



28 October 2015

Cail Young

Email: foi+request-1226-6eedd891@righttoknow.org.au

**Request for review:
Contents of RSM Bird Cameron review of Producer Offset**

Dear Mr Young,

Thank you for your email requesting an internal review of our decision not to give you access to RSM Bird Cameron's review of the Producer Offset Program.

I am the Chief Operating Officer of Screen Australia, and I reviewed Jane Supit's decision (which she sent to you on 28 September 2015). Having looked at the document you're requesting, and the FOI Act, I've decided that we still can't release it to you. However, my reasoning is different from Ms Supit's, and I've explained it below.

I've decided that the document is a conditionally exempt document according to Section 47E of the FOI Act. This section of the Act says that a document is conditionally exempt if disclosing it could:

- prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by Screen Australia (section 47E(a))
- prejudice the attainment of the objects of particular test, examinations or audits conducted or to be conducted by Screen Australia (section 47E(b))
- have a substantial adverse effect on the proper and efficient conduct of the operations of Screen Australia (section 47E(d))

Documents that are conditionally exempt still have to be released, unless their release would be against the public interest. In this case, however, I've decided that releasing this document would be against the public interest. In making this decision, I've weighed up the following factors:

Factors against disclosure:

- That disclosure could reasonably be expected to prejudice the effectiveness of testing or auditing procedures
- That disclosure could reasonably be expected to prejudice Screen Australia's ability to obtain confidential information

- That disclosure could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Auditor-General
- That disclosure could reasonably be expected to prejudice the management function of Screen Australia

Factors in favour of disclosure:

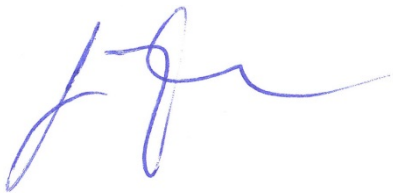
- That disclosure would promote the objects of the FOI Act, including informing the community of the Government's operations and enhancing the scrutiny of government decision making
- That disclosure would promote effective oversight of public expenditure

Overall, I've determined that the factors against disclosure outweigh the factors favouring disclosure. On balance, therefore, release of the document would be contrary to the public interest. This means that I am refusing access to the document according to the FOI Act.

Because of this refusal, you have certain rights of review. You can find these below.

I hope this letter is clear, but if it is not, please do not hesitate to get in contact with me.

Yours sincerely



Fiona Cameron

Chief Operating Officer

Rights of Review

External review - the Information Commissioner

1. Following this internal review, you may seek a review of my decision by the Australian Information Commissioner (**AIC**) in accordance with paragraph 2 below. The Office of the AIC can be contacted by email at enquiries@oaic.gov.au, or by telephone on 1300 363 992. Requests to the AIC for review must be made in writing. The AIC's addresses are GPO Box 2999, Canberra ACT 2601, or GPO Box 5218, Sydney NSW 2001.
2. You will be entitled to make an application within a further 60 days to the AIC for a review of the original decision.
3. A party to a review to the AIC may appeal to the Federal Court of Australia, on a question of law, from a decision of the AIC.
4. If the AIC confirms the original decision, or declines to review your case because it is satisfied that the interests of the administration of the FOI Act make it desirable that the decision be considered by the Administrative Appeals Tribunal (**AAT**), you may apply to the AAT (see below) for review of the decision.

The Administrative Appeals Tribunal

5. The AAT is a completely independent review body with the power to make a fresh decision in response to your request.
6. Your application to the AAT should be accompanied by an application fee (currently \$861) unless you are granted legal aid or you come within an exempt category of persons. The AAT Registrar or Deputy Registrar may waive the fee on the ground that its payment would impose financial hardship on you. The fee may be refunded where you are successful. The Tribunal cannot award costs either in your favour or against you, although it may in some circumstances recommend payment by the Attorney-General of some or all of your costs.
7. Further information is available from the AAT Registry, telephone 1300 366 700.

Complaints to the Commonwealth Ombudsman

8. You may complain to the Ombudsman concerning action taken by Screen Australia in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will make a completely independent assessment of your complaint.
9. You may complain to the Ombudsman either orally or in writing. The Ombudsman's address is:

Commonwealth Ombudsman
GPO Box 442
Canberra ACT 2601

Telephone: 1300 362 072
10. You may wish to consult with the Ombudsman's office as to whether it is preferable to seek internal review prior to seeking the assistance of the Ombudsman.