



12 December 2016

Our reference: LEX 23413

Mr Ben Fairless

By email: [foi+request-2552-4559781f@righttoknow.org.au](mailto:foi+request-2552-4559781f@righttoknow.org.au)

Dear Mr Fairless

### **Decision on your Freedom of Information request - Full Access**

I refer to your request dated 3 November 2016 and received by the Department of Human Services (the **department**) on the same date for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

*'a copy of the current FOI Delegations, and any related directions issued in respect of FOI.'*

#### **Charges**

On 11 November 2016, the department issued a notice advising you that you were liable to pay a charge for the processing of your request. On 12 November 2016 you made a submission to the department contesting the imposition of charges. I have considered your submission regarding the charge. I do not accept that the requested documents constitute 'operational information' within the meaning of section 8A of the FOI Act. However, I have decided to waive the charge in this matter under section 29(4) the FOI Act.

#### **My decision**

The department holds two documents (totalling 6 pages) that relate to your request.

I have decided to grant you **full access** to both documents (documents 1 and 2).

Information that is outside the scope of your request has been removed from document 2 in accordance with section 22(1) of the FOI Act.

#### **How we will send your documents to you**

The documents are attached.

#### **You can ask for a review of our decision**

If you disagree with any part of my decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the department or an Australian Information Commissioner review. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

**Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au) .

Yours sincerely

Clara  
Authorised FOI Decision Maker  
FOI Legal Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services



**ATTACHMENT A**

**LIST OF DOCUMENTS FOR RELEASE**  
**RIGHT TO KNOW - FAIRLESS, BEN, MR - LEX 23413**

<b>Doc No.</b>	<b>Pages</b>	<b>Date</b>	<b>Description</b>	<b>Comments</b>
1.	1-3	1 July 2011	FOI Authorisations	
2.	4-6	14 September 2016	Secretary's Management Direction (Delegations and Authorisations) No 2 of 2016	Information out of scope has been removed under section 22 from page 3.



## Attachment B

# INFORMATION ON RIGHTS OF REVIEW

## ***FREEDOM OF INFORMATION ACT 1982***

### **Asking for a full explanation of a Freedom of Information decision**

Before you ask for a formal review of an FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

### **Asking for a formal review of a Freedom of Information decision**

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Department of Human Services (the department); and/or
2. the Australian Information Commissioner.

**Note 1:** There are no fees for these reviews.

### **Applying for an internal review by an Internal Review Officer**

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

**Note 2:** You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

### **Applying for external review by the Australian Information Commissioner**

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the department within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Note 3:** The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

**Important:**

- If you are applying online, the application form the 'Merits Review Form' is available at [www.oaic.gov.au](http://www.oaic.gov.au).
- If you have one, you should include with your application a copy of the Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department's decision.

**Complaints to the Information Commissioner and Commonwealth Ombudsman**

***Information Commissioner***

You may complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)

***Commonwealth Ombudsman***

You may also complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072  
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.