

## Julie (Right to Know)

### Julie (Right to Know)

LEX ID	24057	Outcome	Refused
DVA file number		Charges notified (\$)	0.00
Applicant name	FOI - Julie (Right to Know)	Charges collected (\$)	0.00
DVA officer	Canberra - Leia <span style="background-color: black; color: red;">s 47E(c) &amp; (d)</span>	Date received/valid	17 August 2018
Source	3. Email	Date dcn	
Group	FOI Primary	notif'd/wdn/trsf	
PPI	No	Date finalised	17 September 2018
File request	Not required	Access level	Unrestricted
Practical refusal reasons	N/A	Date created	22 August 2018
Response time	0-30 days	Last updated	5 November 2018
Disclosure log	N/A	Due date	17 Sep 2018
Status	Finalised	Days running	31
		Days to go (if clock running)	
		Days running beyond timeframe (if clock stopped)	0

**Client/Rep details** Julie (Right to Know)

foi+request-4748-b310769c@righttoknow.org.au

**Scope/Notes** OUTCOME:  
Three (3) docs ID'd. Access RIF (s 45).

REQUEST:  
Dear Department of Veterans' Affairs,

I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.

Any document not involving sign-off/approval below SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).

Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.

Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.

Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.

Yours faithfully,

Julie

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Correction to scope - REMOVE

Any document not involving sign-off/approval below SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).

REPLACE WITH

Any document not involving sign-off/approval \*at\* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).

#### File notes

Date	Type	DVA officer	Timeframe days
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s 22

19 Sep 2018	1. File note	Amy [REDACTED]	
Applicant has sought IR of this decision. Registered as FOI 24563. Nick allocated.			

18 Sep 2018	1. File note	Amy [REDACTED]	
Emails sent from applicant			

17 Sep 2018	s45 - Material obtained in confidence	Leia [REDACTED]	
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17 Sep 2018	4. Clock stop	Leia [REDACTED]	
Clock stopped. Reason: Decision issued to applicant by email 17/9/18			

17 Sep 2018	1. File note	Leia [REDACTED]	
Decision issued to applicant. Three (3) docs, all fully exempt under s 45.			

17 Sep 2018	1. File note	Leia [REDACTED]	
Called BA to discuss detriment is released. He explained procurement process & the sensitivities re scoping research etc. If released it would give other research bodies an unfair advantage etc. Noted we do not have time to consult with 3P now. Also advised the docs were not signed by SES and would then not be in scope. Most would not be as EL2 sign off for these. I advised am including as in scope as the DOA etc were sent to parties by SES. Strict reading of scope would result in no docs, but I believe these are the docs the applicant seeks. Also saves having to get applicant to register new FOI.			

Review of docs provided, spoke with George about this FOI, re next steps & decision. Advice as follows:

Agreed to include in scope.

DOA - note clause 15 at page 13 - confidential information not to be disclosed

Does not note FOI as an exception to disclosure - T&C of agreement are intended to be confidential - consent required to release. Not reasonable it would be given. To proceed and apply s 45.

6 Sep 2018      1. File note      Amy [REDACTED]

Search result - CESS - docs identified - 2 main emails attached to response. Advice is that the docs contain a lot of sensitive information, redactions to be made. consider.

To talk with George.

3 Sep 2018      1. File note      Amy [REDACTED]

Search result - NIL from ESGRD

30 Aug 2018      1.2 File note/email      Amy [REDACTED]

Search request sent to ESGRD & CESS

22 Aug 2018      8. Acknowledgment Letter      Amy [REDACTED]

By email

17 Aug 2018      1. File note      Amy [REDACTED]

Correction to scope

17 Aug 2018      5. Clock start      Amy [REDACTED]

Clock started

**s 22**

**From:** [REDACTED] Linda on behalf of INFORMATION.ACCESS  
**Sent:** Wednesday, 22 August 2018 10:14 AM  
**To:** Information.Law  
**Cc:** INFORMATION.ACCESS  
**Subject:** FW: Freedom of Information request - FOI - Veteran Mates Program - Services Agreement / Scope / Deliverables Documents [TO BE CLASSIFIED] [DLM=For-Official-Use-Only]  
  
**Categories:** Amy

Hi Information Law

Please see to the following.

Regards.

Linda [REDACTED]  
Assistant Information Access Officer  
National Information Access Processing Team (NIAPT) Department of Veterans' Affairs Tel : [REDACTED] s 47E(c) & (d) Fax: (02) 9213 7400

-----Original Message-----

From: Julie [mailto:foi+request-4748-b310769c@righttoknow.org.au]  
Sent: Friday, 17 August 2018 9:41 PM  
To: FOI <AMBFOI@dva.gov.au>  
Subject: Freedom of Information request - FOI - Veteran Mates Program - Services Agreement / Scope / Deliverables Documents [TO BE CLASSIFIED]

Dear Department of Veterans' Affairs,

I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.

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Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.

Yours faithfully,

Julie

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Please use this email address for all replies to this request:  
[foi+request-4748-b310769c@righttoknow.org.au](mailto:foi+request-4748-b310769c@righttoknow.org.au)

Is [foi@dva.gov.au](mailto:foi@dva.gov.au) the wrong address for Freedom of Information requests to Department of Veterans&#x27; Affairs? If so, please contact us using this form:  
[https://www.righttoknow.org.au/change\\_request/new?body=dva](https://www.righttoknow.org.au/change_request/new?body=dva)

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:  
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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**From:** s 47E(c) & (d) Amy on behalf of Information.Law  
**Sent:** Wednesday, 22 August 2018 3:05 PM  
**To:** 'foi+request-4748-b310769c@righttoknow.org.au'  
**Cc:** Information.Law  
**Subject:** Acknowledgement of FOI Request – FOI 24057 [DLM=For-Official-Use-Only]

Dear Julie,

Acknowledgement of FOI Request – FOI 24057

I refer to your request to access information held by our Department under the *Freedom of Information Act 1982* (FOI Act). The Department received your request on 17 August 2018. In accordance with section 15(5)(b) of the FOI Act, the Department has 30 days to process your request. As such, a decision on your request is due by 17 September 2018.

If you have any questions about your FOI matter, please contact us using the following details:

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601  
**Facsimile:** (02) 6289 6337  
**Email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

In all communications please quote reference **FOI 24057**.

Kind Regards,

Information Law | Legal Services & Assurance Branch  
Department of Veterans' Affairs  
GPO Box 9998 Canberra ACT 2601  
E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)





**From:** [REDACTED] Amy on behalf of Information.Law  
**Sent:** Thursday, 30 August 2018 11:09 AM  
**To:** ESGRD.DIVISION.SUPPORT; CESS.COORD  
**Cc:** Information.Law  
**Subject:** Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]  
**Attachments:** Document Schedule where more than 10 documents are identified.docx

Good morning,

## Re: Search request for documents related to FOI 24057 Julie via Right to Know

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know. A decision on this request is due by the Department not later than COB 17 September 2018. Details of the FOI request are below.

### Requested action

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents and provide them to Information Law at [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au) by **COB Thursday 6 September 2018**.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitives you have about releasing the information in the table below.

If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.

### Details of the FOI request & request input by line area

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

FOI applicant and details of the FOI request	
<b>Applicant name:</b>	Julie via Right to know
<b>UIN:</b>	N/A
Julie has sought access to:  I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.  Any document not involving sign-off/approval *at* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).  Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.  Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.	

Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.

Yours faithfully,

Julie

Action/information required	Details/response
<b>Time spent on this request</b>  DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.	<i>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</i>
<b>Searches undertaken</b>  Please indicate which systems were searched to identify relevant documents and the results of those searches. *Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.	<i>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</i>
<b>Documents identified</b>  Please advise total number of documents identified that fall within scope of the request detailed above. Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).  *Please remember to attach all relevant documents when responding to this request.	<i>(e.g.</i> <ul style="list-style-type: none"> <li><i>TRIM file 123ABC – 10 documents – emails</i></li> <li><i>Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</i> </li></ul>
<b>Sensitivities or concerns about releasing the documents</b>  Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.  Line areas are the subject matter experts in their respective areas. The Information Law	<i>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</i>



team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).

If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law

Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)



FOI request details – Schedule of documents

*Schedule of documents where line area identifies more than 10 documents as falling within the scope of the request – line area conducting searches to complete*

FOI reference number:      FOI XXXXX

Document reference #	Date of document	Document description e.g. Policy & Admin file, Email from DVA to DHS, etc.	Number of Pages
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

**From:** [s 47E(c) & (d)] Jon-Lee on behalf of ESGRD.DIVISION.SUPPORT  
**Sent:** Monday, 3 September 2018 12:53 PM  
**To:** Information.Law  
**Cc:** ESGRD.DIVISION.SUPPORT; [s 47E(c) & (d)] Melissa; [s 47E(c) & (d)] Jane  
**Subject:** RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

**Categories:** Amy

Good afternoon

Nil input as cleared by Assistant Secretary – Provider Strategy & Engagement Branch.

Kind regards,  
Jon-Lee [s 47E(c) & (d)]

Coordinator | Division Support Unit  
External Stakeholder & Government Relations Division  
**Department of Veterans' Affairs**  
Tel: [s 47E(c) & (d)] | Ext: [s 47E(c) & (d)] | Email: jon-lee.[s 47E(c) & (d)]@dva.gov.au

Gnabra Building, 21 Genge Street, Canberra ACT 2600  
GPO Box 9998, Canberra ACT 2601



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**From:** [s 47E(c) & (d)] Amy On Behalf Of Information.Law  
**Sent:** Thursday, 30 August 2018 11:09 AM  
**To:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; CESS.COORD <CESS.COORD@dva.gov.au>  
**Cc:** Information.Law <AMBINFOLAW@dva.gov.au>  
**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

**Re: Search request for documents related to FOI 24057 Julie via Right to Know**

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know. A decision on this request is due by the Department not later than COB 17 September 2018. Details of the FOI request are below.

**Requested action**

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents and provide them to Information Law at [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au) by **COB Thursday 6 September 2018**.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitives you have about releasing the information in the table below.

If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.

#### Details of the FOI request & request input by line area

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

FOI applicant and details of the FOI request	
Applicant name:	Julie via Right to know
UIN:	N/A
<p>Julie has sought access to:</p> <p>I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.</p> <p>Any document not involving sign-off/approval *at* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).</p> <p>Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.</p> <p>Yours faithfully,</p> <p>Julie</p>	
Action/information required	Details/response
<p><b>Time spent on this request</b></p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</p>
<p><b>Searches undertaken</b></p>	<p>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</p>



<p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p> <p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	
<p><b>Documents identified</b></p> <p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p> <p>*Please remember to attach all relevant documents when responding to this request.</p>	<p>(e.g.</p> <ul style="list-style-type: none"> <li>• TRIM file 123ABC – 10 documents – emails</li> <li>• Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</li> </ul>
<p><b>Sensitivities or concerns about releasing the documents</b></p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law  
 Legal Services & Assurance Branch  
 Department of Veterans' Affairs  
 Gnabara House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)



**From:** s 47E(c) & (d) Stacey  
**Sent:** Thursday, 6 September 2018 11:27 AM  
**To:** INFORMATION.LAW  
**Cc:** CESS.COORD  
**Subject:** RE: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]  
**Attachments:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]; RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Categories:** Amy

Good Morning,

Please find attached relevant email documentations to your request relating to FOI 24057 Julie via Right to Know. The attached have already been emailed to you from ESGRD. However, after concurring with ESGRD, our section CESS.COORD is a nil response to this request.

If you have any problems please let me know.

Many thanks

Kind regards,  
Stacey s 47E(c) & (d)

Coordination Officer  
Business Management Team, Client Engagement and Support Services Division  
Department of Veterans' Affairs  
Gnabra Building, 21 Genge Street,  
Canberra City ACT 2601  
e |stacey.s 47E(c) & (d)|@dva.gov.au | t s 47E(c) & (d)

Please email CESS.COORD on all CESS Division coord matters.

**From:** s 47E(c) & (d) Amy On Behalf Of Information.Law  
**Sent:** Thursday, 30 August 2018 11:09 AM  
**To:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; CESS.COORD <CESS.COORD@dva.gov.au>  
**Cc:** Information.Law <AMBINFOLAW@dva.gov.au>  
**Subject:** Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

## Re: Search request for documents related to FOI 24057 Julie via Right to Know

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### Requested action

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UIN:	N/A
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Action/information required	Details/response



<p><b>Time spent on this request</b></p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p><i>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</i></p>
<p><b>Searches undertaken</b></p> <p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p> <p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	<p><i>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</i></p>
<p><b>Documents identified</b></p> <p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p>	<p><i>(e.g.</i></p> <ul style="list-style-type: none"> <li><i>• TRIM file 123ABC – 10 documents – emails</i></li> <li><i>• Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</i></li> </ul>
<p>*Please remember to attach all relevant documents when responding to this request.</p>	
<p><b>Sensitivities or concerns about releasing the documents</b></p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p><i>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</i></p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law

Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)



**From:** s 47E(c) & (d) Florelle  
**Sent:** Wednesday, 5 September 2018 11:37 AM  
**To:** CPMH.BUSINESS.SUPPORT  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Attachments:** MATES Deed of Agreement 2015 signed.pdf; 20170301 - MATES DoV1 - Signed.PDF; Deed of Variation 2 - UniSA MATES - fully executed.pdf  
**Importance:** High

---

**From:** s 47E(c) & (d) Beth  
**Sent:** Wednesday, 5 September 2018 11:11 AM  
**To:** s 47E(c) & (d) Florelle  
**Cc:** s 47E(c) & (d) Olivia  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hi Florelle

Please see below information regarding FOI Request 24057.

Kind regards

**Beth** s 47E(c) & (d)  
Program Support | Pharmacy Programs and Operations | Client Program and Mental Health Branch  
Client Engagement and Support Services Division | Department of Veterans' Affairs  
t s 47E(c) & (d) | ext s 47E(c) & (d) | e beth.s 47E(c) & (d)@dva.gov.au

---

**From:** s 47E(c) & (d) Brenton  
**Sent:** Thursday, 30 August 2018 4:32 PM  
**To:** Veterans'.Mates <VETMATES@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hello,

As discussed, I have attached the Deed of Agreement, Deed of Variation 1 and 2. By nature this documentation contains a lot of sensitive information which I believe would need to be redacted prior to it being provided under FOI. This includes the following:

**MATES Deed of Agreement**

Part D - Contractor's representative  
Part E - Specified personnel of contractor  
Part F - Subcontractor of contractor  
Part G - DVA Delegate  
Part H - DVA Contract Manager and Program Manager  
The Signatures Page  
3.3.1 - [hcs.contract.management@dva.gov.au](mailto:hcs.contract.management@dva.gov.au)

Attachment C: Veterans' MATES Fee Schedule  
Addressee on the cover letter

Part 2 of the Statement of Requirements of the Deed does not appear to provide any information of concern by my assessment, can I ask that you check to see if you agree?

MATES DoV1

Amendments 2. DVA Delegate table  
Amendments 3. DVA Contract Manager and Program Manager table  
The signatures page  
Attachment C: Veterans' MATES Fee Schedule

Deed of Variation 2

Amendments 1. DVA Delegate table  
Amendments 2. DVA Contract Manager and Program Manager table  
The signatures page  
Attachment C

Could you have a look at advise if there is any other documentation you believe should be provided and if you agree that this is all that needs to be redacted? We are on a tight timeframe so a response by lunchtime Friday August 31 would be appreciated.

Thanks

Brenton [REDACTED]  
a/g Senior Contract Manager  
Private Hospitals & MATES  
Department of Veterans' Affairs  
[REDACTED]

---

**From:** [REDACTED] Allan  
**Sent:** Thursday, 30 August 2018 2:03 PM  
**To:** [REDACTED] Brenton <[REDACTED]@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hi Brenton

Can you please review this and provide the relevant information.

Cheers  
Allan

Allan [REDACTED]  
A/g Assistant Director |  
Private Hospitals & Mates – Contract Management |  
Provider Strategy & Engagement Branch |  
Department of Veterans' Affairs |  
GPO Box 9998, Adelaide SA 5001 |  
[REDACTED]



E allan.s 47E(c) & (d) @dva.gov.au

---

**From:** s 47E(c) & (d) Peta

**Sent:** Thursday, 30 August 2018 1:28 PM

**To:** s 47E(c) & (d) Allan <Allan.s 47E(c) & (d) @dva.gov.au>

**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Hi Allan - there is an FOI request regarding Veterans' Mates. Can you please take a look and provide the relevant docs.

Thanks

Peta

---

**From:** s 47E(c) & (d) Fiona On Behalf Of ESGRD.PSE.BRANCH.SUPPORT

**Sent:** Thursday, 30 August 2018 12:09 PM

**To:** ESGRD.PSE.BRANCH.DIRECTORS <ESGRD.PSE.BRANCH.DIRECTORS@dva.gov.au>; s 47E(c) & (d) Peta

<Peta.s 47E(c) & (d) @dva.gov.au>

**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Good Afternoon,

Please note tasking below for the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know regarding 'Veterans Mates'

Can you please have your response back to me by COB Tomorrow to allow for AS clearance.

Kind regards,

Fiona s 47E(c) & (d)

Executive Assistant

To Assistant Secretary Karen Pickering

Provider Strategy & Engagement

Department of Veterans' Affairs

s 47E(c) & (d) |ext s 47E(c) & (d)

Mobile: s 47E(c) & (d)

fiona.s 47E(c) & (d) @dva.gov.au



---

**From:** s 47E(c) & (d) Jon-Lee On Behalf Of ESGRD.DIVISION.SUPPORT

**Sent:** Thursday, 30 August 2018 11:53 AM

**To:** ESGRD.PSE.BRANCH.SUPPORT <ESGRD.PSE.BRANCH.SUPPORT@dva.gov.au>

**Cc:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; s 47E(c) & (d) Melissa

<Melissa.s 47E(c) & (d) @dva.gov.au>; s 47E(c) & (d) Jane <Jane.s 47E(c) & (d) @dva.gov.au>

**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Good morning

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know regarding 'Veterans Mates'.

The details of the FOI request are listed below. This FOI request was also sent to CESS, but the contract management team may have input.

Can your business area please undertake a search for relevant documents and populate the yellow sections below, or advise nil input, with AS clearance to the **DSU mailbox by COB Tuesday, 4 September 2018.**

Kind regards,  
Jon-Lee [REDACTED]

Coordinator | Division Support Unit  
External Stakeholder & Government Relations Division  
**Department of Veterans' Affairs**  
Tel: [REDACTED] | Ext: [REDACTED] | Email: jon-lee.[REDACTED]@dva.gov.au  
Gnabra Building, 21 Genge Street, Canberra ACT 2600  
GPO Box 9998, Canberra ACT 2601



From: [REDACTED] Amy On Behalf Of Information.Law  
Sent: Thursday, 30 August 2018 11:09 AM  
To: ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; CESS.COORD <CESS.COORD@dva.gov.au>  
Cc: Information.Law <AMBINFOLAW@dva.gov.au>  
Subject: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

## Re: Search request for documents related to FOI 24057 Julie via Right to Know

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know. A decision on this request is due by the Department not later than **COB 17 September 2018.** Details of the FOI request are below.

### Requested action

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitives you have about releasing the information in the table below.

If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.

### Details of the FOI request & request input by line area

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

FOI applicant and details of the FOI request	
Applicant name:	Julie via Right to know
UIN:	N/A
<p>Julie has sought access to:</p> <p>I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.</p> <p>Any document not involving sign-off/approval *at* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).</p> <p>Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.</p> <p>Yours faithfully,</p> <p>Julie</p>	
Action/information required	Details/response
<p><b>Time spent on this request</b></p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</p>
<p><b>Searches undertaken</b></p> <p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p> <p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	<p>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</p>
<p><b>Documents identified</b></p>	<p>(e.g.</p> <ul style="list-style-type: none"> <li>• TRIM file 123ABC – 10 documents – emails</li> <li>• Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</li> </ul>

<p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p> <p>*Please remember to attach all relevant documents when responding to this request.</p>	
<p><b>Sensitivities or concerns about releasing the documents</b></p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p><i>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</i></p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law  
 Legal Services & Assurance Branch  
 Department of Veterans' Affairs  
 Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601  
 E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)





**From:** s 47E(c) & (d) Melissa on behalf of ESGRD.DIVISION.SUPPORT  
**Sent:** Wednesday, 5 September 2018 12:16 PM  
**To:** CPMH.BUSINESS.SUPPORT  
**Cc:** ESGRD.DIR.BRANCH.SUPPORT; ESGRD.DIVISION.SUPPORT  
**Subject:** RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Attachments:** RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

Hi Florelle

Email attached as discussed.

Thanks  
Mel

Mel s 47E(c) & (d)  
Assistant Director - Coordination  
Division Support | External Stakeholder and Government Relations Division  
Department of Veterans' Affairs  
Ph: s 47E(c) & (d) Ext: s 47E(c) & (d) E: melissa.s 47E(c) & (d)@dva.gov.au

**From:** s 47E(c) & (d) Florelle On Behalf Of CPMH.BUSINESS.SUPPORT  
**Sent:** Wednesday, 5 September 2018 11:53 AM  
**To:** ESGRD.DIVISION.SUPPORT  
**Cc:** ESGRD.DIR.BRANCH.SUPPORT ; CPMH.BUSINESS.SUPPORT  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hi Jon-Lee / Alison

I am just following up on the last level of clearance regarding the below and the attached information re FOI 24057.

Grateful if you can also please forward me what was sent to the FOI team.

Happy to discuss.

Thanks  
Florelle

Florelle s 47E(c) & (d)  
Branch Coordinator  
Client Programs and Mental Health Branch  
Client Engagement and Support Services Division  
Department of Veterans' Affairs  
P: s 47E(c) & (d) || s 47E(c) & (d)  
E: florelle.s 47E(c) & (d)@dva.gov.au  
Fortress E: Florelle.s 47E(c) & (d)@protected.dva.gov.au

**From:** [REDACTED] Florelle  
**Sent:** Wednesday, 5 September 2018 11:37 AM  
**To:** CPMH.BUSINESS.SUPPORT <CPMH.BUSINESS.SUPPORT@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

**From:** [REDACTED] Beth  
**Sent:** Wednesday, 5 September 2018 11:11 AM  
**To:** [REDACTED] Florelle <[REDACTED]@dva.gov.au>  
**Cc:** [REDACTED] Olivia <[REDACTED]@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hi Florelle

Please see below information regarding FOI Request 24057.

Kind regards

**Beth** [REDACTED]  
Program Support | Pharmacy Programs and Operations | Client Program and Mental Health Branch  
Client Engagement and Support Services Division | Department of Veterans' Affairs  
t [REDACTED] | ext [REDACTED] | e beth.[REDACTED]@dva.gov.au

**From:** [REDACTED] Brenton  
**Sent:** Thursday, 30 August 2018 4:32 PM  
**To:** Veterans'.Mates <VETMATES@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hello,

As discussed, I have attached the Deed of Agreement, Deed of Variation 1 and 2. By nature this documentation contains a lot of sensitive information which I believe would need to be redacted prior to it being provided under FOI. This includes the following:

**MATES Deed of Agreement**

Part D - Contractor's representative  
Part E - Specified personnel of contractor  
Part F - Subcontractor of contractor  
Part G - DVA Delegate  
Part H - DVA Contract Manager and Program Manager  
The Signatures Page  
3.3.1 - [hcs.contract.management@dva.gov.au](mailto:hcs.contract.management@dva.gov.au)  
Attachment C: Veterans' MATES Fee Schedule  
Addressee on the cover letter

Part 2 of the Statement of Requirements of the Deed does not appear to provide any information of concern by my assessment, can I ask that you check to see if you agree?

### MATES DoV1

Amendments 2. DVA Delegate table  
Amendments 3. DVA Contract Manager and Program Manager table  
The signatures page  
Attachment C: Veterans' MATES Fee Schedule

### Deed of Variation 2

Amendments 1. DVA Delegate table  
Amendments 2. DVA Contract Manager and Program Manager table  
The signatures page  
Attachment C

Could you have a look at advise if there is any other documentation you believe should be provided and if you agree that this is all that needs to be redacted? We are on a tight timeframe so a response by lunchtime Friday August 31 would be appreciated.

Thanks

Brenton [REDACTED]  
a/g Senior Contract Manager  
Private Hospitals & MATES  
Department of Veterans' Affairs  
[REDACTED]

---

**From:** [REDACTED] Allan  
**Sent:** Thursday, 30 August 2018 2:03 PM  
**To:** [REDACTED] Brenton <Brenton.[REDACTED]@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Hi Brenton

Can you please review this and provide the relevant information.

Cheers  
Allan

Allan [REDACTED]  
A/g Assistant Director |  
Private Hospitals & Mates – Contract Management |  
Provider Strategy & Engagement Branch |  
Department of Veterans' Affairs |  
GPO Box 9998, Adelaide SA 5001 |  
P [REDACTED]  
E [allan.\[REDACTED\]@dva.gov.au](mailto:allan.[REDACTED]@dva.gov.au)

---

**From:** [REDACTED] Peta  
**Sent:** Thursday, 30 August 2018 1:28 PM  
**To:** [REDACTED] Allan <Allan.[REDACTED]@dva.gov.au>  
**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB

04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Hi Allan - there is an FOI request regarding Veterans' Mates. Can you please take a look and provide the relevant docs.

Thanks

Peta

---

**From:** [REDACTED] Fiona On Behalf Of ESGRD.PSE.BRANCH.SUPPORT

**Sent:** Thursday, 30 August 2018 12:09 PM

**To:** ESGRD.PSE.BRANCH.DIRECTORS <ESGRD.PSE.BRANCH.DIRECTORS@dva.gov.au>; [REDACTED], Peta  
<Peta.[REDACTED]@dva.gov.au>

**Subject:** FW: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB  
04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Good Afternoon,

Please note tasking below for the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know regarding 'Veterans Mates'

Can you please have your response back to me by COB Tomorrow to allow for AS clearance.

Kind regards,

Fiona [REDACTED]

Executive Assistant

To Assistant Secretary Karen Pickering

Provider Strategy & Engagement

Department of Veterans' Affairs

[REDACTED] ext [REDACTED]

Mobile: [REDACTED]

fiona.[REDACTED]@dva.gov.au



---

**From:** [REDACTED] Jon-Lee On Behalf Of ESGRD.DIVISION.SUPPORT

**Sent:** Thursday, 30 August 2018 11:53 AM

**To:** ESGRD.PSE.BRANCH.SUPPORT <ESGRD.PSE.BRANCH.SUPPORT@dva.gov.au>

**Cc:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; [REDACTED] Melissa  
<Melissa.[REDACTED]@dva.gov.au>; [REDACTED] Jane <Jane.[REDACTED]@dva.gov.au>

**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB  
04/08/2018 [DLM=For-Official-Use-Only]

**Importance:** High

Good morning

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know regarding 'Veterans Mates'.



The details of the FOI request are listed below. This FOI request was also sent to CESS, but the contract management team may have input.

Can your business area please undertake a search for relevant documents and populate the yellow sections below, or advise nil input, with AS clearance to the **DSU mailbox by COB Tuesday, 4 September 2018**.

Kind regards,  
Jon-Lee [REDACTED]

Coordinator | Division Support Unit  
External Stakeholder & Government Relations Division  
Department of Veterans' Affairs  
Tel: [REDACTED] | Ext: [REDACTED] | Email: jon-lee.[REDACTED]@dva.gov.au

Gnabra Building, 21 Genge Street, Canberra ACT 2600  
GPO Box 9998, Canberra ACT 2601



---

**From:** [REDACTED] Amy On Behalf Of Information.Law  
**Sent:** Thursday, 30 August 2018 11:09 AM  
**To:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; CESS.COORD <CESS.COORD@dva.gov.au>  
**Cc:** Information.Law <AMBINFOLAW@dva.gov.au>  
**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

**Re: Search request for documents related to FOI 24057 Julie via Right to Know**

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know. A decision on this request is due by the Department not later than **COB 17 September 2018**. Details of the FOI request are below.

**Requested action**

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitives you have about releasing the information in the table below.

If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.

**Details of the FOI request & request input by line area**

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

FOI applicant and details of the FOI request	
Applicant name:	Julie via Right to know
UIN:	N/A



Julie has sought access to:

I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.

Any document not involving sign-off/approval \*at\* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).

Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.

Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.

Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.

Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.

Yours faithfully,

Julie

Action/information required	Details/response
<b>Time spent on this request</b>  DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.	<i>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</i>
<b>Searches undertaken</b>  Please indicate which systems were searched to identify relevant documents and the results of those searches. *Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.	<i>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</i>
<b>Documents identified</b>  Please advise total number of documents identified that fall within scope of the request detailed above. Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).	<i>(e.g.</i> <ul style="list-style-type: none"><li><i>• TRIM file 123ABC – 10 documents – emails</i></li><li><i>• Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</i></li></ul>

<p>*Please remember to attach all relevant documents when responding to this request.</p>	
<p><b>Sensitivities or concerns about releasing the documents</b></p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p><i>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</i></p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law  
Legal Services & Assurance Branch  
Department of Veterans' Affairs  
Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601  
E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)



s 22

**From:** Pickering, Karen  
**Sent:** Monday, 3 September 2018 11:40 AM  
**To:** ESGRD.DIVISION.SUPPORT; ESGRD.PSE.BRANCH.SUPPORT  
**Subject:** RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

Hello Jon-Lee

Yes I am based on the condition of it being SES or equivalent only

Thanks

Karen

Karen Pickering  
Assistant Secretary  
Provider Strategy & Engagement Branch  
Department of Veterans' Affairs  
PH: s 47E(c) & (d)  
Mob: s 47E(c) & (d)



---

**From:** s 47E(c) & (d) Jon-Lee On Behalf Of ESGRD.DIVISION.SUPPORT  
**Sent:** Monday, 3 September 2018 11:21 AM  
**To:** ESGRD.PSE.BRANCH.SUPPORT ; Pickering, Karen  
**Cc:** ESGRD.DIVISION.SUPPORT  
**Subject:** RE: IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]

Good morning

Thanks for advising nil.

Karen, as it's an FOI request can I just confirm you are happy with a nil?

Kind regards,  
**Jon-Lee** s 47E(c) & (d)

Coordinator | Division Support Unit  
External Stakeholder & Government Relations Division  
**Department of Veterans' Affairs**  
Tel: s 47E(c) & (d) Ext: s 47E(c) & (d) | Email: jon-lee.s 47E(c) & (d)@dva.gov.au

Gnabra Building, 21 Genge Street, Canberra ACT 2600  
GPO Box 9998, Canberra ACT 2601

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**From:** [REDACTED] Fiona On Behalf Of ESGRD.PSE.BRANCH.SUPPORT  
**Sent:** Monday, 3 September 2018 11:17 AM  
**To:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; Pickering, Karen  
<Karen.Pickering@dva.gov.au>  
**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB  
04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Good Morning,

Please note our Directors nil responses in regards to the Search request for documents related to FOI 24057 Julie via Right to Know. As we have responded nil I have copied Karen Pickering in for her information, if Karen believes we should not be responding nil I will resend to our Directors for further review.

**Contract Management & Capability**

Damien [REDACTED] – Nil

**Contract Management Operations & Procurement Strategy**

Angela-Grace [REDACTED] Peta [REDACTED] Allan [REDACTED] – Nil The FOI states “Any document not involving sign-off/approval \*at\* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).” Whilst Contract management hold the contracts and DoV for the MATES program, they are signed off at the Director level, therefore it’s a nil response from us

**Procurement Implementation**

Leo [REDACTED] Angela-Grace [REDACTED] – Nil

**DSHI -**

Leona [REDACTED] – Nil

**PRADO**

Paolo [REDACTED] – Nil

**Hospital Coding Audit**

Leo [REDACTED] – Nil

Kind regards,

**Fiona** [REDACTED]

Executive Assistant

To Assistant Secretary Karen Pickering

Provider Strategy & Engagement

Department of Veterans' Affairs

[REDACTED] ext [REDACTED]

Mobile: [REDACTED]

fiona [REDACTED]@dva.gov.au



**From:** [REDACTED] Jon-Lee On Behalf Of ESGRD.DIVISION.SUPPORT  
**Sent:** Thursday, 30 August 2018 11:53 AM  
**To:** ESGRD.PSE.BRANCH.SUPPORT <ESGRD.PSE.BRANCH.SUPPORT@dva.gov.au>  
**Cc:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; [REDACTED] Melissa  
<Melissa.[REDACTED]@dva.gov.au>; [REDACTED] Jane <Jane.[REDACTED]@dva.gov.au>  
**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Due to DSU COB 04/08/2018 [DLM=For-Official-Use-Only]  
**Importance:** High

Good morning

On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know regarding 'Veterans Mates'.

The details of the FOI request are listed below. This FOI request was also sent to CESS, but the contract management team may have input.

Can your business area please undertake a search for relevant documents and populate the yellow sections below, or advise nil input, with AS clearance to the DSU mailbox by COB Tuesday, 4 September 2018.

Kind regards,

Jon-Lee [REDACTED]

Coordinator | Division Support Unit  
External Stakeholder & Government Relations Division  
**Department of Veterans' Affairs**  
Tel: [REDACTED] Ext: [REDACTED] | Email: jon-lee.[REDACTED]@dva.gov.au

Gnabra Building, 21 Genge Street, Canberra ACT 2600  
GPO Box 9998, Canberra ACT 2601



**From:** [REDACTED] Amy On Behalf Of Information.Law  
**Sent:** Thursday, 30 August 2018 11:09 AM  
**To:** ESGRD.DIVISION.SUPPORT <ESGRD.DIVISION.SUPPORT@dva.gov.au>; CESS.COORD <CESS.COORD@dva.gov.au>  
**Cc:** Information.Law <AMBINFOLAW@dva.gov.au>  
**Subject:** IR18690: Search request for documents related to FOI 24057 Julie via Right to Know - Please provide by 6 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

**Re: Search request for documents related to FOI 24057 Julie via Right to Know**



On 17 August 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know. A decision on this request is due by the Department not later than COB 17 September 2018. Details of the FOI request are below.

### **Requested action**

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitives you have about releasing the information in the table below.

**If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.**

### **Details of the FOI request & request input by line area**

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

<b>FOI applicant and details of the FOI request</b>	
<b>Applicant name:</b>	Julie via Right to know
<b>UIN:</b>	N/A
<p>Julie has sought access to:</p> <p>I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.</p> <p>Any document not involving sign-off/approval *at* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).</p> <p>Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.</p> <p>Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope.</p> <p>Yours faithfully,</p> <p>Julie</p>	
<b>Action/information required</b>	<b>Details/response</b>

<p><b>Time spent on this request</b></p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p><i>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</i></p>
<p><b>Searches undertaken</b></p> <p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p> <p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	<p><i>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</i></p>
<p><b>Documents identified</b></p> <p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p> <p>*Please remember to attach all relevant documents when responding to this request.</p>	<p><i>(e.g.</i></p> <ul style="list-style-type: none"> <li><i>• TRIM file 123ABC – 10 documents – emails</i></li> <li><i>• Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)</i></li> </ul>
<p><b>Sensitivities or concerns about releasing the documents</b></p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p><i>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</i></p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law

Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabara House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)



**From:** INFORMATION.LAW  
**Sent:** Monday, 17 September 2018 4:21 PM  
**To:** 'foi+request-4748-b310769c@righttoknow.org.au'  
**Subject:** FOI 24057 – Decision and Statement of Reasons [SEC=UNCLASSIFIED]  
**Attachments:** FOI 24057 - Decision and Statement of Reasons - 17 September 2018.pdf

Good afternoon Julie,

**FOI 24057 – Decision and Statement of Reasons**

I refer to your request, received 17 August 2018, to access information held by the Department under the *Freedom of Information Act 1982*. Please find attached the decision in response to your request.

Kind Regards,

Information Law Team  
Department of Veterans' Affairs  
E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au) | W: [www.dva.gov.au](http://www.dva.gov.au)



Australian Government  
Department of Veterans' Affairs



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

Decision and reason for decision of Position Number 62210022

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Applicant: Julie  
Decision date: 17 September 2018  
FOI reference number: FOI 24057

Dear Julie

### Freedom of Information Request: FOI 24057

1. I have made a decision to refuse access to the documents relevant to your request.

#### Summary

2. I, Position Number 62210022, am an officer authorised by the Secretary of the Department of Veterans' Affairs (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).
3. On 17 August 2018, you made a request for access to documents in the possession of the Department. You specifically sought access to:

*"...I request under FOI any document (not including emails or other informal documents relating to just general administrative activity) held by the Department about the formal services agreement or other establishing formal documents that relate to the purpose and/or scope and/or outcomes to be delivered by the 'Veteran Mates', excluding all marketing material and general advice/information material distributed to pharmacists, GP or veterans.*

*Any document not involving sign-off/approval below SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).*

*Any financial expenditures within documents in scope, if sensitive, may be redacted with consent.*

*Any proprietary IP, within documents in scope, if sensitive, may be redacted with consent.*

*Any individual names below SES level (or equivalent), within documents in scope, if sensitive, may be redacted with consent.*

*Any email addresses or other contact information equivalent), within documents in scope, if sensitive, may be redacted with consent.*



*Any ethics approval and any privacy impact assessment about or on Veterans Mates program is also in scope..."*

4. On the same day you made a correction to your request, noting:

*"...Correction to scope - REMOVE*

*Any document not involving sign-off/approval below SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material).*

*REPLACE WITH*

*Any document not involving sign-off/approval \*at\* SES level (or equivalent) is excluded from scope (looking at the primary documents only, not ancillary material)..."*

5. As no extensions of time have been applied to process your request, a decision is due by 17 September 2018.
6. I have decided not to impose a charge in relation to this request, in accordance with regulation 3(1) of the *Freedom of Information (Charges) Regulations 1982*.
7. The Department has undertaken a reasonable search of its records and has identified three (3) documents relevant to your request, as set out above. Although the documents are not signed by Senior Executive staff, the main document was issued to the relevant third party alongside a letter authorised by a Senior Executive staff member. For this reason only, I have considered the documents to fall within the scope of your request. The documents relevant to your request are listed at Schedule 1.

## **Decision**

8. I have made a decision to refuse access to the documents relevant to your request. The documents that I have chosen to refuse access to are set out in Schedule 1, together with the applicable exemption provisions.

## **Material taken into account**

9. In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based and the reasons for my decision to refuse access to the documents follows.
10. I have taken the following material into account in making my decision:
- the terms of your request;
  - the types of documents that are in the Department's possession;
  - the content of the documents that fall within the scope of your request;
  - Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth. I also considered section 45 of the FOI Act (Documents communicated in confidence); and

- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

11. A full extract of all FOI Act provisions used to make my decision are provided in Schedule 2.

## **Reasons for Decision**

12. I have decided to refuse access to documents within the scope of your request in accordance with the following exemptions in the FOI Act:

### ***Documents containing material obtained in confidence (section 45)***

13. I have found all three (3) documents to be exempt from disclosure in accordance with section 45 of the FOI Act, on the basis that the documents contain material obtained in confidence.

14. Section 45 of the FOI Act provides that a document is an exempt document if its disclosure under the FOI Act would found an action by a person for a breach of confidence. The FOI Guidelines provide that, to found an action for breach of confidence, the following five criteria must be satisfied in relation to the information:

- (a) it must be specifically identified;
- (b) it must have the necessary quality of confidentiality;
- (c) it must have been communicated and received on the basis of a mutual understanding of confidence;
- (d) it must have been disclosed or threatened to be disclosed, without authority; and
- (e) unauthorised disclosure of the information has or will cause detriment.

#### *It must be specifically identified*

15. The documents comprise a 2015 Deed of Agreement (Agreement) and two variations to that Agreement (2017 and 2018 respectively). The contents of these documents are confidential and are specifically identified as such.

#### *It must have the necessary quality of confidentiality*

16. The Agreement contains a confidentiality clause (clause 15), wherein the parties agreed, by signing the agreement, that parties must not, without the prior consent of the other party, disclose to third party information about the terms or the performance of the Agreement which is by its nature confidential. Any variations made to the Agreement are covered by this confidentiality clause.

#### *It must have been communicated and received on the basis of a mutual understanding of confidence*

17. By signing the Agreement, all parties accepted the inherent confidentiality of the Agreement. For example, the Department was aware that the Agreement was to be shared and used only by individuals within the Department, or with another agency, where it serves the legitimate interests of the Commonwealth or where details regarding the procurement were required to be published. Whilst the confidentiality clause provides that confidentiality may not apply in certain circumstances, such as if the information comes into the public domain or where it is required or authorised by law; disclosure under the FOI Act is not identified as being one of those exceptions. At the time the

parties executed the Agreement, they were aware of its terms including clause 15, and would have expressly understood and accepted a mutual obligation of confidence.

*It must have been disclosed or threatened to be disclosed, without authority*

18. The contents of the documents have not been disclosed outside the terms of the Agreement. The contents are known to a limited number of individuals on a need to know basis. Further, the wider terms of the Agreement, other than for example what is required for procurement purposes, has not entered the public domain and has not been distributed more widely. The information contained in the documents is only known to a limited number of individuals.
19. If the information was disclosed, it would be without the authority of the parties to the Agreement.

*Unauthorised disclosure of the information has or will cause detriment*

20. If I am of the view that a document is exempt from disclosure on the basis of confidentiality, I need to also be of the view that disclosure of the material will cause detriment.
21. Through this Agreement, the Department has developed the Veterans' Medicines Advice and Therapeutics Education Services (Veterans' MATES) project; a consumer health literacy and prescriber education program designed to improve quality use of medicines and reduce adverse medication events within the veteran community. As noted on the Veterans' MATES website, to date more than forty topics have been delivered involving more than 290,000 veterans, 32,000 doctors and 8,500 pharmacies and accredited pharmacists. There is a high degree of participant satisfaction and it is important that this work can continue.
22. The information contained within the documents has the necessary quality of confidentiality as it contains commercially valuable information that is not common knowledge or in the public domain. The documents as whole, detail the manner in which research would be targeted, prepared, disseminated and evaluated. If this information were to be released it would provide competitors with an unfair advantage over the contracted party. The Agreement has not concluded and the work is still underway.
23. Given the confidential nature of the Agreement, along with the express confidentiality clause, it is reasonable to adduce that if the documents were to be disclosed under the FOI Act without authorisation, the disclosure would found an action, by a person other than the Commonwealth, for breach of confidence. The documents that I have exempted under section 45 contain information that is confidential in nature and their release would constitute an unauthorised use of the information. They contain information that was communicated to the Department on the basis of a mutual understanding of confidence between the Department and a third party. The Department has a consistent practice of carefully protecting information as it is provided by third parties. In this instance, I have considered that whilst the public have a right to request access to information under the FOI Act, this must be balanced against the rights of parties who provide confidential information to the Department, and as such I have decided that these documents are exempt from release.
24. As I have found the documents to be exempt under section 45 of the FOI Act, I am not required to consider any public interest considerations.

## **Your rights of review**

25. If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

## Internal Review

26. Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.
27. You can make your application for internal review in one of the following ways:

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601  
**Facsimile:** (02) 6289 6337  
**Email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

## Information Commissioner Review

28. Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. 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:
29. You can make your application for Information Commissioner review in one of the following ways:

**Online:** [www.oaic.gov.au](http://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](mailto:enquiries@oaic.gov.au)  
**In person:** Level 3, 175 Pitt Street, Sydney NSW.

30. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the Office of the Australian Information Commissioner: <http://oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights>

## Contact us

31. If you wish to discuss this decision, please do not hesitate to contact me using the following details:

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601  
**Facsimile:** (02) 6289 6337  
**Email:** [information.access@dva.gov.au](mailto:information.access@dva.gov.au)

Yours Sincerely,

**Position number 62210022**  
Authorised officer

17 September 2018

## Schedule of documents

Applicant: Julie

Decision date: 17 September 2018

FOI reference number: FOI 24057

Doc ref	Date of document	Document description	Pages	Decision	Exemption provision
1	23 December 2015	Deed of Agreement between the Commonwealth of Australia and the University of South Australia for the provision of the Veterans; Medicines Advice and Therapeutics Education Services Program	49	Access Refused	s 45
2	13 February 2017	Deed of Variation No. 1 to document 1 above	13	Access Refused	s 45
3	14 March 2018	Deed of Variation No. 2 to document 1 above	5	Access Refused	s 45





## Schedule of relevant provisions in the FOI Act

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### 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).

## **17 Requests involving use of computers etc**

- (1) Where:
- (a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;
  - (b) It appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and
  - (ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and
  - (c) the agency could produce a written document containing the information in discrete form by:
    - (i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or
    - (ii) the making of a transcript from a sound recording held in the agency;

the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.

- (2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.

## **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.

## **26 Reasons and other particulars of decisions to be given**

- (1) Where, in relation to a request, a decision is made relating to a refusal to grant access to a document in accordance with the request or deferring provision of access to a document, the decision-maker shall cause the applicant to be given notice in writing of the decision, and the notice shall:
- (a) state the findings on any material questions of fact, referring to the material on which those findings were based, and state the reasons for the decision; and
  - (aa) in the case of a decision to refuse to give access to a conditionally exempt document—include in those reasons the public interest factors taken into account in making the decision; and

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

- (b) where the decision relates to a document of an agency, state the name and designation of the person giving the decision; and
  - (c) give to the applicant appropriate information concerning:
    - (i) his or her rights with respect to review of the decision;
    - (ii) his or her rights to make a complaint to the Information Commissioner in relation to the decision; and
    - (iii) the procedure for the exercise of the rights referred to in subparagraphs (i) and (ii); including (where applicable) particulars of the manner in which an application for internal review (Part VI) and IC review (Part VII) may be made.
- (1A) Section 13 of the Administrative Decisions (Judicial Review) Act 1977 does not apply to a decision referred to in subsection (1).
- (2) A notice under this section is not required to contain any matter that is of such a nature that its inclusion in a document of an agency would cause that document to be an exempt document. (see section 11A).

## **45 Documents containing material obtained in confidence**

- (1) A document is an exempt document if its disclosure under this Act would found an action, by a person (other than an agency, the Commonwealth or Norfolk Island), for breach of confidence.
- (2) Subsection (1) does not apply to a document to which subsection 47C(1) (deliberative processes) applies (or would apply, but for subsection 47C(2) or (3)), that is prepared by a Minister, a member of the staff of a Minister, or an officer or employee of an agency, in the course of his or her duties, or by a prescribed authority or Norfolk Island authority in the performance of its functions, for purposes relating to the affairs of an agency or a Department of State unless the disclosure of the document would constitute a breach of confidence owed to a person or body other than:
- (a) a person in the capacity of Minister, member of the staff of a Minister or officer of an agency; or
  - (b) an agency, the Commonwealth or Norfolk Island.

**From:** Julie <foi+request-4748-b310769c@righttoknow.org.au>  
**Sent:** Tuesday, 18 September 2018 2:14 PM  
**To:** INFORMATION.LAW  
**Subject:** Re: FOI 24057 – Decision and Statement of Reasons [SEC=UNCLASSIFIED]

Dear Department of Veterans' Affairs,

I would like to add the following to my Internal Review request:

Having checked AusTender, with respect to the deeds of agreement and contractual variations, all of the documents are reported as having no contract confidentiality clauses or output confidentiality clauses as are required to be mandatorily reported under Commonwealth procurement guidelines.

CN ID.....	Supplier.....	Desc.....	Confidentiality...	Confidentiality..	End Date...	Value (\$m)
			Contract.....	Outputs.		
CN3322135	UNI OF SA	Veterans' MATES	No	No	30-Jun-18	14mil
CN3497679	UNI OF SA	Veterans' MATES	No	No	30-Jun-21	11mil

These would be required to sustain a claim that absolutely no part of the contract signed (noting that are all high value multi-million dollar contracts, and therefore would reasonably be subject to some external scrutiny) could be disclosed on confidentiality grounds.

While contents that relate to trade secrets, other commercially sensitive proprietary information; and personal information would be reasonable to be redacted, it would be unreasonable given no restrictive confidentiality provisions were reported to AusTender (as is mandatorily required) to claim all of the contents of these documents are prohibited from any form of release.

Yours sincerely,

Julie

-----Original Message-----

Good afternoon Julie,

FOI 24057 – Decision and Statement of Reasons

I refer to your request, received 17 August 2018, to access information held by the Department under the Freedom of Information Act 1982. Please find attached the decision in response to your request.

Kind Regards,

Information Law Team

Department of Veterans' Affairs  
E: [1][email address] | W: [2]www.dva.gov.au

[3]cid:image001.png@01D0027A.1DAB84F0

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**From:** Julie <foi+request-4748-b310769c@righttoknow.org.au>  
**Sent:** Tuesday, 18 September 2018 4:00 PM  
**To:** INFORMATION.LAW  
**Subject:** Re: FOI 24057 – Decision and Statement of Reasons [SEC=UNCLASSIFIED]

Dear Department of Veterans' Affairs

As you would be aware, the listing of confidentiality provisions in AusTender is part of a compliance regime to comply with the Senate Procedural Order of Continuing Effect: Entity Contracts which was introduced in 2001 to improve public access to information about government contracting. The main principle on which the Senate Order was based, as stated by ANAO, is that parliamentary and public access to government contract information should not be prevented, or otherwise restricted, through the use of confidentiality provisions, unless there is sound reason to do so. Successive governments have agreed to comply with the Senate Order and have required entities to put in place suitable procedures to support Ministers to comply with it.

Under the Senate Order, portfolio Ministers must table letters of advice for entities they administer in the Senate, confirm that these entities have published, on their websites, lists containing the following, where a confidentiality clause barring disclosures is part of the contract is claimed:

- \* the contractor, the amount of the consideration, the subject matter of each such contract, the commencement date of the contract, the duration of the contract, the relevant reporting period and the twelve-month period relating to the contract listings; and
- \* whether each such contract contains provisions requiring the parties to maintain confidentiality of any of its provisions, or whether there are any other requirements of confidentiality, and a statement of the reasons for the confidentiality.

I have searched your website, and have not found and such disclosure for the Veteran MATES contracts, nor can I find any such document about the Veteran MATES contracts tendered in Parliament by your Portfolio Minister, stating that these contracts had confidentiality provisions which prohibited their release.

This accords the records of AusTender which similarly report no such confidentiality restrictions.

I also note that Finance's whole-of-government guidance Buying for the Australian Government, Confidentiality Throughout the Procurement Cycle (the Guidance)—contains the Confidentiality Test, which is designed to assist entities to determine the appropriate inclusion of confidentiality provisions in contracts. The Test consists of four criteria, all of which must be met for a supplier's commercial information to be considered confidential. These are:

- \* the information to be protected must be specifically identified (which hasn't been identified in the statement of reasons, but rather a global claim has been made)
- \* the information must be commercially 'sensitive' (again, no specifics in the statement of reasons)
- \* disclosure would cause unreasonable detriment to the owner of the information or another party (vague claims not substantiated by specific reference); and
- \* the information was provided under an understanding that it would remain confidential (contradicted as the notifications required to be made for such confidentiality provisions, that require notice to be given on your agency website, and for notification to be tabled in Parliament, and to be flagged to AusTender don't exist).

Can you explain this discrepancy as to the claimed refusal ground?

Yours sincerely,

Julie

-----Original Message-----



Good afternoon Julie,

FOI 24057 – Decision and Statement of Reasons

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Kind Regards,

Information Law Team

Department of Veterans' Affairs

E: [1][email address] | W: [2]www.dva.gov.au

[3]cid:image001.png@01D0027A.1DAB84F0

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**From:** INFORMATION.LAW  
**Sent:** Wednesday, 19 September 2018 10:00 AM  
**To:** 'Julie'  
**Subject:** FOI 24563 (Internal Review of FOI 24057) – Acknowledgment of request for internal review [SEC=UNCLASSIFIED]

Good morning Julie,

FOI 24563 (Internal Review of FOI 24057)

The Department acknowledges receipt of your request for an internal review of FOI 24057, received 18 September 2018. Your request has been registered and the reference number is FOI 24563. A decision on your request will be due by 18 October 2018. The officer assigned to finalise your request will have access to both your emails and the contents within when making a decision.

Kind Regards,

Information Law Team  
 Department of Veterans' Affairs  
 E: [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au) | W: [www.dva.gov.au](http://www.dva.gov.au)

-----Original Message-----

**From:** Julie [<mailto:foi+request-4748-b310769c@righttoknow.org.au>]  
**Sent:** Tuesday, 18 September 2018 4:00 PM  
**To:** INFORMATION.LAW <[INFORMATION.LAW@dva.gov.au](mailto:INFORMATION.LAW@dva.gov.au)>  
**Subject:** Re: FOI 24057 – Decision and Statement of Reasons [SEC=UNCLASSIFIED]

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Kind Regards,

Information Law Team

Department of Veterans' Affairs

E: [1][email address] | W: [2]www.dva.gov.au

[3]cid:image001.png@01D0027A.1DAB84F0

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## Julie (Right to Know)

### Julie (Right to Know)

LEX ID	24563	Outcome	Greater access on rev - not full
DVA file number		Charges notified (\$)	0.00
Applicant name	IR - Julie (Right to Know)	Charges collected (\$)	0.00
DVA officer	Canberra - Nick [REDACTED]	Date received/valid	18 September 2018
Source	3. Email	Date dcn	
Group	FOI Int Review	notif'd/wdn/trsf	
PPI	No	Date finalised	18 October 2018
File request	Not required	Access level	Unrestricted
Practical refusal reasons	N/A	Date created	19 September 2018
Response time	0-30 days	Last updated	5 November 2018
Disclosure log	Published	Due date	18 Oct 2018
Status	Finalised	Days running	30
		Days to go (if clock running)	
		Days running beyond timeframe (if clock stopped)	0

**Client/Rep details** Julie (Right to Know)  
foi+request-4748-b310769c@righttoknow.org.au

**Scope/Notes** OUTCOME:  
Decision granting greater access, in part. Provided other documents for info/context.  
  
REQUEST:  
See email for details. IR of FOI 24057

#### File notes

Date	Type	DVA officer	Timeframe days
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**S 22**

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8 Oct 2018 1. File note Leia

s 42

8 Oct 2018 1. File note Leia

s 42

5 Oct 2018 1. File note Leia

s 42

4 Oct 2018 1. File note Leia

s 42

2 Oct 2018 1. File note Leia

s 42

28 Sep 2018 1. File note Leia

POGPA complete. WO signed by Nick. Send out.

26 Sep 2018 1. File note Leia

PGPA form given to GC

25 Sep 2018 1. File note Leia

Advised to handover all Julie (R2K) FOI matters to George (note however his transition out of section), may need to re-allocate.

As discussed, RFQ received. PGPA & WO to be organised.

25 Sep 2018 1.2 File note/email Leia

Q



RFQ received - to discuss with George.

RFQ acknowledged.

21 Sep 2018      1.2 File      Leia [REDACTED]  
note/email

RFQ sent for various FOI. Wait for response. Fwd to George.

19 Sep 2018      8.      Amy [REDACTED]  
Acknowledgment  
Letter

19 Sep 2018      1. File note      Leia [REDACTED]

Spoke with George about option to outsource some FOI matters. George agreed.

18 Sep 2018      1.2 File      Amy [REDACTED]  
note/email

Emails from applicant in primary FOI. See FOI 24057.

18 Sep 2018      5. Clock start      Amy [REDACTED]      30  
Clock started

**From:** [REDACTED] Linda on behalf of INFORMATION.ACCESS  
**Sent:** Tuesday, 18 September 2018 11:07 AM  
**To:** INFORMATION.LAW  
**Cc:** INFORMATION.ACCESS  
**Subject:** FW: Internal review of Freedom of Information request - FOI - Veteran Mates Program - Services Agreement / Scope / Deliverables Documents [TO BE CLASSIFIED] [DLM=For-Official-Use-Only]

Hi Information Law

Please see to the following.

Regards.

Linda [REDACTED]  
 Assistant Information Access Officer  
 National Information Access Processing Team (NIAPT) Department of Veterans' Affairs Tel : [REDACTED] Fax: (02) 9213 7400

-----Original Message-----

From: Julie [mailto:foi+request-4748-b310769c@righttoknow.org.au]  
 Sent: Monday, 17 September 2018 6:56 PM  
 To: FOI <FOI@dva.gov.au>  
 Subject: Internal review of Freedom of Information request - FOI - Veteran Mates Program - Services Agreement / Scope / Deliverables Documents [TO BE CLASSIFIED]

Dear Department of Veterans' Affairs,

Please pass this on to the person who conducts Freedom of Information reviews.

I am writing to request an internal review of Department of Veterans' Affairs's handling of my FOI request 'FOI - Veteran Mates Program - Services Agreement / Scope / Deliverables Documents'.

The FOI Act does not prescribe any procedure or criteria for the internal review decision but an agency should be guided by the principles put forward by the Administrative Review Council in a Best Practice Guide on internal review, Internal Review of Agency Decision Making, Report No 44 (2000), Chapter 8.

And given reference to a third party, to avoid all doubt, the FOI Act does not authorise an agency to extend the time for deciding an internal review in order to undertake third party consultation.

Similarly an agency must provide written notice of an internal review decision to the internal review applicant (s 54C(4)), with the notice of decision required to comply with s 26. The notice should state the findings and reasons underlying the internal review decision, and not merely refer to or restate the decision of the original FOI decision maker.

The guiding principles of FOI internal review are as follows:

1) The role of the internal review officer is to bring a fresh, independent and impartial mind to the review. To the extent possible, the officer should not have been involved in or consulted in the making of the decision under review (it is preferable that the review officer is senior to the officer who made the decision under review).

2) Internal review is a merit review process and the internal review officer should decide all issues raised by an applicant's FOI request, and exercise all the powers that were available to the original decision maker. For example, the review officer can decide (contrary to the decision reached by the original decision maker) that a document is not an exempt document under the FOI Act, that an exempt document should be provided to the applicant in accordance with s 3A, that a practical refusal reason under ss 24 and 24AA does not exist, or that an FOI charge should be reduced or waived.

3) The internal review officer may rely on record searches or third party consultation undertaken by the original decision maker, or may cause the same work to be undertaken again. For example, the review officer may rely upon an earlier agency search that located all requested documents the agency held, and may accept the record of consultation the agency undertook with a State, a foreign organisation, a business entity or a person. On the other hand, if there is a doubt as to the adequacy of those earlier record searches or consultation, the review officer may repeat those tasks, partially or in full, to reach a correct and preferable decision on the FOI request.

4) All the material available to the original decision maker should be available to the internal review officer. In reviewing an exemption claim, the internal review officer should examine each document claimed to be exempt.

5) The internal review officer must consider all issues raised by the person applying for internal review. The review officer may contact that person to seek further information or to discuss the issues raised by the request, including the option of redefining or narrowing the scope of the request.

6) The internal review officer may consult other agency staff when undertaking the review, including the original FOI decision maker. However, it is important that the review officer brings an independent mind to the task and does not act at the direction or behest of any other officer.

7) The internal review officer may consider additional material or submissions not considered by the original FOI decision maker. In particular, the review officer may decide that a change in circumstances occurring since the earlier decision has the result, for example, that disclosure would not be contrary to the public interest, or that a charge should be waived on public interest grounds.

I accept, given the identification of the three identified documents, which are within the scope of the FOI, that there may possibly be some commercial-in-confidence material within, but that such material could not reasonably be said to include every page and every paragraph of the aforementioned documents, and the claim that the confidential nature of a document would be jeopardised by selective release of any part of a document creates a high onus of proof to be met.

The mere fact that an agency has expressed concern that any disclosure, even selective, would cause a breach of confidence, is not enough to satisfy the exemption. The mere disclosure of ordinary business communications between parties revealing no more than the mere facts of consultation or collaboration will not, of itself, destroy trust and confidence between those parties.

Whether the information is, in fact, confidential in character and whether it was communicated in circumstances importing an obligation of confidence are relevant considerations, but the decision merely offers opinions on this, unsupported by factual evidence.

Purely factual material, which includes material such as statistical data, surveys and factual studies, for example, will rarely satisfy the test for confidentiality.

And notably, some information cannot be reasonably confidential given it is required to be mandatorily reported under existing disclosure schemes (i.e. Commonwealth procurement disclosures).

Section 45(1) provides that a document is an exempt document if its disclosure would found an action by a person (other than an agency or the Commonwealth) for breach of confidence. In other words, the exemption is available where the person who provided the confidential information would be able to bring an action under the general law for breach of confidence to prevent disclosure, or to seek compensation for loss or damage arising from disclosure.

It should not be presumed that the other party, if they have not been consulted, and could readily have been so, would object to disclosure, which is necessary if a confidentiality clause provides for only selective enforcement.

I would also draw your attention to *Corrs Pavey Whiting & Byrne v Collector of Customs (Vic)* (1987) 14 FCR 434, in that the alleged confidential information must be identified specifically. It is not sufficient for the information to be identified in global terms, such as claiming it over the whole document/s, without specific consideration of each part of the document, as to whether such a commitment would be reasonable.

This is especially the case given the onus of the FOI to redact/exempt only that which is reasonably required, and to partially release wherever possible if an exemption may arise to a document being released in whole.

A full history of my FOI request and all correspondence is available on the Internet at this address:  
[https://www.righttoknow.org.au/request/foi\\_veteran\\_mates\\_program\\_servic](https://www.righttoknow.org.au/request/foi_veteran_mates_program_servic)

Yours faithfully,

Julie

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