

OFFICIAL



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

Reference: FOI 24-25/004 and FOI 24-25/005  
Contact: FOI Team  
E-mail: [foi@finance.gov.au](mailto:foi@finance.gov.au)

Gary Moorcroft

**By email only:** [foi+request-11603-ec78fd1f@righttoknow.org.au](mailto:foi+request-11603-ec78fd1f@righttoknow.org.au)

Dear Mr Moorcroft,

**Freedom of Information Request – FOI 24-25/004 and FOI 24-25/005**

On 2 July 2024 the Department of Finance (Finance) received your emails, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

FOI 24-25/004: Under the Freedom of Information Act 1982 I seek the briefing pack prepared for the Minister of Finance for the Senate Finance and Public Administration Committee's 2024-25 Budget Estimates hearings.

FOI 24-25/005: Under the Freedom of Information Act 1982 I seek the briefing pack prepared for the Secretary of Finance for the Senate Finance and Public Administration Committee's 2024-25 Budget Estimates hearings.

On 24 July 2024, Finance emailed you to advise that your requests captured a significant volume of material and would require substantial third party consultation. Finance advised you that section 24 of the FOI Act allows an agency to treat two or more requests as a single request if the agency is satisfied that the subject matter is substantially the same for the requests. Finance decided to combine your two requests, above, and advised that the work involved in processing the request would substantially and unreasonably divert the resources of Finance from its other operations.

On 26 July 2024, you agreed to narrow your request to:

...the index page or pages and contents page or pages of the briefing pack prepared for the Minister of Finance for the Senate Finance and Public Administration Committee's 2024-25 Budget Estimates hearings, and the briefing pack prepared for the Secretary of Finance for the Senate Finance and Public Administration Committee's 2024-25 Budget Estimates hearings.

On 1 August 2024, Finance emailed you to advise that it would be conducting third party consultation for your request. Where consultation is required, the FOI Act allows the processing period to be extended by 30 calendar days.

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 decided to produce one (1) document that contains the information you have requested.

I have decided to grant full access to the document within the scope of your request.

#### Requests involving use of computers etc (Creation of a document) – Section 17

Section 17 of the FOI Act provides that where information is not held by Finance in a discrete document form, Finance may create a document containing the information requested. Using all reasonable search terms, Finance identified information relevant to the briefing pack in its share drives and document management systems.

To provide you with the information, Finance has extracted the relevant data and created a document in accordance with section 17 of the FOI Act.

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

- the terms of your FOI request;
- the content of the document that falls within the scope of your request;
- consultations with other agencies;
- 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 documents**

The information included in the document was identified by conducting searches of Finance's information management systems including the Parliamentary Document Management System.

Relevant Finance staff able to identify documents within the scope of the request were also consulted.

### **Third party consultation**

Finance consulted with third parties and provided them with a copy of the document. We did not receive any objections to the release of the document.

### **Charges**

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

## **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 A**.

## **Publication**

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

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

Yours sincerely,



Carolyn Driessen  
Assistant Secretary  
Parliamentary, Governance and Strategy Branch | Enterprise Strategy Division  
Department of Finance

2 September 2024



## 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.