



Australian Government

Attorney-General's Department

Deputy Secretary

Civil Justice and
Corporate Group

FOI17/042; 17/2899

Mr James Smith

By email: foi+request-3151-d5bb.1262@righttoknow.org.au

Dear Mr Smith

Freedom of Information Request no. FOI17/042 – internal review

The purpose of this letter is to advise you of my decision following your request for internal review of the Attorney-General's Department's decision to refuse access to documents you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Iain Anderson, Deputy Secretary, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests made to the Attorney-General's Department.

You requested access to documents relating to enterprising bargaining ballots on 26 February 2017. Specifically you sought access to:

'All documents wherein the outcome of any enterprise bargaining ballots were communicated to the department by the entity who undertook the ballots This shall include the YES/NO vote amounts or percentages as well as any additional information related to the vote. For example, a breakdown of the vote by employee location, or APS level. The scope of this request covers any such documents that were received as a result of EBA offers made to staff under the Workplace Bargaining Policy 2015 or the Australian Government Public Sector Workplace Bargaining Policy 2014.'

You were advised on 30 March 2017 by Ms Helen Daniels, Assistant Secretary, Human Resources, of the department's decision to:

- **grant access in part** to document 1 with an exemption under section 47F (*public interest conditional exemption – personal privacy*)
- **grant access in part** to document 2 with exemptions in part under:
 - section 47E (*public interest conditional exemption – certain operations of agencies*)
 - section 47F (*public interest conditional exemption – personal privacy*)
- **grant access in part** to document 3 with irrelevant matter deleted under section 22 and with an exemption under section 47F (*public interest conditional exemption – personal privacy*), and

- **grant access in part 4** with irrelevant matter deleted under section 22 and with exemptions under:
 - section 47E (*public interest conditional exemption – certain operations of agencies*)
 - section 47F (*public interest conditional exemption – personal privacy*).

On 31 March 2017, you emailed the department to seek internal review of that decision. In particular, you requested internal review of Ms Daniels' decision to refuse access to the breakdown of votes in documents 2 and 4 under section 47E of the FOI Act.

I note that you have not sought a review of Ms Daniels' decision in relation to information redacted under sections 22 and 47F of the FOI Act.

Decision and reasons for decision

On review, I have decided to vary the original decision and release the information in documents 2 and 4 that was previously redacted under section 47E.

These documents will be provided to you under this internal review decision as document 2 and document 4 without the redactions made under section 47E.

Material taken into account

I have taken the following material into account in making my decision:

- your application for internal review
- the content of the documents that fall within the scope of your request
- the FOI Act (specifically sections 22 and 47E), and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Information Commissioner review

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <<https://forms.business.gov.au/aba/oaic/foi-review-/>>
email: enquiries@oaic.gov.au
post: GPO Box 5218, SYDNEY NSW 2001
in person: Level 3, 175 Pitt Street, SYDNEY NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website: <<http://www.oaic.gov.au/freedom-of-information/foi-reviews>>.

Questions about this decision

If you wish to discuss this decision, please contact Monique, FOI case manager on (02) 6141 6666 or by email at foi@ag.gov.au.

Yours sincerely



Iain Anderson
1 May 2017

Attachments

1. Schedule of documents
2. Documents 2 and 4, with previous redactions under section 47E removed