



Statement of reasons made under the *Freedom of Information Act 1982*

Decision and reasons for decision of Carl Murphy, Chief Operating Officer, Corporate Services

Applicant: Mr Jackson Gothe-Snape
Decision date: December 2016
FOI reference number: 17-49
Documents: 2016-2017 Supplementary Budget Estimates

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Summary

1. I have made a decision to release the documents subject to your request in full.

Authority to make this decision

2. I, Carl Murphy, Chief Operating Officer, am an officer authorised by the Secretary of the Department of Infrastructure and Regional Development (the Department) to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

Background

3. On 15 November 2016, you made a request for access to documents in the possession of the Department. Your request sought access to:

“the topics list for briefs created in preparation for hearings of Senate 2016-2017 Supplementary Budget Estimates”.

Documents subject to this request

4. The Department has undertaken a search of its records and has identified one document that falls within the scope of your request. The document is listed at schedule 1.

Decision

5. I have made a decision to release the documents subject to your request in full.

Access to documents

6. The document released to you in accordance with the FOI Act is enclosed.

Your rights of review

7. If you disagree with your FOI decision, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).

Internal Review

8. You can ask the Department to review its decision in relation to access to documents. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:

Post: FOI Coordinator
Department of Infrastructure and Regional Development
GPO Box 594, Canberra ACT 2601
Fax: (02) 6275 1347
Email: FOI@infrastructure.gov.au

Information Commissioner Review

9. The OAIC is an independent office that can review the decisions of agencies and ministers under the FOI Act and investigates complaints about agency actions.
10. You can ask the OAIC to review the Department's decision. You do not need to seek an internal review from the Department before seeking a review from the OAIC. However, going through the Department's internal review process gives us the opportunity to reconsider the initial decision and your needs may be met more quickly without undergoing an external review process.
11. The OAIC's review is free. You must apply to the OAIC within 60 days of being given notice of the decision. You can ask the OAIC for an extension of time to apply, and this may be granted if it considers it is reasonable in the circumstances.
12. You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au

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

Facsimile: (02) 9284 9666

Email: <enquiries@oaic.gov.au>

In person: Level 3, 175 Pitt Street, Sydney, NSW 2000

More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-factsheets/foi-factsheet-12-your-review-rights.

Contacts

13. If you wish to discuss this decision, please contact the Department's FOI coordinator on (02) 6274 6495 or via email at <FOI@infrastructure.gov.au>.



Carl Murphy
Chief Operating Officer
Corporate Services

6 December 2016



Australian Government

Department of Infrastructure and Regional Development

FOI
Schedule 1

Schedule of documents

Applicant: Mr Jackson Gothe-Snape

Decision date: December 2016

FOI reference number: 17-49

Documents: 2016-2017 Supplementary Budget Estimates

Document reference	Date of document	Author	Document description	Decision
1	October 2016	Department of Infrastructure and Regional Development	2016-17 Supplementary Budget Estimate Hearings - October 2016 Briefs.	Release in full



Schedule of relevant provisions in the FOI Act

3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
 - (a) requiring agencies to publish the information; and
 - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
 - (a) increasing public participation in Government processes, with a view to promoting better-informed decision-making;
 - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
 - (a) a document of an agency, other than an exempt document; or
 - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
 - (a) any reasons the person gives for seeking access; or
 - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.

(2) This section applies subject to this Act.

Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:

- (a) section 12 (documents otherwise available);
- (b) section 13 (documents in national institutions);
- (c) section 15A (personnel records);
- (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

(3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

(4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

(5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

(6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:

- (a) a conditionally exempt document; and
- (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of *exempt document* in subsection 4(1).

23 Decisions to be made by authorised persons

- (1) Subject to subsection (2), a decision in respect of a request made to an agency may be made, on behalf of the agency, by the responsible Minister or the principal officer of the agency or, subject to the regulations, by an officer of the agency acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the responsible Minister or the principal officer of the agency.
- (2) A decision in respect of a request made to a court, or made to a tribunal, authority or body that is specified in Schedule 1, may be made on behalf of that court, tribunal, authority or body by the principal officer of that court, tribunal, authority or body or, subject to the regulations, by an officer of that court, tribunal, authority or body acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the principal officer of that court, tribunal, authority or body.

**DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT
2016-17 SUPPLEMENTARY BUDGET ESTIMATES HEARINGS
OCTOBER 2016 BRIEFS**

DIVISION and TITLE	PDR NO.
CORPORATE SERVICES (3)	CORP
Budget Funding*	SB16-000079
Staffing Profile	SB16-000080
Advertising Campaigns	SB16-000081
INFRASTRUCTURE INVESTMENT (23)	II
Infrastructure Investment Overview*	SB16-000082
2016 Budget*	SB16-000083
Infrastructure Australia – the Australian Infrastructure Plan	SB16-000084
Infrastructure Investment Program – Election Commitments*	SB16-000085
Community Development Grants – Election Commitments*	SB16-000086
Value Capture Discussion Paper	SB16-000087
Funding and Financing	SB16-000088
Western Sydney Infrastructure Plan*	SB16-000089
WestConnex*	SB16-000090
Pacific Highway*	SB16-000091
Victorian Programme*	SB16-000092
Bruce Highway*	SB16-000093
M1/Pacific Motorway*	SB16-000095
Northern Australia Roads Package	SB16-000096
Northern Australia Beef Roads	SB16-000097
Cape York Region Package*	SB16-000098
Perth Freight Link*	SB16-000099
Moreton Bay Rail Link*	SB16-000100
Inland Rail*	SB16-000101
Australian Rail Track Corporation*	SB16-000102
National Stronger Regions Fund – Round Three*	SB16-000103
Stronger Communities Programme*	SB16-000104

**DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT
2016-17 SUPPLEMENTARY BUDGET ESTIMATES HEARINGS
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Building Better Regions Fund	SB16-000113
AVIATION & AIRPORTS (9)	AAA
Hobart International Airport Runway Extension Contribution*	SB16-000122
PFOS/PFOA at Federally Leased Airports	SB16-000123
Greenhouse Gas Emissions from International Aviation	SB16-000124
Qantas	SB16-000125
Virgin Australia	SB16-000126
Regional Aviation Programmes*	SB16-000127
Aviation Safety Regulation Review - Implementation	SB16-000128
Airservices Australia – One SKY Project	SB16-000129
Ex-Gratia Rates Paid by Airports to Local Governments	SB16-000130
WESTERN SYDNEY UNIT (3)	WSU
Western Sydney Airport*	SB16-000114
Western Sydney Airport - Airport Plan and EIS	SB16-000108
Rail – Western Sydney Airport*	SB16-000115
POLICY AND RESEARCH (6)	PAR
High Speed Rail	SB16-000106
Cities	SB16-000107
Red Tape Reduction*	SB16-000109
Road User Charging	SB16-000110
Australian Cycling Strategy Review	SB16-000111
Regional Jobs and Investment Packages	SB16-000112
SURFACE TRANSPORT POLICY (7)	STP
Coastal Shipping Reform	SB16-000132
AMSA Cost Recovery Consultation	SB16-000133
Tasmanian Freight Equalisation Scheme*	SB16-000134
Road Safety	SB16-000135
Abolition of the Road Safety Remuneration Tribunal*	SB16-000136
<i>Motor Vehicle Standards Act 1989</i> Reform implementation	SB16-000137

**DEPARTMENT OF INFRASTRUCTURE AND REGIONAL DEVELOPMENT
2016-17 SUPPLEMENTARY BUDGET ESTIMATES HEARINGS
OCTOBER 2016 BRIEFS**

Vehicle Emissions	SB16-000138
OFFICE OF TRANSPORT SECURITY (5)	
Front of House Security	SB16-000131
Strengthening Air Cargo Security	SB16-000139
Foreign Ships (including the use of so-called 'Flag of Convenience' Ships) in Australia	SB16-000140
Strengthening the ASIC and MSIC Schemes	SB16-000141
ANAO Audit – Passenger Security Screening	SB16-000142
LOCAL GOVERNMENT AND TERRITORIES (6)	LGT
Norfolk Island Funding and Hot Issues*	SB16-000116
Financial Assistance Grants for Local Government*	SB16-000117
Regional Development Australia Committees*	SB16-000118
Jervis Bay Territory Service Delivery and Hot Issues*	SB16-000119
Indian Ocean Territories Service Delivery and Funding*	SB16-000120
Indian Ocean Territories – Hot Issues	SB16-000121

*Titles marked with an * indicate briefs containing financial information*