



14 July 2023  
FOI ref: 3385

Glen Torr  
By email: [foi+request-10355-88c53dff@righttoknow.org.au](mailto:foi+request-10355-88c53dff@righttoknow.org.au)

Dear Mr Torr

### **FREEDOM OF INFORMATION REQUEST – DECISION**

I refer to your request to the Department of Finance of 31 May 2023, transferred to the Treasury on 16 June 2023, for access under the *Freedom of Information Act 1982 (FOI Act)* to:

*...full copies of ALL non-disclosure agreements signed by Peter Collins of Price Waterhouse Cooper.*

I am an authorised decision maker under section 23 of the FOI Act.

#### ***Decision***

The Treasury has identified documents within scope of your request. I have decided to refuse access to these documents in full under section 37(1)(a) of the FOI Act. The reasons for my decision follow.

#### ***Material Considered***

The material to which I have had regard in making this decision includes the scope of the request, the content of the documents subject to your request, the relevant provisions in the FOI Act and Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**) and advice from subject matter experts within the Treasury.

#### ***Reasons for decision***

##### **Section 37(1)(a) - law enforcement**

Section 37(1)(a) of the FOI Act relevantly provides a document is exempt if its disclosure would, or could reasonably be expected to, prejudice the conduct of an investigation of a breach, or possible breach, of the law, or prejudice the enforcement or proper administration of the law in a particular instance.

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Langton Crescent  
Parkes ACT 2600  
Australia

P 461 2 6263 2800

The matter of Mr Collins is under investigation by the Australian Federal Police. The requested documents go to the heart of that investigation, which is confidential in nature. Public disclosure and debate about these documents could compromise their evidentiary value to the investigation and in any subsequent enforcement proceedings. I have therefore decided they are exempt in full under section 37(1)(a) of the FOI Act.

***Rights of Review***

A statement setting out your review rights regarding my decision is attached.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Susan Bultitude', with a long horizontal flourish extending to the right.

Susan Bultitude  
Principal Adviser  
Corporate and International Tax Division

## INFORMATION ON RIGHTS OF REVIEW

### 1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the FOI Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

An application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

An application for a review of the decision should be emailed to [FOI@Treasury.gov.au](mailto:FOI@Treasury.gov.au).

**OR**

### 2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the FOI Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

An application for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

**AND/OR**

### 3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the FOI Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.

