### *Internal review*

To apply for an IR of the decision of either Finance or the Minister, you must send your review in writing. We both use the same contact details, and you must send your review request in writing.

In your written correspondence, please include the following:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

**Email:** [foi@finance.gov.au](mailto:foi@finance.gov.au)

**Post:** The FOI Coordinator  
Legal and Assurance Branch  
Department of Finance  
One Canberra Avenue  
FORREST ACT 2603

### *External review (Information Commissioner Review)*

For an ER, you must apply to the OAIC in writing. The OAIC ask that you commence a review by completing their online form [here](#).

Your application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

**Email:** [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au)

**Post:** Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

The IC's enquiries phone line is 1300 363 992.

## Can I appeal the Information Commissioner's external review decision?

Yes. You can appeal the Information Commissioner's ER decision to the Administrative Appeals Tribunal (AAT).

There is a fee for lodging an AAT application (as at 17 February 2023 it is \$1,011).

Further information is accessible [here](#).

The AAT's number is 1800 228 333.

## Complaints

### *Making a complaint to the Office of the Australian Information Commissioner*

You may make a written complaint to the OAIC about actions taken by us in relation to your application.

Further information on lodging a complaint is accessible [here](#).

### *Investigation by the Commonwealth Ombudsman*

The Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be, or has been, investigated by the IC, the Ombudsman will consult with the IC to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. You will be notified in writing if your complaint is transferred.

Complaints to the Ombudsman should be made online [here](#).

The Ombudsman's number is 1300 362 072.