



OFFICE OF THE PRIME MINISTER  
CHIEF OF STAFF

Reference: FOI/PMO/2014/007

21 FEB 2014

Mr Scott Bridges  
Email: [foi+request-508-23fcc2d1@righttoknow.org.au](mailto:foi+request-508-23fcc2d1@righttoknow.org.au)

Dear Mr Bridges

I refer to your email dated 21 January 2014 in which you made a request addressed to the Department of the Prime Minister and Cabinet under the *Freedom of Information Act 1982* (FOI Act) as follows:

*all documents and correspondence between the Prime Minister or his staff or his department employees, and any employee of the Daily Telegraph or News Corp Australia, between 1 January 2014 and 12 January 2014, regarding:*

- a) The issue of alcohol-fuelled violence, or single-hit or "coward punch" assaults; or*
- b) Discussion of policy related to the above; or*
- c) The Prime Minister's article ("Prime Minister Tony Abbott's plea to end drunken street violence across Australia") published by the Daily Telegraph on 10 January 2014*

The request was partially transferred from the Department of the Prime Minister and Cabinet to the Prime Minister on 19 February 2014. Following this partial transfer, I am advised your request to the Prime Minister was determined to be as follows:

*all documents and correspondence between the Prime Minister or his staff, and any employee of the Daily Telegraph or News Corp Australia, between 1 January 2014 and 12 January 2014, regarding:*

- a) The issue of alcohol-fuelled violence, or single-hit or "coward punch" assaults; or*
- b) Discussion of policy related to the above; or*
- c) The Prime Minister's article ("Prime Minister Tony Abbott's plea to end drunken street violence across Australia") published by the Daily Telegraph on 10 January 2014*

***Authorised decision-maker***

Under arrangements in place for FOI requests made to the Prime Minister, I am authorised to make FOI decisions on his behalf.

***Search for documents***

I am advised that relevant staff in the Office of the Prime Minister who would be expected to have had involvement in the subject-matter of the request, were asked to identify any relevant documents in their possession. They were also asked to search their email accounts for relevant documents.

As a result of these searches, one document relevant to your request was identified, being an email dated 9 January 2014 from a member of the Prime Minister's staff to a journalist with the Daily Telegraph.

***Decision on access***

I have decided to grant access in full to the document in question.

A copy of the document is enclosed with this decision.

***Processing and access charges***

I have decided not to impose a processing charge in respect of your FOI request.

***Publication of Documents***

In accordance with section 11C of the FOI Act, Ministers are required to publish information released under FOI. Section 11C(6) of the FOI Act requires Ministers to publish information released within 10 working days of granting the applicant access to the documents.

***Review and complaint rights***

In accordance with the requirements of the FOI Act, I enclose information setting out your rights of review and complaint.

Should you wish to discuss any aspect of the FOI request, please contact the Department on (02) 6271 5849 or by email to [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely



PETA CREDLIN



## Freedom of information – Your review rights

July 2012

If you disagree with the decision of an Australian Government agency or minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if someone is to be granted access to information that is about you, if the agency has informed you that it will impose a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by the agency, and external review by the Australian Information Commissioner.

### Internal review

If an agency makes an FOI decision that you disagree with, you can ask the agency to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless the agency extended the application time. You should contact the agency if you wish to seek an extension. The agency must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed.

Internal review is not available if a minister or the chief officer of the agency made the decision personally.

### Review by the Information Commissioner

The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act.

#### Is a review the same as a complaint?

No. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that an agency decision is wrong, it will be treated as an application for a review. Your matter will be treated as a complaint when a review would not be practical

or would not address your concerns (for example, if you were not consulted about a document that contains your personal information before it was released). For more information see FOI fact sheet 13 – *Freedom of information: How to make a complaint*.

#### Do I have to go through the agency's internal review process first?

No. You may apply directly to the Information Commissioner. However, going through the agency's internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.


#### Do I have to pay?

No. The Information Commissioner's review is free.

#### How do I apply?

You must apply in writing and you can lodge your application in one of the following ways:

**online:** [www.oaic.gov.au](http://www.oaic.gov.au)  
**post:** GPO Box 2999, Canberra ACT 2601  
**fax:** +61 2 9284 9666  
**email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
**in person:** Level 8, Piccadilly Tower  
133 Castlereagh Street  
Sydney NSW



An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

#### **Can I get help in completing the application?**

Yes. The Information Commissioner's staff are available to help you with your application if anything is unclear.

#### **When do I have to apply?**

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

#### **Who will conduct the review?**

Staff of the Information Commissioner will conduct the review. Only the Information Commissioner, the FOI Commissioner or the Privacy Commissioner can make a decision at the end of the review.

#### **Does the Information Commissioner have to review my matter?**

No. The Information Commissioner may decide not to review an application that is frivolous, misconceived or lacking in substance, or if you fail to cooperate with the process or cannot be contacted after reasonable attempts. You cannot appeal against that decision.

Alternatively the Information Commissioner may decide that the Administrative Appeals Tribunal (AAT) would be better placed to review the matter, and if so, will advise you of the procedure for applying to the AAT. This will not be common.

#### **Can I withdraw my application?**

Yes. An application can be withdrawn at any time before the Information Commissioner makes a decision.

#### **What happens in the review process?**

The review process is designed to be as informal as possible. The Information Commissioner may contact you or any of the other parties to clarify matters and seek more information. The Information Commissioner may also ask the agency or minister to provide reasons for their decision if the reasons given were inadequate.

Most reviews will be made on the basis of the submissions and papers provided by the parties. Sometimes the Information Commissioner may decide to hold a hearing if one of the parties applies. Parties may participate in a hearing by telephone. If confidential matters are raised, the hearing may be held partly or wholly in private.

#### **Will there be other parties to the review?**

There may be. The Information Commissioner can join other parties who are affected by the application. For example, if you are objecting to someone else being granted access to information that concerns you, that person may be joined in the review.

#### **Can someone else represent me?**

Yes, including a lawyer. However, the Information Commissioner prefers the process to be as informal and cost-effective as possible and does not encourage legal representation.

#### **Will the Information Commissioner look at all documents, including ones that are claimed to be exempt?**

Yes. The Information Commissioner's review is a fresh decision, so all the relevant material must be examined, including documents that the agency or minister has declined to release. Developments that have occurred since the original decision may also be considered.

### What powers does the Information Commissioner have?

While the review process is designed to be informal, the Information Commissioner has formal powers to require anyone to produce information or documents, to compel anyone to attend to answer questions and to take an oath or affirmation that their answers will be true.

An agency or minister can also be ordered to undertake further searches for documents.

### What decisions can the Information Commissioner make?

After reviewing a decision, the Information Commissioner must do one of three things:

- set the decision aside and make a fresh decision
- affirm the decision, or
- vary the decision.

The Information Commissioner will give reasons for the decision.

### Will the decision be made public?

Yes. The Information Commissioner will publish decisions on the website. Exempt material (that is, material that is not released) will not be included. Nor will the name of the review applicant, unless that person requests otherwise or there is a special reason to publish it.

### What can I do if I disagree with the Information Commissioner's review decision?

You can appeal to the AAT. The Information Commissioner will not be a party to those proceedings. There is a fee for lodging an AAT application, although there are exemptions for health care and pension concession card holders, and the AAT can waive the fee on financial hardship grounds. For further information see [www.aat.gov.au/FormsAndFees/Fees.htm](http://www.aat.gov.au/FormsAndFees/Fees.htm).

### FOI applications made before 1 November 2010

The Information Commissioner can only review an agency's or minister's FOI decision if you made your FOI request on or after 1 November 2010. If you made your FOI request before 1 November, even if the decision was made after that date, the review process is different.

You must first ask the agency for internal review of the decision. You may then appeal to the AAT if you are not satisfied with the decision.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

#### For further information

**telephone:** 1300 363 992

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

**write:** GPO Box 2999, Canberra ACT 2601  
or visit our website at **[www.oaic.gov.au](http://www.oaic.gov.au)**





## Freedom of information – How to make a complaint

October 2010

You may complain to the Australian Information Commissioner if you have concerns about how an Australian Government agency handled a request for documents under the *Freedom of Information Act 1982* (the FOI Act) or took any other action under that Act. If you are unhappy with the agency's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process.

### Disagree with an FOI decision?

If you disagree with an agency's or minister's decision on your request under the FOI Act, you have the right to have the decision reviewed. You can ask an agency to review its decision internally. You also have the right to ask the Information Commissioner to review an agency's or minister's decision. See **FOI Fact Sheet 12 Freedom of information – Your review rights** for more information about the review process.

If you are concerned about the way an agency has handled your matter, you can complain to the Information Commissioner.

### What are the powers of the Information Commissioner?

The Information Commissioner can investigate a complaint about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The Information Commissioner cannot investigate a complaint about a minister.

In conducting the investigation the Information Commissioner has the power to:

- make inquiries of an agency
- obtain information from any person
- take possession of, or inspect, any relevant documents.

If the Information Commissioner decides to investigate your complaint, the agency you have complained about will be notified in writing of the complaint. The Information Commissioner conducts investigations of complaints in private.

### Who can make a complaint?

Any person can make a complaint about the actions of an agency in relation to an FOI activity. You do not need to have requested documents under the FOI Act.

### When should I make a complaint?

You can complain to the Information Commissioner at any time. If your complaint relates to an FOI request you can make the complaint at any stage of the process.

Before making a complaint to the Information Commissioner, you should contact the agency directly to try to resolve your concerns. The Information Commissioner may decide not to investigate your complaint if you have not raised your concerns first with the agency or you have not given the agency a reasonable opportunity to deal with your complaint.

## How do I make a complaint?

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to us using the details at the end of this fact sheet. A complaint form is also available on our website at [www.oaic.gov.au](http://www.oaic.gov.au).

If you need help we can assist you. You can contact us on 1300 363 992 or by email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

### *What information do I need to put in the complaint?*

To help the Information Commissioner give the best consideration to your complaint, please provide as much relevant information as possible. Be clear about the issues in your complaint and what action or outcome you would like to see as a result.

### *Is there a fee for making a complaint?*

No. There are no costs involved in making a complaint to the Information Commissioner.

## What will happen to my complaint?

An officer of the Information Commissioner will contact you to discuss your complaint and you will be kept informed of the progress of your complaint along the way.

Before deciding whether to investigate your complaint the Information Commissioner may make preliminary inquiries of the agency you have complained about.

If the Information Commissioner decides to investigate your complaint, the Commissioner will write to the agency and request information to assist with the investigation.

### *Can the Information Commissioner decide not to investigate my complaint?*


Yes. The Information Commissioner may decide not to investigate, or may discontinue an investigation, if:

- your complaint does not concern an agency's action under the FOI Act
- it is more appropriate for you to complain to another body (such as the agency or the Commonwealth Ombudsman)
- it is more appropriate for you to ask for the decision to be reviewed
- the agency you complained about has dealt with your complaint, or is in the process of dealing with it
- your complaint is frivolous, lacking in substance or not made in good faith
- you do not have sufficient interest in the matter.

If the Information Commissioner decides not to investigate or discontinues an investigation, the Commissioner will notify you and the agency of the reasons for this in writing.

## How will my complaint be resolved?

In some cases the Information Commissioner's investigation and intervention may result in the agency addressing the issues that you have complained about. In other cases the Information Commissioner may make suggestions or recommendations that the agency should implement. You and the agency will be notified in writing of the outcome of the investigation.



If an agency fails to take adequate and appropriate action to implement any recommendations, the Information Commissioner may issue a formal implementation notice. This notice requires the agency to explain what action it will take to implement the recommendations. The Information Commissioner may also provide a written report to the minister responsible for the agency, and the report will be tabled in Parliament.

Your name will not be included in the report unless there is a special reason and you were first consulted.

### **Investigation by the Ombudsman**

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the Information Commissioner, the Ombudsman will consult the Information Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate, the complaint and all relevant documents must be transferred to the Information Commissioner.

The Information Commissioner can also transfer to the Ombudsman a complaint that could more appropriately be investigated by the Ombudsman. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

### **For further information**

**telephone:** 1300 363 992

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

**write:** GPO Box 2999, Canberra ACT 2601  
or visit our website at

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



## Walshe, Kate

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**From:** Walshe, Kate  
**Sent:** Thursday, 9 January 2014 4:56 PM  
**To:** Lion, Patrick  
**Subject:** [SEC=UNCLASSIFIED]

Like most Australians, I enjoy a drink on social occasions.

However, as a father and as a citizen, I'm appalled by the violent binge drinking culture that now seems so prevalent, especially at "hot spots" in our big cities. I'm sick of the fact that alcohol fuelled violence has turned places that should be entertainment precincts into 'no-go zones'. Hospital emergency departments should not be over-flowing with the victims of substance abuse every Friday and Saturday night. The media should not be full of stories about the latest casualties from our own streets.

We've got two problems. The first problem, which is a broad one, is the binge drinking culture which has become all too prevalent amongst youngsters over the last couple of decades.

I'm realistic enough to know that young people won't always be perfect and that making mistakes along the way is a normal part of growing up. I certainly made a few mistakes as a younger man and have got into some embarrassing situations. However, there's a world of difference between having two or three drinks a night and occasionally a bit more on a Saturday night and this new binge culture which sees young people drinking nothing from one week to the next and then, when they decide to have a drink, not knowing when or how to stop.

The second problem, and this is a truly insidious thing, is the rise of the disturbed individual who goes out looking not for a fight but for a victim. We are seeing these king hits - or as they are now being called coward punches. They are random acts of unprovoked, gratuitous violence.

Inevitably the target is an individual quietly getting on with life. People who have not done anything to anyone. This is a vicious, horrible change.

Brutal people, often with a history of violence, are getting it into their heads to pick on a vulnerable individual. It is utterly cowardly. It's brutal, it's gratuitous, it's utterly unprovoked and it should be dealt with very severely by the police and the courts.

It is well known that as a university student, I played rugby and boxed. Boxing taught me many things, including the power of a single punch. If there's danger from a single punch in a boxing ring, it is multiplied exponentially when it's delivered to an unsuspecting or unprepared victim on a concrete footpath, or in a crowded pub or club.

Tragically, it's not just one young life that is destroyed by an angry, indiscriminate punch but many. In an instant, one person becomes a victim, another a criminal – and the lives of their families are irrevocably damaged.

As Prime Minister I accept that the fundamental responsibility in this area lies with state governments. It's not just Barry O'Farrell's problem, it's an issue that communities are facing in suburbs and regional centres across Australia.

While, we all want to see the courts absolutely throw the book at people who perpetrate this kind of gratuitous, unprovoked violence, we have to recognise that courts can only act after a crime.

The challenge for officialdom at every level, for the police, for pubs and clubs as well as for parents and young people is to tackle the binge drinking culture and the violent behaviour that is accompanying it. We also have to identify if drugs like steroids are also contributing to this outbreak of violent behaviour. There is enough anecdotal evidence from police and our emergency rooms that what we are seeing is not fuelled by alcohol alone. All too often alcohol is consumed along with other drugs such as ice and other amphetamines.

We need to tackle this issue in a comprehensive and considered way. We don't need knee-jerk reactions and stunts that give the illusion of action, but don't make any real, lasting difference.

Where possible, we need community solutions between police, local government, pubs and clubs and residents. Some communities have already demonstrated that progress can be made and many pubs, clubs and alcohol providers have discovered it is better to solve a problem and be part of the solution, than have a solution imposed on them.

We have to approach this in a way that actually makes our streets safer. That means we have to resist the idea that one single action will change everything; that one group is responsible for this problem or that one politician has the answer or is the cause of the problem. While this is not an easy area, with much control in the hands of state and local governments, the Commonwealth stands ready to work with the states, parents and communities to tackle this scourge.

Alcohol has and always will be part of life in our country – and most countries in the world. Our challenge as a people is to ensure that we get the balance right again. Few of us can say we have been perfect when it comes to alcohol in our lives – but that doesn't mean that we shouldn't as individuals and as a society work harder at tackling dangerous behaviour and keeping our communities safer. After all, alcohol should be about adding to our celebrations rather than detracting from them.

ENDS