



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

**Decision and reason for decision of
 Simon Atkinson, First Assistant Secretary, Regional Strategy & Coordination**

Applicant:
Decision date: 17 December 2012
FOI reference number: 12.09
Documents: Relating to private motor vehicle reimbursement claims lodged by the
 Chair of Regional Development Australia Mr Mal Peters

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Summary

1. I have made a decision to release in part, the documents subject to your request.

Authority to make this decision

2. I, Simon Atkinson, First Assistant Secretary, am an officer authorised by the Secretary of the Department of Regional Australia, Local Government, Arts and Sports 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).

Background

3. On 15 October 2012 you made a request for access to documents in the possession of the department. Your request sought access to:
 - All private motor vehicle reimbursement claims lodged by the Chair of Regional Development Australia Northern Inland, Mr Mal Peters between 1 September 2011 to 30 September 2012
 - As well as details of any successful claims

Documents subject to this request

4. The Department has undertaken a search of its records and has identified various documents which fall within the scope of your request.

The documents subject to your request are listed in the schedule of documents at Schedule 1.

In accordance with section 22(1)(ii) of the FOI Act, I have redacted information which is considered to be outside of the requested information.

Decision

5. I have made a decision to release the documents subject to your request in part.

Reasons for decision

6. In accordance with Section 26(1)(a) of the FOI Act, the findings on any material question of fact, referring to the material on which those findings were based and the reasons for my decision not to grant access to documents follow.
7. In making my decision, I had regard to 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.
8. I also considered Section 47F of the FOI Act which protects personal privacy by providing a conditional exemption to information requested. A full extract of the provision I have considered to make my decision is provided in Schedule 2.
9. In accordance with Section 22(1)(ii) and s22(2), I have decided to provide access to an edited copy of these documents, modified by deletions. All deletions contain either; material irrelevant to the

request, personal information where the individual's identity is apparent or reasonably ascertainable, or business information.

10. Section 47F protects personal privacy by providing that information conditionally exempt if its disclosure under FOI Act would involve the unreasonable disclosure of personal information of any person. Personal information means information or an opinion that would:
 - Identify or could identify, a person
 - Say something about a person
 - May be opinion
 - May form part of a database
 - May be true or untrue
 - Relates to a natural person
11. In determining whether disclosure of the documents would involve an unreasonable disclosure of personal information I have had regard to the following:
 - The extent to which the information is well known
 - 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
 - The availability of the information from publicly accessible sources
 - Any other matters that the agency considers relevant
12. Based on this I am confident that the information within these documents contains personal information that if disclosed would amount to unreasonable disclosure of personal information
13. On balance, I considered that the public interest against disclosure to be more persuasive than the public interest factors favouring disclosure. I am satisfied that the public interest is to withhold the exempt material.

Your rights of review

14. If you disagree with your FOI decision, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).
15. You can ask the Department to review its decision in relation to access to documents. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:

Post: FOI Coordinator
Department of Regional Australia, Regional Development,
Local Government, Arts and Sports
GPO Box 803
Canberra ACT 2601
Email: FOI@regional.gov.au

16. You can ask the OAIC to review the Department's decision in relation to access to documents. The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that the Department's decision is wrong, it will be treated as an application for a review. You do not need to seek an internal review from the Department before seeking an external review from the Information Commissioner. However, going through the Department's internal review process gives the Department the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process. The Information Commissioner's review is free. You must apply to the Information Commissioner within 60 days of being given notice of the 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.

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

Online: www.oaic.gov.au
Post: GPO Box 2999
Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 25 National Circuit
Forrest, ACT; or at
Level 8, Piccadilly Tower
133 Castlereagh Street
Sydney, NSW

More information about Information Commissioner Reviews is available from
http://www.oaic.gov.au/publications/FOI_fact_sheet12_your_review_rights.html.



Simon Atkinson
First Assistant Secretary
Regional Strategy & Coordination

17 December 2012