



Australian Government

Department of Education and Training

Mr Jackson Gothe-Snape
Right to Know

By email: foi+request-3798-bdd76633@righttoknow.org.au

Dear Mr Gothe-Snape

I refer to your correspondence received by the Department of Education and Training (the department) on 8 August 2017 in which you sought access under the *Freedom of Information Act 1982 (Cth)* (the FOI Act) to:

'Can you please provide the budgets, menus, expenses, invoices, receipts, credit card statements and reimbursements for the most expensive event attended by a Minister or Assistant Minister in your Department's portfolio area in 2016-17.'

On 17 August 2017, the department wrote to you and advised that the scope of your request was unclear. The department advised that it is not responsible for the costs associated with all events attended by Ministers in the Education and Training portfolio. The department also directed you to the publicly available information on parliamentarians' expenditure as well as to the Independent Parliamentary Expenses Authority (IPEA). The department advised you that it intended to consider your request to be withdrawn unless you advised otherwise by COB Friday 18 August 2017.

On 22 August 2017, you made a further request in the following terms:

'Can you please provide the budgets, menus, expenses, invoices, receipts, credit card statements and reimbursements for the most expensive event attended by a Minister or Assistant Minister in your Department's portfolio area in 2016-17. 'Most expensive event' shall be determined only by expenses paid - directly or through reimbursement - by the Department.'

On 29 August 2017, the department wrote to you advising that we were unable to process your request as the scope of the request was unclear. The department identified the areas where clarification was required and again directed you to the publicly available information, as well as to the IPEA. The department advised that it intended to consider your request to be withdrawn unless you advised otherwise by COB Friday 1 September 2017.

On 31 August 2017, you responded to the department's correspondence as follows:

'... how does your financial management system record events, launches, functions and occasions of this type?'

In response to your question of 31 August 2017, the department's financial systems record expenditure against a range of types, including hospitality, but they do not record whether a Minister or Assistant Minister was involved in a particular event.

Clarification of the scope of your request

Following the department's correspondence with you, it is still unclear what documents you are seeking to access. Accordingly, I am writing to you to begin a request consultation process under section 24AB of the FOI Act to assist in clarifying the scope of your request.

I am an authorised decision maker under section 23 of the FOI Act. I am writing to you under subsection 24AB(2) to notify you of my intention to refuse your request, because I am satisfied that a practical refusal reason exists under subsection 24AA(1). This is because your request, as currently worded, does not satisfy the requirements of subsection 15(2)(b) of the FOI Act. That is, it does not provide sufficient information to enable the department to identify the information to which you are seeking access.

As we indicated in our previous correspondence to you dated 17 August 2017 and 29 August 2017, it is unclear whether you are referring to events attended and hosted by the Minister/Assistant Minister; events attended by the Minister/Assistant Minister and organised by the department; or events attended by the Minister/Assistant Minister and organised by a third party.

As previously advised, as the department holds limited information on events attended by the Minister or Assistant Minister or may only pay for certain expenses associated with an event, it is not sufficiently clear from your request on what criteria an event would constitute the 'most expensive'. Further, it is unclear whether you are referring to the portion of the event costs applicable to the Minister or Assistant Minister's attendance, or whether you are referring to the total cost of the event.

The department is not responsible for the costs associated with all events attended by the Minister or Assistant Minister nor is it responsible for reporting on associated expenditure. The department has advised you of the publicly available information available on the Department of Finance website as well as the role of the IPEA in relation to parliamentarians' work and travel expenses. You may wish to consider the publicly available information or approach the IPEA for the information you are seeking.

Request consultation process (section 24AB)

Before making a decision to refuse your request on the above grounds, I am required by sections 15(3)(b) and 24AB(3) of the FOI Act to assist you and provide you with an opportunity to make submissions in support of your request as currently worded, or to clarify or revise the scope of your request, so that the practical refusal reason will no longer exist.

You have **14 days** from the day you receive this letter to contact me and do one of the following:

- (a) withdraw your request;
- (b) make a revised request; or
- (c) indicate that you do not wish to revise the request.

You can contact me by email at foi@education.gov.au or by writing to the following address:

Attention: Emily Virtue
Schools, Child Care and Corporate Legal Branch
Department of Education and Training
Location Code: C50MA10
GPO Box 9880
CANBERRA ACT 2601

If you do not contact the department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Emily Virtue'.

Emily Virtue
Principal Government Lawyer
Schools, Child Care and Corporate Legal Branch

8 September 2017