



Anonymous

Via email to: foi+request-12775-4xxxxxx@xxxxxxxxxx.xxx.xx

Dear Anonymous

Freedom of Information Request LEX 52778 – Decision on access

I refer to the *Freedom of Information Act 1982 (FOI Act)* request to the Department of Social Services (**Department**) on 28 January 2025. The request, which has been revised by agreement, seeks access to:

a copy of the agreed work plan for People with Disability Australia for the Disability Representative Organisations Program 2024-26. I would like to know the nature and timeframe of the agreed deliverables relating to the LGBTQIA+ community.

I am authorised to make decisions in respect of FOI requests under subsection 23(1) of the FOI Act.

Decision

I have decided to grant partial access to the document sought by the request as it contains material that is:

- conditionally exempt under section 47E(d) (certain operations of an agency) of the FOI Act and access to that material would be contrary to the public interest; or
- irrelevant to the request and deleted under section 22 of the FOI Act.

The document and my decision in relation to it is set out in the Schedule of Documents at **Attachment A (Schedule)**.

The reasons for my decision are set out in the Statement of Reasons at **Attachment B**.

Review rights and complaints

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment C**.

Publication

Section 11C of the FOI Act requires agencies to publish details on how to access documents released in response to FOI requests on their website within 10 days of release unless except where that publication would be unreasonable.

The document released in response to this request do not contain any information that would be unreasonable to publish. As a result, details on how to access it will be published on the Department's disclosure log within 10 days of this decision.

Contact

If you would like to discuss any aspect of my decision, please contact me at foi@dss.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sarah B', written in a cursive style.

Sarah B

Authorised FOI Decision Maker

27 March 2025

Attachments

A – Schedule of Documents

B – Statement of Reasons

C – Review rights

SCHEDULE OF DOCUMENTS

Doc No	Description of document	Decision
1	<i>Activity Work Plan</i> Organisation Name: People with Disability Australia Ltd Grant Activity Name: Disability Representative Organisation	<i>Release in part</i> Section 22 – signature of PWDA employee; name and signature of departmental staff. Section 47E(d) – adverse effect on the operations of an agency.

STATEMENT OF REASONS

Material on which the decision is based

1. I relied on the following material in coming to this decision:
 - the terms of the FOI request;
 - the documents subject to the FOI request;
 - advice from subject matter experts within the Department regarding the nature and sensitivity of the document subject to the request;
 - the FOI Act;
 - responses from the third party consulted in the course of processing the request; and
 - the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Section 22 – Irrelevant material

2. Under section 22 of the FOI Act, the Department may delete material from documents that it considers irrelevant to the scope of your request.
3. At the outset of this request you agreed to exclude the following information from its scope:
 - a) group email addresses used for internal departmental purposes;
 - b) all personal information of members of the public;
 - c) all personal information of non-Senior Executive Service (SES) government staff; and
 - d) all personal information of SES level government staff with the exception of the names of the Department's SES staff.
4. Where present in the documents, this information has been deleted under section 22 of the FOI Act.

Section 47E(d) – Adverse effect on the operations of an agency

5. Section 47E(d) of the FOI Act provides that a document is conditionally exempt if its disclosure would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency. Access to the conditionally exempt document may only be withheld where it is contrary to the public interest.
6. The document subject to the request (as identified in the Schedule) contains the details of planned future expenditure across multiple financial years and the names of third-party organisations that the PWDA is considering for future engagement. If this information were disclosed in response to this request, it would reveal PWDA's itemised budget, providing granular detail on how it intends to use the grant funds, which if disclosed could be used by service providers to gain an unfair competitive advantage in developing and providing quotes for goods and services to them. Disclosure of this information could reasonably also adversely affect PWDA's ability to manage the delivery of the grant activity by publicly disclosing options and intentions for it that are not yet finalised. The combination of these two effects would have a substantial adverse effect on the Department's grant function, as it would cause grantees to use taxpayer funds less efficiently and in some circumstances, prevent or delay the delivery of the grant activity.
7. For the reasons above I am satisfied that disclosure of this information at this time would have a substantial adverse effect on the operations of the Department, specifically its grant function and therefore is conditionally exempt under section 47E(d) of the FOI Act.

8. When considering whether access to this conditionally exempt material is contrary to the public interest, I acknowledge that access would inherently promote the objects of the FOI Act, demonstrating full transparency of government. However, providing access would affect the efficient administration of the grant and the Department's grant function for the reasons set out above. This adverse effect outweighs any benefit that could flow from disclosing that information.
9. As a result, I am satisfied that access to the conditionally exempt information would be contrary to the public interest, and have decided to withhold access to it.

INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker within the Department. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@dss.gov.au.

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.