



Australian Government

Department of Social Services

Our ref: FOI LEX 45273

Decision date: 30 September 2022

Applicant: BE

By email: xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx

Dear BE,

Freedom of Information Request: FOI LEX 45273

1. I refer to your correspondence received by the Department of Social Services (**the Department**) on 4 August 2022, in which you requested access to documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).
2. You sought access to the Department's Question Time Briefs (**QTBs**) for the 47th Parliament. The full scope of your FOI request is set out at paragraph 6 of this Notice.
3. I have made a decision to grant you **part access** to 59 documents relevant to your request.
4. The documents that I have chosen to grant **part access** to are listed at **Appendix 1**, together with the relevant FOI Act exemption provisions. In accordance with section 22 of the FOI Act, I have provided access to an edited copy of the documents.

Authority to make decision

5. I am an officer authorised by the Secretary of the Department to make decisions about access to documents in the possession of the Department in accordance with subsection 23(1) of the FOI Act.

Background

6. On 4 August 2022, you sent the Department a request for access to the following documents (**FOI request**):

... Question Time briefs (however described). This request is limited to Question Time briefs for the 47th Parliament (ie Question Time briefs prepared for 27 – 28 July and 1-4 August 2022).

I also request a copy of the Department's current index of Question Time briefs.



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Duplicate copies of the same document are not required, although different or updated versions of a document are. If a document contains tracked changes or comments, it is requested that the document be provided in a form where all tracked changes and comments are visible.

Names and contact details for departmental staff below the SES level are not required and can be treated as irrelevant under s22 of the Act for the purposes of this request.

7. On 10 August 2022, the Department acknowledged your request and advised you that a decision on your request was due by 5 September 2022.
8. On 17 August 2022, the Department advised you that your request was too large to process and asked you to consider revising the scope of your request. On the same day, you agreed to reduce the scope of your request, to “*the current versions of the QTBs held by the Department on 4 August 2022...*” You confirmed that you still sought access to an index of the QTBs as at that date.
9. On 29 August 2022, you agreed to treat the schedule of documents in **Appendix 1** as satisfying paragraph 2 of your request for an index of QTBs.
10. I have decided not to impose a charge in relation to this request, in accordance with Regulation 8 of the *Freedom of Information (Charges) Regulations 2019*.

Decision

11. In response to your FOI request, the Department undertook a reasonable search of its records and has identified 59 documents, totalling 313 pages, relevant to your request (**the documents**). **Appendix 1** provides an index of all of these documents.
12. As part of this decision, I have reviewed these search efforts and am satisfied that reasonable searches were undertaken in response to your request and that to best of my knowledge, all relevant documents have been identified.
13. I have made a decision to grant you part access to the documents subject to section 47F of the FOI Act. My reasons for the decision follow.



14. I have also made an annotation to document 5, located on page 30 of the document bundle. This annotation highlights where the document contains a factual error and provides you with the corrected information. The figure of '14,000' was incorrectly recorded due to a reporting error and was later removed in a recent version of the QTB on 5 August 2022. I have chosen to annotate this incorrect information, rather than redact it, because paragraph 11B(4)(a) of the FOI Act states that an FOI decision maker who is considering the application of conditional exemptions, **cannot** consider whether release of particular information would result in a misunderstanding or misinterpretation.

Material taken into account

15. When making my decision I considered the following:
- a) the terms of your original request;
 - b) the types of information and documents that are in the Department's possession;
 - c) consultation with relevant business areas on the documents falling within scope of your request; and
 - d) the content of the documents that fall within the scope of your request.
16. I also particularly considered the following provisions of the FOI Act:
- a) section 3 which outlines the objects underpinning that right of access;
 - b) sections 11 and 11A which give the Australian community a legally enforceable right to access information held by the Government of the Commonwealth;
 - c) section 11B to assess whether release of a conditionally exempt document was contrary to the public interest;
 - d) section 22 which requires the release of exempt documents in an edited form in certain circumstances, including the removal of information that would reasonably be regarded as exempt or irrelevant;
 - e) section 47F (Conditional exemption-Personal privacy) as is relevant to each of the documents.
17. I have also considered the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).
18. Full extracts of provisions of the FOI Act that I have relied upon are in **Appendix 3**.



Reasons for decision

19. I have decided to **grant part access** to 59 documents within the scope of your request in accordance with the following provisions of the FOI Act.

Public interest conditional exemptions--personal privacy (section 47F)

20. Section 4 of the FOI Act confirms that *personal information* has the same meaning as is defined in section 6 of the *Privacy Act 1988 (Privacy Act)*, which is:

...information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not;*
 - (b) whether the information or opinion is recorded in a material form or not.*
21. Subsection 47F(2) of the FOI Act provides the following factors that an FOI decision maker should take into account when considering the application of this conditional exemption provision:
- (a) the extent to which the information is well known;*
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;*
 - (c) the availability of the information from publicly accessible sources; and*
 - (d) any other matters the decision maker considers relevant.*
22. I have identified material within the documents that discloses the direct contact details, including mobile numbers of Senior Executive Service (**SES**) Commonwealth staff. I am satisfied that this material meets the definition of personal information for the purposes of both the FOI Act and Privacy Act and is not otherwise in the public domain.
23. The Department has policies and procedures to ensure that its staff are well supported and that their privacy is protected within and outside of their employment environment. I consider that the release of SES mobile numbers



would be unreasonable as it would disclose to the public, a direct line of contact to those SES staff that is additional to the contact information already publicly available. It is important that all staff are afforded some privacy and protection and I consider that the disclosure of SES mobile numbers and direct phone numbers would have an unreasonable effect on the privacy of those individuals.

24. Accordingly, I have made a decision to redact this material under section 47F of the FOI Act. As section 47F is a conditional exemption, its application also requires the consideration of the public interest test, which I have discussed below.

Application of the public interest test – sections 47F

25. Where material is identified as conditionally exempt, subsection 11A(5) of the FOI Act provides that an agency must give the person access to the document **unless** (in the circumstances) access to the document would, on balance, be contrary to the public interest.
26. In order to assess whether release of the conditionally exempt material would be contrary to the public interest, I have considered that disclosure would promote the objects of the FOI Act by providing access to government held information.
27. I have also considered that disclosure could reasonably be expected to prejudice the protection of individual's right to privacy, including that of Commonwealth staff.
28. I am not satisfied that disclosure of the SES staff mobile and direct phone numbers, would necessarily promote the objects of the FOI Act to any great extent. Instead, I consider that disclosure could reasonably be expected to prejudice the protection of third-party rights to privacy.
29. I am satisfied that I have not considered any of the listed irrelevant factors for consideration, as set out in subsection 11B(4) of the FOI Act.
30. I have placed greater weight on the factor against disclosure and on balance, I consider the public interest factor against disclosure to be more persuasive



than the public interest factor favouring disclosure. I am satisfied that the public interest is to withhold the exempt material.

Delete exempt or irrelevant material from documents and provide access to edited copies (section 22)

31. As explained above, some of the documents contain material which I have decided to redact under section 47F of the FOI Act.
32. At the time of your initial request, you agreed to the removal of non-SES staff names and contact details as out of scope from your request.
33. In accordance with section 22 of the FOI Act, I have prepared the documents for release by removing this exempt and out of scope material.

Other matters

34. A number of the QTBs as at 4 August 2022, contain material that was prepared by the respective Minister's Office. This material is listed at Appendix 2.

Release of documents

35. As detailed above, the documents with redactions applied in accordance with sections 22 and 47F of the FOI Act are enclosed.

Disclosure Log Decision

36. I am of the view that details of your request should be made available on the Department's FOI Disclosure Log. Accordingly, details of your request will be published on the Department's FOI Disclosure Log.
37. Please note that the Department does not publish details of FOI applicants, it only publishes details of the FOI request and the documents released in response to the request.

Your rights of review

38. Information about your rights to seek a review of this decision are at **Attachment A**.



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39. Should you have any enquiries concerning this matter please do not hesitate to contact the FOI team by email at xxx@xxx.xxx.xx.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Renee W'.

Renee W

A/g Director

FOI Section

Legal Services Branch

30 September 2022



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Appendix 1

Doc No.	No. of pages	Date	Description	Access decision	Exemption provision
1.	1-6	20/07/2022	Communities (QB22-000014) Support for Volunteering - Volunteer Management Activity, Volunteer Grants	Part release	47F
2.	7-9	20/07/2022	Communities (QB22-000015) Restoring Respect for the Community Sector	Part release	47F
3.	10-17	22/07/2022	Communities (QB22-000016) Top Up Financial Wellbeing Funding (COVID and Floods)	Part release	47F
4.	18-23	21/07/2022	Communities (QB22-000020) Response to the Review of Financial Counselling	Part release	47F
5.	24-31	03/08/2022	Communities (QB22-000061) Abolishing the Cashless Debit Card and the future of Income Management	Part release	47F
6.	32-39	20/07/2022	Communities (QB22-000062) Gambling Policy	Part release	47F
7.	40-41	26/07/2022	Community Grants Hub (QB22-000074) Approach for the Indexation of Grants	Part release	47F
8.	42-45	20/07/2022	Disability Strategy (QB22-000021) Disability Royal Commission	Part release	47F
9.	46-55	20/07/2022	Disability Strategy (QB22-000022) Australia's Disability Strategy 2021-2031	Part release	47F
10.	56-61	26/07/2022	Disability Strategy (QB22-000075) National Autism Strategy	Part release	47F
11.	62-66	25/07/2022	Disability Strategy (QB22-000076) Information, Linkages and Capacity Building (ILC) Program - Offer to Extend	Part release	47F



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12.	67-72	02/08/2022	Disability Strategy (QB22-000082) **NEW** Boosting readiness for educational environments for children with disability or developmental concerns	Part release	47F
13.	73-76	20/07/2022	Disability, Employment and Carers (QB22-000063) Supported Employment (Activ)	Part release	47F
14.	77-81	20/07/2022	Disability, Employment and Carers (QB22-000064) Disability Employment	Part release	47F
15.	82-84	21/07/2022	Disability, Employment and Carers (QB22-000070) Pause on Mutual Obligation requirements for Disability Employment Services (DES) participants	Part release	47F
16.	85-90	21/07/2022	Families (QB22-000025) Safe and Supported: the National Framework for Protecting Australia's Children 2021 2031 (Four Corners/ABC Story)	Part release	47F
17.	91-94	21/07/2022	Families (QB22-000054) National Memorial for Victims and Survivors of Institutional Child Sexual Abuse	Part release	47F
18.	95-99	01/08/2022	Families (QB22-000080) *NEW* Productivity Commission Closing the Gap Annual Data Compilation Report July 2022	Part release	47F
19.	100-104	25/07/2022	Participants and Performance (QB22-000039) NDIS Legislation – timing of rules to give effect to the PSG	Part release	47F
20.	105-111	01/08/2022	Participants and Performance (QB22-000044) NDIS performance (people supported, outcomes achieved, access in remote areas)	Part release	47F
21.	112-116	01/08/2022	Participants and Performance (QB22-000046) Over 65 years eligibility for the NDIS	Part release	47F
22.	117-121	03/08/2022	Participants and Performance (QB22-000047) Hospital Discharge Delays for NDIS participants	Part release	47F
23.	122-129	01/08/2022	Participants and Performance (QB22-000048) Funding for Participant Plans (claims of cuts)	Part release	47F



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24.	130-133	25/07/2022	Participants and Performance (QB22-000049) Review of the National Disability Insurance Scheme	Part release	47F
25.	134-137	27/07/2022	Participants and Performance (QB22-000050) AAT appeals and alternative dispute resolution	Part release	47F
26.	138-140	26/07/2022	Participants and Performance (QB22-000078) NEW - NDIS eligibility for children born in Australia to two New Zealand parents	Part release	47F
27.	141-144	20/07/2022	Participation and Family Payments (QB22-000023) Enhanced Paid Parental Leave for Families	Part release	47F
28.	145-147	27/07/2022	Participation and Family Payments (QB22-000017) Robodebt Royal Commission	Part release	47F
29.	148-150	26/07/2022	Participation and Family Payments (QB22-000018) Douglas decision impact on Child Support, FTB and Social Security	Part release	47F
30.	151-154	25/07/2022	Participation and Family Payments (QB22-000019) Reinstatement of NHE Crisis Payment	Part release	47F
31.	155-160	01/08/2022	Participation and Family Payments (QB22-000024) JobSeeker Payment	Part release	47F
32.	161-164	27/07/2022	Participation and Family Payments (QB22-000067) Social Security Payment Accuracy, Debt and Compliance	Part release	47F
33.	165-171	04/08/2022	Participation and Family Payments (QB22-000069) Single Parent Payments	Part release	47F
34.	172-177	01/08/2022	Pensions, Housing and Homelessness (QB22-000052) Family and Domestic Violence Housing	Part release	47F
35.	178-183	22/07/2022	Pensions, Housing and Homelessness (QB22-000031) Housing and homelessness reforms	Part release	47F
36.	184-189	01/08/2022	Pensions, Housing and Homelessness (QB22-000032) Housing and rental affordability, including Commonwealth Rent Assistance (CRA)	Part release	47F
37.	190-194	22/07/2022	Pensions, Housing and Homelessness (QB22-000033) National Housing and Homelessness Agreement	Part release	47F



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38.	195-199	01/08/2022	Pensions, Housing and Homelessness (QB22-000042) Home Equity Access Scheme (formerly Pension Loans Scheme)	Part release	47F
39.	200-205	22/07/2022	Pensions, Housing and Homelessness (QB22-000043) Indigenous Housing	Part release	47F
40.	206-210	22/07/2022	Pensions, Housing and Homelessness (QB22-000045) National Rental Affordability Scheme	Part release	47F
41.	211-214	22/07/2022	Pensions, Housing and Homelessness (QB22-000053) Support for Self Funded Retirees, Deeming Rates	Part release	47F
42.	215-219	28/07/2022	Pensions, Housing and Homelessness (QB22-000055) Age Pension and Indexation	Part release	47F
43.	220-224	01/08/2022	Pensions, Housing and Homelessness (QB22-000056) Poverty and Inequality/ Cost of living	Part release	47F
44.	225-229	01/08/2022	Pensions, Housing and Homelessness (QB22-000058) Employment incentives for seniors	Part release	47F
45.	230-231	20/07/2022	Pensions, Housing and Homelessness (QB22-000060) Unlegislated unimplemented Measures	Part release	22 and 47F
46.	232-234	01/08/2022	Pensions, Housing and Homelessness (QB22-000068) Delay to implementation of commitment to increase the Commonwealth Seniors Health Card income limits	Part release	47F
47.	235-240	04/08/2022	Pensions, Housing and Homelessness (QB22-000071) Key facts social housing and homelessness	Part release	47F
48.	241-244	02/08/2022	Redress (QB22-000034) National Redress Scheme	Part release	47F
49.	245-248	25/07/2022	Strategic Policy Markets and Safeguards (QB22-000035) NDIS Workforce	Part release	47F
50.	249-254	03/08/2022	Strategic Policy Markets and Safeguards (QB22-000037) Disability Accommodation & SDA Housing	Part release	47F
51.	255-263	26/07/2022	Strategic Policy Markets and Safeguards (QB22-000065) COVID-19 Vaccine Rollout - Key data	Part release	47F



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52.	264-267	02/08/2022	Strategic Policy Markets and Safeguards (QB22-000066) NDIS Quality and Safeguarding	Part release	47F
53.	268-273	01/08/2022	Strategic Policy Markets and Safeguards (QB22-000081) *NEW* Covid response for People Living with Disability	Part release	47F
54.	274-280	26/08/2022	Women's Safety QB22-000026) DFSV Commission	Part release	47F
55.	281-284	20/08/2022	Women's Safety QB22-000030) 1800RESPECT	Part release	47F
56.	285-289	20/07/2022	Women's Safety QB22-000036) Women's Safety Election Commitments	Part release	47F
57.	290-298	01/08/2022	Women's Safety QB22-000038) National Plan to End Violence against Women and Children 2022-2032	Part release	47F
58.	299-302	21/07/2022	Women's Safety QB22-000040) Escaping Violence Payment	Part release	47F
59.	303-313	03/08/2022	Women's Safety QB22-000077) Domestic Violence in the Northern Territory	Part release	47F



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Appendix 2

Schedule of QTBs containing material inserted by the Ministers' Offices

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Doc No.	Pages	Description	Material inserted by the Ministers' Offices
1.	1-6	Communities (QB22-000014) Support for Volunteering - Volunteer Management Activity, Volunteer Grants	<ul style="list-style-type: none">• Page 1 – fifth dot point• Page 4 – input into all dot points• Page 5 – both dot points under the first question• Page 5 – second and third dot points under the second question• Page 5 – first dot point under the third question
2.	7-9	Communities (QB22-000015) Restoring Respect for the Community Sector	<ul style="list-style-type: none">• Page 7 – second, third, fourth and fifth dot points• Page 8 – last dot point
3.	10-17	Communities (QB22-000016) Top Up Financial Wellbeing Funding (COVID and Floods)	<ul style="list-style-type: none">• Page 10 – all material under 'Headline response'• Page 12 – input into all sub points• Page 13 – input into all sub points• Page 14 – first dot point under the first question• Page 14 – input into first dot point under the second question• Page 15 – all material• Page 16 – input into second dot point• Page 17 – input into first dot point under 'Locational/place considerations'• Page 17 – last dot point
4.	18-23	Communities (QB22-000020) Response to the Review of Financial Counselling	<ul style="list-style-type: none">• Page 20 – input into first dot point• Page 21 – all dot points under 'Regulation of Buy Now Pay later'
5.	24-31	Communities (QB22-000061)	<ul style="list-style-type: none">• Page 24 – first, second, third and fourth dot points



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		Abolishing the Cashless Debit Card and the future of Income Management	<ul style="list-style-type: none"> • Page 24 – input into final dot point • Page 25 – input into the second dot point • Page 25 – third dot point • Page 27 – first, second, third and fourth dot points • Page 27 – input into the fifth dot point • Page 28 – input into the third question • Page 28 – first dot point under the third question • Page 29 – input into the third dot point • Page 29 – question and dot points under the question • Page 30 – all material
6.	32-39	Communities (QB22-000062) Gambling Policy	<ul style="list-style-type: none"> • Page 32 – first and third dot points under 'Key Points' • Page 33 – the dot point and paragraphs 1 and 2 • Page 34 – input into the first and second dot points • Page 34 – fifth dot point • Page 34 – the first question • Page 37 – input into first dot point
7.	40-41	Community Grants Hub (QB22-000074) Approach for the Indexation of Grants	<ul style="list-style-type: none"> • Page 40 – part of third dot point and all of the following dot points • Page 41 – fifth dot point and sub dot point
8.	42-45	Disability Strategy (QB22-000021) Disability Royal Commission	<ul style="list-style-type: none"> • Page 42 – first and second dot points
9.	46-55	Disability Strategy (QB22-000022) Australia's Disability Strategy 2021-2031	<ul style="list-style-type: none"> • Page 46 – first and second dot points • Page 47 – third and fourth dot points • Page 49 – last dot point
10.	56-61	Disability Strategy (QB22-000075)	<ul style="list-style-type: none"> • Page 56 – first, second, third and fourth dot points • Page 59 – third and fourth dot points



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		National Autism Strategy	
12.	67-72	Disability Strategy (QB22-000082) **NEW** Boosting readiness for educational environments for children with disability or developmental concerns	<ul style="list-style-type: none">• Page 67 – fourth dot point and all sub points and sixth dot point• Page 68 – all material• Page 69 – all material
13.	73-76	Disability, Employment and Carers (QB22-000063) Supported Employment (Activ)	<ul style="list-style-type: none">• Page 73 – all material• Page 74 – first and second dot points
14.	77-81	Disability, Employment and Carers (QB22-000064) Disability Employment	<ul style="list-style-type: none">• Page 77 – first, second, third and fourth dot points
15.	82-84	Disability, Employment and Carers (QB22-000070) Pause on Mutual Obligation requirements for Disability Employment Services (DES) participants	<ul style="list-style-type: none">• Page 82 – second and third dot points• Page 83 – fourth dot point
17.	91-94	Families (QB22-000054) National Memorial for Victims and Survivors of Institutional Child Sexual Abuse	<ul style="list-style-type: none">• Page 93 – input into second question• Page 94 – input into second, twelfth and thirteenth dot points
18.	95-99	Families (QB22-000080) *NEW* Productivity Commission Closing the Gap Annual Data Compilation Report July 2022	<ul style="list-style-type: none">• Page 95 – all material• Page 96 – all material• Page 96 – the question
19.	100-104	Participants and Performance (QB22-000039)	<ul style="list-style-type: none">• Page 101 – dot point under 'previous government'



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		NDIS Legislation – timing of rules to give effect to the PSG	
22.	117-121	Participants and Performance (QB22-000047) Hospital Discharge Delays for NDIS participants	<ul style="list-style-type: none">• Page 118 – dot point under ‘previous government’
23.	122-129	Participants and Performance (QB22-000048) Funding for Participant Plans (claims of cuts)	<ul style="list-style-type: none">• Page 125 – dot points under ‘previous government’
24.	130-133	Participants and Performance (QB22-000049) Review of the National Disability Insurance Scheme	<ul style="list-style-type: none">• Page 131 – dot points under ‘previous government’
25.	134-137	Participants and Performance (QB22-000050) AAT appeals and alternative dispute resolution	<ul style="list-style-type: none">• Page 135 – fourth dot point under ‘our government’• Page 135 – all dot points under ‘previous government’• Page 136 – fourth dot point under ‘potential hot issues’
28.	145-147	Participation and Family Payments (QB22-000017) Robodebt Royal Commission	<ul style="list-style-type: none">• Page 145 – second dot point
29.	148-150	Participation and Family Payments (QB22-000018) Douglas decision impact on Child Support, FTB and Social Security	<ul style="list-style-type: none">• Page 148 – third and fourth dot points
31.	155-160	Participation and Family Payments (QB22-000024) JobSeeker Payment	<ul style="list-style-type: none">• Page 155 – all dot points under ‘headline response’• Page 158 – input into final dot point
32.	161-164	Participation and Family Payments (QB22-000067)	<ul style="list-style-type: none">• Page 161 – third and fourth dot points



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		Social Security Payment Accuracy, Debt and Compliance	
33.	165-171	Participation and Family Payments (QB22-000069) Single Parent Payments	<ul style="list-style-type: none"> • Page 165 – last dot point • Page 166 – last dot point • Page 168 – second question and dot points under the second question • Page 169 – all dot points
35.	178-183	Pensions, Housing and Homelessness (QB22-000031) Housing and homelessness reforms	<ul style="list-style-type: none"> • Page 178 – second, third and fourth dot points
36.	184-189	Pensions, Housing and Homelessness (QB22-000032) Housing and rental affordability, including Commonwealth Rent Assistance (CRA)	<ul style="list-style-type: none"> • Page 184 – first, second, third, fifth and sixth dot points • Page 185 – fourth, fifth and sixth dot points • Page 186 – first two lines (continuing from previous page) • Page 186 – second dot point under 'Rental affordability' • Page 187 – second dot point
37.	190-194	Pensions, Housing and Homelessness (QB22-000033) National Housing and Homelessness Agreement	<ul style="list-style-type: none"> • Page 190 – first, second, third and fourth dot points
39.	200-205	Pensions, Housing and Homelessness (QB22-000043) Indigenous Housing	<ul style="list-style-type: none"> • Page 200 – first dot point
40.	206-210	Pensions, Housing and Homelessness (QB22-000045) National Rental Affordability Scheme	<ul style="list-style-type: none"> • Page 206 – second, third, fourth, fifth, sixth and seventh dot points
42.	215-219	Pensions, Housing and Homelessness (QB22-000055) Age Pension and Indexation	<ul style="list-style-type: none"> • Page 219 – second and third sub points under third dot point • Page 219 – heading 'Deeming rates' and dot point under heading.



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43.	220-224	Pensions, Housing and Homelessness (QB22-000056) Poverty and Inequality/ Cost of living	<ul style="list-style-type: none">• Page 220 – first dot point under ‘Headline response’• Page 220 – second, third, fourth, fifth and sixth dot point under heading ‘Key points’• Page 221 – material at top of page (continuing from page 220) first and second dot points and input into third and fourth dot points.• Page 222 – Question and first three dot points under the question.• Page 223 – first dot point• Page 223 – question and all material under the question.
44.	225-229	Pensions, Housing and Homelessness (QB22-000058) Employment incentives for seniors	<ul style="list-style-type: none">• Page 225 – all dot points under ‘Headline response’• Page 226 – first two dot points• Page 226 – input into final sub dot point.• Page 227 – first two dot points
47.	235-240	Pensions, Housing and Homelessness (QB22-000071) Key facts social housing and homelessness	<ul style="list-style-type: none">• Page 235 – all dot points under ‘Headline response’• Page 236 – first three dot points• Page 236 – Heading ‘Government action’ and first two dot points under heading• Page 240 – second and third dot points
49.	245-248	Strategic Policy Markets and Safeguards (QB22-000035)	<ul style="list-style-type: none">• Page 246 – dot point under heading ‘Previous Government’
56.	285-289	Women’s Safety QB22-000036) Women's Safety Election Commitments	<ul style="list-style-type: none">• Page 285 – second dot point
57.	290-298	Women’s Safety QB22-000038) National Plan to End Violence against Women and Children 2022-2032	<ul style="list-style-type: none">• Page 290 – second, and sixth dot points under ‘Headline response’



Appendix 3

Schedule of relevant provisions used in making this decision FOI LEX 45273

Excerpts from the *Freedom of Information Act 1982* (Cth)

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).

11B Public interest exemptions — factors

Scope

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

Factors favouring access

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
 - (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) Inform debate on a matter of public importance;



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- (c) promote effective oversight of public expenditure;
- (d) allow a person to access his or her own personal information.

Irrelevant factors

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
 - (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

Guidelines

- (5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of this subsection under section 93A.

15 Requests for access (as related to the requirements for requests)

Persons may request access

- (1) Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.

Requirements for request

- (2) The request must:
 - (a) be in writing; and
 - (aa) state that the request is an application for the purposes of this Act; and
 - (b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and
 - (c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).
- (2A) The request must be sent to the agency or Minister. The request may be sent in any of the following ways:
 - (a) delivery to an officer of the agency, or a member of the staff of the Minister, at the address of any central or regional office of the agency or Minister specified in a current telephone directory;
 - (b) postage by pre-paid post to an address mentioned in paragraph (a);
 - (c) sending by electronic communication to an electronic address specified by the agency or Minister.

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - (a) an agency or Minister decides:



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- (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
- (b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
- (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
- (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.

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



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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.

47F Public interest conditional exemptions—personal privacy

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

Access given to qualified person instead

- (4) Subsection (5) applies if:
 - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information concerning the applicant, being information that was provided by a qualified person acting in his or her capacity as a qualified person; and



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- (b) it appears to the principal officer of the agency or to the Minister (as the case may be) that the disclosure of the information to the applicant might be detrimental to the applicant's physical or mental health, or well-being.
- (5) The principal officer or Minister may, if access to the document would otherwise be given to the applicant, direct that access to the document, so far as it contains that information, is not to be given to the applicant but is to be given instead to a qualified person who:
 - (a) carries on the same occupation, of a kind mentioned in the definition of qualified person in subsection (7), as the first-mentioned qualified person; and
 - (b) is to be nominated by the applicant.
- (6) The powers and functions of the principal officer of an agency under this section may be exercised by an officer of the agency acting within his or her scope of authority in accordance with arrangements referred to in section 23.
- (7) In this section:

qualified person means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their well-being, and, without limiting the generality of the foregoing, includes any of the following:

 - (a) a medical practitioner;
 - (b) a psychiatrist;
 - (c) a psychologist;
 - (d) a counsellor;
 - (e) a social worker.

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