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Australian Government
Department of Finance

Agency reference: FOI 24-25/057 (Internal Review)
Contact: FOI Team
E-mail: foia@finance.gov.au

Gary Moorcroft
Via the Right to Know website

By email only: foi+request-12005-9e0a72a1@righttoknow.org.au

Dear Mr Moorcroft,

**Internal Review Decision and Statement of Reasons issued under the
Freedom of Information Act 1982 – FOI 24-25/057**

Original request

On 4 September 2024, the Department of Finance (Finance) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

In accordance with the FOI Act, I request the release of the document titled "External Labour Savings measure" referenced in the document Secretary / Minister Brief Titles - Budget 2024-25, released in FOI 24/004 and FOI/005 (Document 1).

Original decision

On 4 October 2024, Finance notified you of the decision maker's decision to refuse access to the document within the scope of your request.

The decision maker found the document exempt in full under paragraph 47E(d) of the FOI Act on the basis that the release of the document would have a substantial adverse effect on the proper and efficient conduct of the operations of Finance.

Request for internal review

On 21 October 2024, you sought internal review of Finance's decision for the following reasons:

- Senate Estimates briefs have been provided under FOI on numerous previous occasions, for example:
- <https://www.finance.gov.au/about-us/freedom-information/disclosure-log/foi-foi-23-24/047>
 - <https://www.finance.gov.au/about-us/freedom-information/disclosure-log/foi-foi-22/103>

They do not predominantly contain information that is confidential, and if there is incidental confidential information included in them, this can be easily redacted.

I consider that you have requested a review of an access refusal decision under section 54 of the FOI Act. The purpose of this letter is to provide you with notice of my decision under section 54C of the FOI Act.

Authorised decision-maker

I am authorised by the Secretary of Finance and section 23(1) of the FOI Act to make decisions in relation to FOI requests.

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

Internal Review Decision

I have decided to vary the original decision and release one document in part with only irrelevant information redacted under section 22 of the FOI Act.

Material taken into account

In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based, and the reasons for my decision to grant access to the document follows.

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

- the terms of your FOI request and your request for internal review;
- the content of the document that falls within the scope of your request;
- the relevant provisions of the FOI Act, including sections 3, 11 and 11A;
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines)¹.

Reasons for decision

I have decided to grant part access to the material within scope of your request, subject to the following provision of the FOI Act.

Section 22 - Irrelevant information removed from the document

Section 22 of the FOI Act relevantly provides:

(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...

¹ <https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines>

On 11 September 2024, Finance advised you:

Finance has adopted a policy to generally exclude from any documents released under FOI, 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). Finance has also adopted a policy to exclude signatures and mobile phone numbers from any documents released under FOI (unless publicly available). Finance's preference is to reach agreement with FOI applicants to exclude these details from the scope of the request. Where there is no objection, the names and contact details of junior officers, as well as any signatures and mobile phone numbers appearing in identified documents, will be redacted under section 22 of the FOI Act on the basis that these details are irrelevant to the request.

The document contains the name and contact details of junior staff. Therefore, the document within scope of your request contains information which is not relevant to your request under paragraph 22(a) of the FOI Act. Finance has prepared an edited copy of the document that has removed this information in accordance with paragraph 22(b) of the FOI Act.

Review and appeal rights

You are entitled to request 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**.

Information Publication Scheme

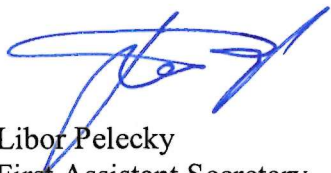
The Information Publication Scheme requires an agency to publish information released in response to individual requests made under the FOI Act, except in specified circumstances.

I am of the view that details of your request should be made available on the Department's FOI Disclosure Log, which can be accessed at <https://www.finance.gov.au/about-us/freedom-information/disclosure-log>.

Finance only publishes details of the FOI request and the documents released in response to the request, and does not publish details of FOI applicants.

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

Yours sincerely,



Libor Pelecky
First Assistant Secretary
A/g First Assistant Secretary for the Budget Policy and Data Division
Department of Finance
22 November 2024



Australian Government

Department of Finance

Your Review Rights

Legislation

A copy of the FOI Act is available at: <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

Information Commissioner review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within **60** calendar days of this notice.

For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

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 Information Commissioner within **30** calendar days of being notified of our decision to release your information.

The OAIC asks that you commence a review by completing their online form which is available on their website.

Your review 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

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

Phone: 1300 363 992 (local call charge).

Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)

Email: enquiries@oaic.gov.au

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There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Finance as the relevant agency.

