

# FOI - [ROYAL COMMISSION] - PANE, Verity - Royal Commission legal team costs

**LEX ID** 47338 **Decision/Outcome** FOI Decision: Access granted (part)

## File notes

Date	Type	DVA officer	Timeframe days
15 Feb 2022	FOI: s22(1)(a)(ii) - irrelevant/out of scope	Llewellyn	§ 47E, § 47F
Exempt information removed from documents.			
15 Feb 2022	FOI: s47F - Personal privacy	Llewellyn	§ 47E, § 47F
Redacted personal information (surnames and contact information) of non-SES staff from documents. Also withheld Document 9 - an excel spreadsheet containing the health information of veterans, due to size of documents redactions not practical in the circumstances.			
24 Jan 2022	FOI: s47E - Certain operations of agencies	Llewellyn	§ 47E, § 47F
Under s 47E, removed last names and other identifying details of non-SES staff, to prevent the risk of an adverse effect on operations of agency.			
24 Jan 2022	FOI: s17 - Document creation	Llewellyn	§ 47E, § 47F
Under s 17 created a table containing information requested by applicant (Document 1).			
24 Jan 2022	FOI: s22(1)(a)(i) - exemptions applied/edited copy	Llewellyn	§ 47E, § 47F
Under s 22, removed exempt material from the documents.			
24 Jan 2022	FOI: s47F - Personal privacy	Llewellyn	§ 47E, § 47F
Relied upon s 47F in redacting personal information from Document 4, due to the document containing personal information about APS employees that would be unreasonable to disclose in the circumstances.			
24 Jan 2022	FOI: s47E - Certain operations of agencies	Llewellyn	§ 47E, § 47F
Relied upon s 47E in redacting some information from Document 4, due to document containing information regarding APS employees (such as names and other identifying details) which, if released could disrupt DVA operations through allowing established lines of communication to be bypassed.			
24 Jan 2022	FOI: s47 - Trade secrets	Llewellyn	§ 47E, § 47F
Relied upon s 47 in redacting material from Document 1, due to document containing information regarding the charge-out rates of contractors from relevant companies.			
24 Jan 2022	1.1.1 Clock stop	Llewellyn	§ 47E, § 47F
Clock stopped. Reason: Decision sent to applicant.			

24 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Primary decision and docs ready to be sent out - currently in drafts.

24 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Decision sent to Derek for his adoption.

24 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Consultations were not considered required for 47F and 47 exemption application at this stage, due to personal information being redacted and business information (related to the value of commercial contracts) being publicly available, or set to be publicly available on Aus Tender.

20 Jan 2022 1. File note Chantal [§ 47E, s 47F]  
Draft decision sent to M Campbell to QA - 20.01.22 - C [§ 47E, s 47F]

19 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Received table created under s 17 FOI Act from Ken; drafted reasons for decisions, which are now saved in r-drive and also sitting in email draft for review.

19 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
I have now requested that Ken [§ 47E, s 47F] create a table for cost of Royal Commission Contractors to the DVA, in line with Ms Lane's FOI request.

17 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Ken has confirmed via email that, with exception to the names of specific APS staff that will need to be redacted, all the details included on the contracts including value of the contracts etc is already publicly available. It therefore appears that third party consultation will not be required.

17 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Received signed search minute and documents from Kenneth [§ 47E, s 47F] General Counsel Division. As noted in earlier file note, Ken stated that he believed he had access to all documents within scope. Saved documents and signed search minute in r-drive.

12 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Spoke with Ken [§ 47E, s 47F] (Finance Manager) on the phone to confirm he was aware of the due date and the short turnaround time. He confirmed that he was aware and also let me know that he has already collected most of the documents and will shortly send the documents for sign off. Confirmed with Ken that the request is currently only with him, due to People Operations letting us know that they did not have any relevant documents, and that we have not sent the request to any other business areas. Confirmed with Ken that it is not necessary to send the request to any other business areas due to his area having access to all relevant files.

11 Jan 2022 1. File note Chantal [§ 47E, s 47F]  
Search minute sent to LSA RC section and people operations - C [§ 47E, s 47F]

10 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Drafted Search Minute Request emails to both Legal Services and People Operations. Both emails currently in draft form waiting to be sent

6 Jan 2022 1. File note Llewellyn [§ 47E, s 47F]  
Acknowledgement Email sent 6 January 2022 by Sneha (Position number: 62315639)

Dear Verity Pane,

Freedom of Information Request: FOI 47338

I refer to your request for access to documents held by the Department of Veterans' Affairs (department) under the Freedom of Information Act 1982 (FOI Act). Your request was received by the department on 23

December 2021 and was made in the following terms:

' ... I've heard DVA has a DVA Royal Commission Legal Team of about 25 people working in DVA's General Counsel Division.

There is interest in the community as to what the purpose of this DVA Royal Commission Legal Team is, what it does, what law firms have seconded their staff to it, and how much this is all costing the taxpayer.

I seek copy of the following documents (it is likely to be easier for DVA to do as a table rather than provide copy of the source documents as it will mean a lot less work for DVA in redaction/consideration):

\* the cost of all contractors employed within the DVA Royal Commission Legal Team, broken down by law firm/personnel agency seconded from (with number of contractors from that law firm/personnel agency) - cost may be at fortnightly, monthly, or yearly basis as suits DVA

\* the cost of all APS staff employed within the DVA Royal Commission Legal Team, broken down by classification - cost may be at fortnightly, monthly, or yearly basis as suits DVA

\* copy of any position/duty statement for the positions within the DVA Royal Commission Legal Team

\* any other document directly relevant to what the purpose of this DVA Royal Commission Legal Team is, what it does, what law firms have seconded their staff to it, and how much this is all costing the taxpayer, that DVA reasonably believes gives such context....'

In accordance with section 15(5)(b) of the FOI Act, the due date for a decision on your request is 22 January 2022.

When the processing period may be extended or suspended

The current due date may be extended by up to 30 days if agreed by you (section 15AA of the FOI Act). Also, the due date may be extended by an additional 30 days in each instance, if your request is considered voluminous or complex (section 15AB of the FOI Act) or if the department is required to undertake a third party consultation (sections 26A, 27 or 27A of the FOI Act). If any of these extensions apply, the department will notify you.

Additionally, there are occasions where the time to process your request may be suspended. This will usually take place if a practical refusal consultation process takes place (section 24AB of the FOI Act) or if a charges notice is issued to process your request (section 29 of the FOI Act). If the department decides that either of these apply to your request, the department will notify you.

We will write again when the department has more information. Further information on FOI processing can be found at the website of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/>.

Publication of documents

Please note that information released under the FOI Act may later be published online on our disclosure log at <https://www.dva.gov.au/about-dva/freedom-information/foi-disclosure-log> subject to certain exceptions, such as if the documents relate to your own personal information. The Department will advise you in its decision whether details of your request will be published on the disclosure log or not.

Contacting us about your request

We will contact you using the email address you have provided. Please advise if you would prefer us to use an alternative means of contact.

If you have any questions, please contact us using the following details:

Post: Information Law Section, Legal Services & Audit Branch  
GPO Box 9998 CANBERRA ACT 2601  
Facsimile: (02) 6289 6337  
Email: [Information.Law@dva.gov.au](mailto:Information.Law@dva.gov.au)

Yours sincerely,

Sneha (Position number: 62315639)

23 Dec 2021 1.1.1 Clock start Kate s 47E, s 47F 30  
Clock started

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Produced by s 22 - Out of scope

LEX for FOI Management

Sunday, 10 Apr 2022

ELECTRONIC DOCUMENT		RE: LEX 47338 - Primary Decision [SEC=OFFICIAL]		In container...	21/02/2022 at 1:19 PM		2200339	21/02/2022 at 1:19 PM
ELECTRONIC DOCUMENT		LEX 47338 - Primary Decision [SEC=OFFICIAL]		In container...	21/02/2022 at 1:19 PM		2200339	21/02/2022 at 1:19 PM
ELECTRONIC DOCUMENT		1. Contractors – s 17 Table		In container...	21/02/2022 at 1:19 PM		2200339	21/02/2022 at 1:19 PM
ELECTRONIC DOCUMENT		Primary Decision - 24.01.22		In container...	21/02/2022 at 1:18 PM		2200339	21/02/2022 at 1:18 PM
ELECTRONIC DOCUMENT		Synergy Contract		In container...	21/02/2022 at 1:13 PM		2200339	21/02/2022 at 1:13 PM
ELECTRONIC DOCUMENT		ME Contract		In container...	23/03/2022 at 4:12 PM		2200339	21/02/2022 at 1:13 PM
ELECTRONIC DOCUMENT		McInnes Contract		In container...	23/03/2022 at 4:12 PM		2200339	21/02/2022 at 1:13 PM
ELECTRONIC DOCUMENT		Hays Contract		In container...	23/03/2022 at 4:12 PM		2200339	21/02/2022 at 1:13 PM
ELECTRONIC DOCUMENT		AGS Contract		In container...	21/02/2022 at 1:13 PM		2200339	21/02/2022 at 1:13 PM
ELECTRONIC DOCUMENT		RC APS		In container...	21/02/2022 at 1:12 PM		2200339	21/02/2022 at 1:12 PM
ELECTRONIC DOCUMENT		DVAO1322- EL1 Snr Lgl Offcr		In container...	21/02/2022 at 1:12 PM		2200339	21/02/2022 at 1:12 PM
ELECTRONIC DOCUMENT		DVAO1321- APS6 Lgl Officer		In container...	21/02/2022 at 1:12 PM		2200339	21/02/2022 at 1:12 PM
ELECTRONIC DOCUMENT		Signed Search Minute		In container...	21/02/2022 at 1:11 PM		2200339	21/02/2022 at 1:11 PM
ELECTRONIC DOCUMENT		Contractor Table		In container...	21/02/2022 at 12:01 PM		2200339	21/02/2022 at 12:01 PM
ELECTRONIC DOCUMENT		RE: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:51 AM		2200339	21/02/2022 at 11:51 AM
ELECTRONIC DOCUMENT		RE: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:50 AM		2200339	21/02/2022 at 11:50 AM
ELECTRONIC DOCUMENT		FW: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:50 AM		2200339	21/02/2022 at 11:50 AM
ELECTRONIC DOCUMENT		FW: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:47 AM		2200339	21/02/2022 at 11:47 AM
ELECTRONIC DOCUMENT		Automatic reply: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=O...		In container...	21/02/2022 at 11:47 AM		2200339	21/02/2022 at 11:47 AM
ELECTRONIC DOCUMENT		LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:46 AM		2200339	21/02/2022 at 11:46 AM
ELECTRONIC DOCUMENT		LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:46 AM		2200339	21/02/2022 at 11:46 AM
ELECTRONIC DOCUMENT		RE: LEX 47338 [SEC=OFFICIAL]		In container...	21/02/2022 at 11:45 AM		2200339	21/02/2022 at 11:45 AM
ELECTRONIC DOCUMENT		RE: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:45 AM		2200339	21/02/2022 at 11:45 AM
ELECTRONIC DOCUMENT		FW: LEX 47338 PANE, Verity - FOI Request - 'Royal Commission Team Legal Costs' [SEC=OFFICIAL]		In container...	21/02/2022 at 11:44 AM		2200339	21/02/2022 at 11:44 AM
ELECTRONIC DOCUMENT		Freedom of Information request - Royal Commission Legal Team Cost and Breakdown		In container...	21/02/2022 at 11:44 AM		2200339	21/02/2022 at 11:42 AM
ELECTRONIC DOCUMENT		FW: FOI 47338 - Acknowledgement of your request [SEC=OFFICIAL]		In container...	21/02/2022 at 11:42 AM		2200339	21/02/2022 at 11:42 AM



**Australian Government**  
**Department of Veterans' Affairs**

## **Freedom of Information (FOI) - Document Search Request**

The department has received a request from Ms Verity Lane under the *Freedom of Information Act 1982* (FOI Act) for access to the following:

*"...I've heard DVA has a DVA Royal Commission Legal Team of about 25 people working in DVA's General Counsel Division.*

*There is interest in the community as to what the purpose of this DVA Royal Commission Legal Team is, what it does, what law firms have seconded their staff to it, and how much this is all costing the taxpayer.*

*I seek copy of the following documents (it is likely to be easier for DVA to do as a table rather than provide copy of the source documents as it will mean a lot less work for DVA in redaction/consideration):*

*\* the cost of all contractors employed within the DVA Royal Commission Legal Team, broken down by law firm/personnel agency seconded from (with number of contractors from that law firm/personnel agency) - cost may be at fortnightly, monthly, or yearly basis as suits DVA*

*\* the cost of all APS staff employed within the DVA Royal Commission Legal Team, broken down by classification - cost may be at fortnightly, monthly, or yearly basis as suits DVA*

*\* copy of any position/duty statement for the positions within the DVA Royal Commission Legal Team*

*\* any other document directly relevant to what the purpose of this DVA Royal Commission Legal Team is, what it does, what law firms have seconded their staff to it, and how much this is all costing the taxpayer, that DVA reasonably believes gives such context..."*

All documents held by the department at the time the request was received (**23/12/2021**) that might potentially be within scope must now be collected for the purposes of processing the request.

If the scope of the request is unclear, or if there is a significant amount of material within scope, please contact the FOI Team promptly to discuss.

**Action required**

As your area has primary responsibility for the subject matter referred to in the FOI request, you are requested to do the following by **Friday 14 January 2022**

**[Security Classification]**  
**[Security DLM]**

- Identify and collect all of the documents within the scope of the request that are in the possession of the department (or contracted service providers of the department where the department has a contractual right to access those documents). You must ensure that:
  - all relevant documents held by the department or its contracted service providers are captured - not just those held by your Branch/Division (this could require you to liaise with other line areas)
  - a thorough search is undertaken on a common sense-interpretation of the terms of the request
  - you provide all documents within the scope of the request, including any that you consider may be exempt under the FOI Act.
- Complete and sign **Attachment A** and return to the Information Law Section.

Provide a copy of all relevant documents to the Information Law Section by emailing [InformationLaw@dva.gov.au](mailto:InformationLaw@dva.gov.au).

- If appropriate, provide timely advice to the Minister's Office and the Executive on possible implications arising from the request, including from a decision to release some or all of the documents.

**Note:** Attachment A may be used as evidence in the event that the matter is subject to external review by the Australian Information Commissioner or the Administrative Appeals Tribunal.

**What is a document?**

The definition of document in the FOI Act is very broad and covers a wide range of material as set out below:

- any of, or any part of, the following things:
  - any paper or other material on which there is writing;
  - a map, plan, drawing or photograph;
  - any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
  - any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
  - any article on which information has been stored or recorded, either mechanically or electronically;
  - any other record of information; or
- any copy, reproduction or duplicate of such a thing; or
- any part of such a copy, reproduction or duplicate

[Security Classification]  
[Security DLM]

The definition does not include material maintained for reference purposes that is otherwise publicly available or Cabinet notebooks.

**Statutory time limit**

Under the FOI Act, the department must process this request and notify the applicant of the decision within 30 days of receipt of the request. This time limit includes weekends and public holidays. If consultation with a third party is required under the FOI Act, the timeframe is extended by 30 days. Failure to meet statutory timeframes can have serious consequences.

**Further assistance**

If you have any queries, please feel free to contact the FOI Team by emailing [InformationLaw@dva.gov.au](mailto:InformationLaw@dva.gov.au)

[Security Classification]  
[Security DLM]

Attachment A

**Request details**

<b>Our reference</b>	LEX 47338
<b>Applicant name</b>	Verity Pane
<b>CRN/JSID</b>	N/A

**Is this a sensitive request?**

Sensitive requests are matters of potential media or parliamentary interest.

Is this request a sensitive request?  YES  NO

**Searches**

Location to search	Yes/No/Not applicable
Filing cabinets, safes, desk drawers, bookshelves and cupboards	Not applicable
Records Management and archives	Not applicable
Personal folders and diaries	Not applicable
CDs and DVDs	Not applicable
Personal and shared email inboxes	Yes
Microsoft Teams and Jabber messages	Not applicable
Text messages and voicemail messages	Not applicable
Sharepoint and the intranet	Not applicable
Shared computer drives	Yes
Employment Service System (ESS)	Not applicable
Employee Service Feedback System (ESFS)	Not applicable
The Research and Evaluation Database (RED)	Not applicable
ESQIS	Not applicable
IES Help Desk	Not applicable
PDMS	Yes
Other databases	Not applicable
Contracted service providers	Not applicable

[Security Classification]

[Security DLM]

Please detail any other searches undertaken: DOLARS Contract Portal, and Budget Management System (BMS)

If your searches produced no documents, please provide an explanation: N/A

Number of documents falling within the scope of the request	
Number of documents <sup>1</sup>	8
Total number of pages within the scope of the request <sup>2</sup>	18
Total number of third parties to be consulted <sup>3</sup>	4
Concerns or sensitivities	

Are there sensitivities?

YES

NO

Page number	Document description	Description of sensitivity or concern
1	RC APS.pdf	Full name of non-SES DVA staff
1	ME Contract.pdf	Full name of non-SES DVA staff
1	AGS Contract.pdf	Full name of non-SES DVA staff Full name of contracted staff
1	Hays Contract.pdf	Full name of non-SES DVA staff Full name of contracted staff
1	McInnes Contract.pdf	Full name of non-SES DVA staff Full name of contracted staff
1	Synergy Contract.pdf	Full name of non-SES DVA staff Full name of contracted staff

**Statistics**

The department is required to report to the Office of the Australian Information Commissioner on the total expenditure for processing of FOI requests, including time spent on the request by line area staff.

<sup>1</sup>If there is a large volume of documents, please provide an estimate. You must include material you think may be exempt in this estimate. Do not include exact duplicates but note that any annotations on a document that is otherwise identical to another document will result in it being treated as a separate document.

<sup>2</sup> Note: 1 page that is double sided = 2 pages

<sup>3</sup> A third party is any individual, business, organisation or State department, agency or body whose information is contained in the documents and whose views may need to be sought as to possible release of their information under the FOI request. Note that other Commonwealth agencies are specifically excluded from this definition. Where consultation with a third party is required the FOI Team will undertake such consultation.

[Security DLM]

[Security Classification]

[Security Classification]  
[Security DLM]

Please complete the following table to indicate the time spent on this request:

SES	
APS 6 to EL2	1.5
APS 1 to APS 5	

Clearance

I certify that I have undertaken, or caused to be undertaken, all reasonable searches (including the searches listed above) for documents falling within the scope of this FOI request. I understand that I may be required to appear and give evidence before the Australian Information Commissioner or the Administrative Appeals Tribunal in relation to the searches for documents undertaken.

**s 47E, s 47F**

Signature of:

Kenneth **s 47E, s 47F** Finance Manager GCD Date 14 Jan 2022

UPON COMPLETION, PLEASE RETURN TO:

Email: [InformationLaw@dva.gov.au](mailto:InformationLaw@dva.gov.au)