

**From:** [FOI](#)  
**To:** [Lynch, Philippa](#)  
**Cc:** [Arnaudo, Peter](#); [FOI](#)  
**Subject:** New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - Question Time Brief entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Thursday, 7 April 2016 5:18:07 PM  
**Attachments:** [FOI-2016-069 - FOI Request.pdf](#)

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UNCLASSIFIED

Dear Philippa,

We have received a new FOI request from Senator the Honourable Penny Wong for the following:

*The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' with the reference number QB16-000163.*

A copy of the request is **attached**.

We consider that that Mr Geoff Francis, AS Taxation, Financial Sector and Employment is the most appropriate person to be the decision maker for the request. Please advise by return email if you consider that an alternative decision maker should be nominated.

Kind regards,  
(s 47F)

(s 47F)

| Senior Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (s 47F)

e. (s 47F)

| [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

**From:** [Lynch, Philippa](#)  
**To:** [FOI](#)  
**Cc:** [Arnaudo, Peter](#)  
**Subject:** Re: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - Question Time Brief entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Friday, 8 April 2016 11:25:07 AM

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Yes please

Sent from my iPhone

On 8 Apr 2016, at 11:18 am, FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)> wrote:

UNCLASSIFIED

Dear Philippa

I have spoken with Brendan and given his coordinating responsibilities for question time briefs, he is happy to be the decision maker.

He has noted that he will certainly liaise with the policy line area to seek their views as to any sensitivities in the material.

Are you happy for me to email Ms Kelly?

Thanks,  
(s 47F)

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**From:** Lynch, Philippa  
**Sent:** Thursday, 7 April 2016 7:26 PM  
**To:** FOI  
**Cc:** Arnaudo, Peter  
**Subject:** Re: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - Question Time Brief entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

(s 47F) -can you discuss with Brendan? I think given it is a qtb , MSD might be more relevant decision maker .

P

Sent from my iPhone

On 7 Apr 2016, at 5:46 pm, FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)> wrote:

UNCLASSIFIED

Philippa – I spoke to BM's team yesterday and they advised me who the authors of the briefing were (i.e. from TFSEB) - if you consider BM should be DM, we can certainly do so.

Cheers,

(s 47F)

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**From:** Lynch, Philippa  
**Sent:** Thursday, 7 April 2016 5:31 PM  
**To:** FOI  
**Cc:** Arnaudo, Peter  
**Subject:** Re: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - Question Time Brief entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

(s 47F) - did we consider Brendan MacDowell being the decision maker as MSD coordinates QTBs?

Sent from my iPhone

On 7 Apr 2016, at 5:18 pm, FOI <[FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)> wrote:

**UNCLASSIFIED**

Dear Philippa,

We have received a new FOI request from Senator the Honourable Penny Wong for the following:

*The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' with the reference number QB16-000163.*

A copy of the request is **attached**.

We consider that that Mr Geoff Francis, AS Taxation, Financial Sector and Employment is the most appropriate person to be the decision maker for the request. Please advise by return email if you consider that an alternative decision maker should be nominated.

Kind regards,

(s 47F)

(s 47F)

| Senior Adviser

Access and Administrative Review | Honours, Symbols and Legal  
Policy Branch

Government Division | Department of the Prime Minister and  
Cabinet

p. (s 47F)

e. (s 47F)

| [foi@pmc.gov.au](mailto:foi@pmc.gov.au) |

[ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

<FOI-2016-069 - FOI Request.pdf>

**From:** (s 47F)  
**To:** [Kelly, Elizabeth](#)  
**Cc:** (s 47F); (s47F); [Ganly, Paula](#); [MacDowell, Brendan](#); [Lynch, Philippa](#); [Arnaudo, Peter](#); [FOI](#)  
**Subject:** New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Friday, 8 April 2016 11:39:10 AM  
**Attachments:** [FOI-2016-069 - FOI Request.pdf](#)

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## UNCLASSIFIED

Dear Elizabeth

We have received a new FOI request from Senator the Honourable Penny Wong for the following:

*The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' with the reference number QB16-000163.*

A copy of the request is **attached**.

We consider that that Mr Brendan MacDowell, Assistant Secretary, Ministerial and Support Branch, is the most appropriate person to be the decision maker for the request given his coordinating responsibilities for question time briefs broadly within the Department. Please advise by return email if you consider that an alternative decision maker should be nominated.

A decision on access to the documents sought is due on **Friday 6 May 2016**.

This email has been copied to the Secretary's Executive Officer, the proposed decision maker, the decision maker's manager and relevant Senior Executive Officers in Government Division. Please advise if you consider anyone else should be alerted to this request at this stage.

Kind regards,  
(s 47F)

(s 47F) | Senior Adviser  
 Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
 Government Division | Department of the Prime Minister and Cabinet  
 p. (s 47F)  
 e. (s 47F) | [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)  
[www.dpmc.gov.au](http://www.dpmc.gov.au)  
 PO Box 6500 CANBERRA ACT 2600

**From:** (s 47F)  
**To:** [MacDowell, Brendan](#)  
**Cc:** (s 47F) [FOI](#)  
**Subject:** New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]  
**Date:** Tuesday, 12 April 2016 3:28:17 PM  
**Attachments:** [FOI-2016-069 - FOI Request.pdf](#)  
[FOI-2016-069 - Stage 1 checklist.doc](#)  
[FOI - Business Rules Dec 2014.pdf](#)

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## For Official Use Only

Dear Brendan

### The FOI request

We have received an FOI request from Senator Penny Wong (**refer attached**) and we have identified you as the most appropriate officer to be the decision maker for this request.

### Action

In the first instance, we need to meet with **you and a contact officer of your choice** to discuss management of the request. This meeting needs to be within the next two working days. Half an hour should suffice. We will send a meeting request shortly.

In particular we will need to discuss:

- whether the request's terms provide **sufficient detail** to enable all relevant documents to be identified
- whether **other areas** of PM&C or portfolio ministers' offices would be likely to **hold relevant documents** not already in your branch's possession
- whether **consultation** is likely to be required with other agencies, other governments, businesses or individuals
- whether a **transfer** of the request in full or in part to another agency or agencies might be appropriate
- whether the anticipated volume of potentially relevant documents might be such that processing the request might be an **unreasonable diversion of resources**
- whether you consider **charges** for processing the request should be levied
- what **searches** for documents should be conducted
- who is to be your branch's main **contact officer** for managing the request.

In relation to identifying/searching for documents, we suggest that you discuss searches of Slipstream and TRIM with Ministerial Support Division ([TRIM@pmc.gov.au](mailto:TRIM@pmc.gov.au) and [slipstream@pmc.gov.au](mailto:slipstream@pmc.gov.au)) and the Records Management Unit (RMU's Manager on x5889) respectively. These searches will produce lists of potentially relevant documents and files which are useful not only for identifying documents but also for considering the potential volume of documents and the question of charges.

At the meeting, we will discuss the **attached Stage 1 Checklist and PM&C Business Rules for Processing FOI requests** for the detailed management of the request, including time lines and who is responsible for what. It will also be important for us to discuss the likely sensitivity and complexity of the request so that sufficient resources are devoted to it by both FOI officers in Legal Policy Branch and officers in your Branch to enable efficient and timely handling.

### Timing

Subject to extensions and suspensions of time allowed by the FOI Act, a decision on access to the documents is due to be finalised by **Friday 6 May 2016**.

### Next steps

We would be grateful if you would start giving consideration to the matters for discussion at the meeting. Of course, please feel free to call and discuss any aspect of the matter.

Regards

(s 47F)

(s 47F)

| FOI Administration Officer/Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (s 47F)

e. (s 47F)

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PO Box 6500 CANBERRA ACT 2600

(s 47F)

## Decision-maker's checklist for stage 1 of the request

No.	Description	Yes/No	Comments
1	Are the terms of the request clear and unambiguous (that is, can I clearly identify which documents are being sought)?		
2	Are any relevant documents likely to be held in other areas of the department? If so, where?		
3	Are any relevant documents known to be held in any PM&C portfolio minister's office (other than copies of documents already held by PM&C)?		
4	Is the subject-matter of the request more closely connected with the functions of another agency (including any minister's office)?		
5	Does the request seem too large to process within existing resources and within the statutory time frame?		
6	Who will be the primary contact officer in my Branch for actioning the request?		
7	Is it likely we will need to consult with other agencies, other governments, individuals or business entities? If so, see 12 below.		
8	Is this a sensitive matter that requires consultation with the Secretary, the Prime Minister's office and/or another portfolio Minister's office?		
9	Is it likely charges will be imposed for processing the request? If so, see 13 below.		
10	Have milestone dates for completion of searches and document analysis been identified and communicated to the FOI action officer? What are these dates?		
11	<p>Have all reasonable searches been conducted? In locating relevant material, consider searching all possible locations:</p> <ul style="list-style-type: none"> <li>• Slipstream</li> <li>• TRIM (RMU)</li> <li>• IT (e.g. backups of emails)</li> </ul> <p><b>Paper source searches:</b></p> <ul style="list-style-type: none"> <li>• Office files &amp; other records held by my area</li> <li>• Office files &amp; records held by other areas of PM&amp;C (specify)</li> <li>• Filing cabinets</li> <li>• Desk &amp; desk drawers of relevant officers</li> <li>• Bookshelves &amp; cupboards</li> <li>• Safe</li> <li>• Personal folders, notebooks, calendars &amp; diaries of relevant officers</li> <li>• Offsite locations, e.g. contractors, files in storage (specify)</li> </ul> <p><b>Electronic source searches:</b></p> <ul style="list-style-type: none"> <li>• Computer (electronic documents on group and personal drives and e-mails)</li> <li>• Personal electronic notebooks, calendars &amp; diaries</li> <li>• Disks, CDs and other storage devices</li> </ul>		
12	<p>Has the FOI action officer been advised what consultations are required with third parties in relation to:</p> <ul style="list-style-type: none"> <li>• Commonwealth/State relations</li> <li>• Personal information</li> <li>• Business affairs</li> <li>• Documents that originated from other Commonwealth departments or agencies</li> <li>• Documents that may impact foreign relations</li> </ul>		
13	<p>Has the following information been provided to the FOI action officer (to calculate charges or assess practical refusal reason)? Estimates of:</p> <ul style="list-style-type: none"> <li>• time spent on search and retrieval</li> <li>• number of relevant files</li> <li>• number of relevant pages</li> <li>• number of relevant documents</li> <li>• number of pages that may be exempt in full</li> <li>• number of pages that may be released with deletions</li> <li>• number of third parties that may need to be consulted</li> </ul>		



# Freedom of Information PM&C Business Rules

## Key FOI process milestones

Time (in working days)	Milestones
<b>Stage 1</b>	
Day 0	<ul style="list-style-type: none"><li>Request submitted</li></ul>
Days 0-1	<ul style="list-style-type: none"><li>Determine validity, identify decision maker and initial alert</li></ul>
Days 2-3	<ul style="list-style-type: none"><li>Initial discussion</li></ul>
Days 3-8	<ul style="list-style-type: none"><li>Initial search and checklist action</li></ul>
Day 8	<ul style="list-style-type: none"><li>Estimate of charges (or practical refusal) to applicant</li></ul>
<b>Stage 2</b>	
Days 9-13	<ul style="list-style-type: none"><li>Continue substantive analysis and consultation</li></ul>
Days 14-16	<ul style="list-style-type: none"><li>Finalisation of consultations, decision and document schedule</li></ul>
Days 18-19	<ul style="list-style-type: none"><li>Notifications, as necessary, of forthcoming release</li></ul>
Day 20	<ul style="list-style-type: none"><li>Decision to applicant</li></ul>

**Note 1:** Not all FOI requests will progress to Stage 2 as some requests may lapse at the end of Stage 1

**Note 2:** The initial statutory timeframe for processing is 30 calendar days. This 20 working day timeline indicates the maximum time allowed for processing a request (unless extensions of time apply). Whenever possible, requests should be dealt with in a shorter timeframe than this.

## Day 0

1. Applicant submits FOI request.

## Days 0-1

2. Access and Administrative Review (A&AR) considers the FOI request:

- If request is valid, A&AR creates FOI file for the request and allocates to FOI action officer
- If not valid, A&AR contacts applicant to clarify request

If request is valid, A&AR to identify a proposed decision maker, and confirm he/she will be available during the request processing period. A&AR consults FAS, Government Division (if available) regarding request, decision maker appointment and initial consultations.

3. A&AR emails Deputy (or Associate) Secretary of relevant line area to inform them of details of the request and to recommend a proposed decision maker. For every FOI request it is imperative that this email is copied to:

- The Secretary's Executive Officer
- The Prime Minister's Office (Adviser on FOI)
- The First Assistant Secretary (relevant line area)
- The identified decision maker
- FAS, Government Division; AS, Legal Policy Branch; and A&AR's Section Head
- Any relevant contacts as identified by A&AR (e.g. FAS, Cabinet Division)

The email provides an opportunity for the Deputy/Associate Secretary to nominate an alternative decision maker and/or additional parties for consultation. A&AR should proceed with the proposed decision maker as recommended to the Deputy/Associate Secretary, unless and until an alternative decision maker is nominated. The email also provides an opportunity for the Secretary's office and other recipients to indicate any interest in being engaged in consultations.

4. A&AR will schedule a time with the decision maker for an initial meeting (preferably on day 2 or 3). The decision maker should identify and extend the meeting invitation to a contact officer. If the decision maker should become unavailable, the line area should ensure an appropriate representative is present (in addition to the contact officer).

## Days 2-3

5. The decision maker (and contact officer) and A&AR meet to discuss the FOI request. The agenda for this meeting will include:

- Initial discussion regarding documents in scope and availability and likely volume of documents to fulfil the request
  - Review of scope and any potential adjustments that should be discussed with the applicant
  - If relevant, discussion as to whether transfer to another agency, in whole, or in part, applies
  - Clear explanation of the role of the decision maker, and advisory support available to the decision maker (including A&AR and peer advisers)
  - An overview of FOI requirements including legislated timeframes (requirement for a decision to be processed within 30 calendar days plus any extensions)
  - Provision of the Business Rules and the Stage 1 checklist of requirements for the decision maker to complete within the following 3-5 working days
6. Following this meeting, and in any event within 14 days of receipt of a valid request, A&AR provides a letter of acknowledgement to the applicant including, as necessary, information pertaining to any clarification or narrowing of scope. The applicant should be notified that if a change or clarification of scope is necessary, failure to comply will likely result in a letter of practical refusal.

## Days 3-8

7. The decision maker should ensure all items on the Stage 1 checklist are completed within 3-5 working days of the initial meeting. These include:
- Appoint a contact officer and processing team (if not already appointed), and notifying A&AR of these contacts.
  - Conduct searches for requested documents, including Records Management Unit (RMU), Ministerial Support Division (MSD) keyword searches, IT email searches, and any further searches required (for example, Cabinet Secretariat records).
  - Identify projected milestones for completion of search and analysis. These milestone dates should be communicated to A&AR. If it becomes apparent that the workload was underestimated and milestones are unlikely to be met, the line area should notify A&AR as soon as possible regarding possible extensions or grounds for practical refusal.
  - An initial indication regarding other agencies and third parties that will require consultation. Some third party consultation triggers a 30 day extension to the deadline. If relevant, the decision maker should inform the relevant PMO adviser (and copy to the PMO adviser on FOI) regarding the request and whether consultation with the PMO will be likely.
  - Provide updates to the relevant First Assistant Secretary on a regular basis.
  - Identify the documents they have located.

- Provide information (i.e. size of request and resources required) to feed into A&AR calculation of estimate of charges.
- Consult with A&AR as to whether a practical refusal notice is appropriate.
- Complete search and retrieval of documentation.
- Identify sensitivities and/or clearances required.

The Stage 1 checklist should be signed off by the decision maker and provided to A&AR.

## Day 8

8. If not already done, where relevant, A&AR should communicate one of two options to the applicant:

- Estimate of charges letter (where charges are to be levied), or
- Commencement of a practical refusal consultation indicating that the request is considered a substantial and unreasonable diversion of resources or remains unclear in scope.

In some circumstances, the applicant will also need to be notified that consultation of certain third parties is required, triggering a 30 day extension to the processing deadline.

### **Stop the clock: Awaiting the applicant's response**

The applicant has a range of options open to them at this stage. They must provide a response to the estimate of charges within 30 days as to whether they accept the charges and will pay deposit/request waiver/dispute the charges. If they do not respond within 30 days, the request will be deemed withdrawn. If a practical refusal notice is sent to the applicant, the applicant has 14 days to provide a response to pursue alternative options. If no response, the request will be deemed withdrawn. Clock does not restart until either:

- a deposit (or full amount of charges) is paid or a decision is made to waive charges; or
- any practical refusal reason is removed.

In the interests of efficiency and meeting the deadlines stipulated in the FOI Act, the decision maker is encouraged to consider what work, if any, should be undertaken while waiting for an applicant's response. At a minimum, if relevant, other agency and third party consultation should generally be commenced.

## Days 9-13

9. A&AR manages consultations with identified external third parties, Cabinet Secretariat and other internal consultations as discussed with the line area.

10. By day 13 of processing, the decision maker with the assistance of the line area should ensure that:

- All external third party consultations (including other agencies) have been identified and undertaken.
- All internal parties (e.g. Executive<sup>1</sup>, PM&C line areas, PMO, other ministerial offices in the portfolio) are consulted as appropriate. The Deputy/Associate Secretary and FAS of the line area should be kept informed of any sensitivities arising and what consultations have or will occur relevant to those sensitivities. A&AR should either undertake the consultation or be copied into all internal consultation to prevent double handling. The PMO FOI advisor should also be copied into any communications with the PMO.
- All document analysis is completed and collated into a document schedule.
- Potential exemptions of documents are discussed with A&AR, and proposed exemption claims are justified.
- The decision maker, in consultation with their manager, must consider whether a brief on the proposed decision, including where documents are being considered for potential release, should be provided to the any of the Executive to allow an opportunity for any comments or insights, prior to a decision being finalised.

## Days 14-16

11. A&AR ensures that:

- They review all material proposed for exemption and all redactions have been completed as appropriate.
- All third party consultation responses (if applicable) have been received and forwarded to the decision maker.
- They actively consult and support the line area regarding progress of the decision.

12. During this stage, the decision maker should have formed a clear view on information to be released, and should ensure that:

- A&AR is provided with the schedule of all relevant documents with an indicative decision on release.
- A&AR is copied into all emails to the PMO (relevant issue adviser and adviser on FOI) or other ministerial offices in the portfolio consulting them on documents as may be relevant. Ministerial offices should be given three days to provide final comment.
- As appropriate, final consultations with the Executive are conducted, with A&AR advised of consultation.

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<sup>1</sup> Secretary, Associate Secretaries and Deputy Secretaries

- All matters on the Stage 2 checklist have been considered.

## Days 18-19

13. Three days before release, the decision maker should send a copy of the proposed decision letter and documents for proposed release to the Deputy Secretary Governance, with a noting brief advising of consultations and any sensitivities, copied to the Deputy/Associate Secretary, First Assistant Secretary of the relevant line area, FAS Government Division and AS Legal Policy Branch. The brief will need to indicate whether the any of the Executive has been consulted. If not, the decision is not signed until after the Deputy Secretary Governance has noted the brief. If the Deputy Secretary Governance indicates more time will be required to consider, A&AR must be informed in order to negotiate a brief extension with the applicant.
14. Even if no documents are proposed for release, the decision maker should consider if any aspect of the matter is sufficiently sensitive such that a noting brief to the Deputy Secretary Governance would be appropriate.
15. Once the noting brief has been signed, the original is provided to A&AR.
16. The decision maker then signs the decision and the Stage 2 checklist indicating that all procedures have been followed, and provides self-certification that they have undertaken all consultation required (particularly relating to any sensitivities associated with the request). The line area provides the hard copy documents to A&AR.
17. The decision maker also must inform the PMO of the proposed decision and documents proposed for release. Any communications with the PMO should be copied to the PMO FOI adviser.
18. Once A&AR receives all of the documents, A&AR ensures all items on the Stage 1 and Stage 2 checklists have been completed and that the decision letter has been finalised and documents prepared for release.

## Day 20

19. A&AR undertakes a 'safe eyes' check of any documentation to be provided to the applicant.
20. A&AR sends the decision and the schedule of documents to the applicant. Documents are also provided if charges have been paid in full or no charge applies. If any payment is still pending, A&AR will request payment of outstanding charges, and release documents to the applicant only upon payment of the outstanding charges. The Deputy Secretary Governance and the PMO should be notified when delayed document release is ready to occur.
21. A&AR ensures that documents are released to the applicant. Unless sensitivities have been previously identified (e.g. personal information), these documents should be released publicly on the Department's disclosure log.

## Note regarding statutory timeframes

- The 30 calendar day decision notification period commences on the **day after** the day the Department receives the request.
- The Department must notify the applicant that the request has been received no later than 14 calendar days after receiving the request. If the last day for notifying that the request has been received falls on a weekend day or public holiday, the timeframe expires on the next working day.
- The Department must notify the applicant of a decision no later than 30 calendar days after receiving the request. If the last day for notifying a decision falls on a weekend or public holiday, the timeframe expires on the next working day.
- Time taken in certain consultations with the applicant about the request are not counted within the 30 day decision notification period (i.e. the “clock stops” while waiting for the applicant’s response in a consultation regarding charges or practical refusal).
- An extension of the decision notification period may also be available:
  - because consultation with a State/Territory/Norfolk Island government, a person or business is required
  - because consultation with a foreign entity is required
  - by agreement with the applicant
  - if the request is complex or voluminous, by application to the Information Commissioner for an extension.
- For questions and concerns regarding timeframes, the decision maker should consult A&AR in the first instance.
- The Deputy Secretary Governance will be advised by A&AR in circumstances when request processing has been delayed significantly and intervention and additional support may be required to prevent the decision becoming overdue.

## Ongoing A&AR reporting responsibilities

The A&AR team provides:

- Weekly short reports for the Senior Management Group
- Longer weekly reports indicating the status of FOI requests being processed through the Department
- Quarterly and annual statistical returns.
- A completed A&AR checklist on each file recording compliance with the FOI Act and noting any reasons for non-compliance.
- Documentation on the file to evidence or support key decision-making including, for example, a file note of the initial meeting with the decision-maker and emails from the decision maker and the line area contact officer.

**From:** [MacDowell, Brendan](#)  
**To:** (s 47F)  
**Cc:** (s 47F) [FOI](#)  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]  
**Date:** Wednesday, 13 April 2016 9:11:57 AM

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For Official Use Only

Thanks<sup>(s 47F)</sup> Can we discuss handling of the request to PM&C in the next day or so please?

B

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**From:** (s 47F)  
**Sent:** Wednesday, 13 April 2016 9:10 AM  
**To:** MacDowell, Brendan  
**Cc:** (s 47F) FOI  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]

For Official Use Only

Hi Brendan

Yes it has gone to PMO as well. It is FOI/PMO/2016/012 and it was emailed to the PMO on Thursday 7/04/16.

Regards,<sup>(s 47F)</sup>

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**From:** MacDowell, Brendan  
**Sent:** Tuesday, 12 April 2016 5:49 PM  
**To:** (s 47F)  
**Cc:** (s 47F) FOI  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]

For Official Use Only

Did the same request go to the PM?

B

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**From:** (s 47F)  
**Sent:** Tuesday, 12 April 2016 3:28 PM  
**To:** MacDowell, Brendan  
**Cc:** (s 47F) FOI  
**Subject:** New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]

For Official Use Only

Dear Brendan

**The FOI request**



We have received an FOI request from Senator Penny Wong (**refer attached**) and we have identified you as the most appropriate officer to be the decision maker for this request.

### Action

In the first instance, we need to meet with **you and a contact officer of your choice** to discuss management of the request. This meeting needs to be within the next two working days. Half an hour should suffice. We will send a meeting request shortly.

In particular we will need to discuss:

- whether the request's terms provide **sufficient detail** to enable all relevant documents to be identified
- whether **other areas** of PM&C or portfolio ministers' offices would be likely to **hold relevant documents** not already in your branch's possession
- whether **consultation** is likely to be required with other agencies, other governments, businesses or individuals
- whether a **transfer** of the request in full or in part to another agency or agencies might be appropriate
- whether the anticipated volume of potentially relevant documents might be such that processing the request might be an **unreasonable diversion of resources**
- whether you consider **charges** for processing the request should be levied
- what **searches** for documents should be conducted
- who is to be your branch's main **contact officer** for managing the request.

In relation to identifying/searching for documents, we suggest that you discuss searches of Slipstream and TRIM with Ministerial Support Division ([TRIM@pmc.gov.au](mailto:TRIM@pmc.gov.au) and [slipstream@pmc.gov.au](mailto:slipstream@pmc.gov.au)) and the Records Management Unit (RMU's Manager on x5889) respectively. These searches will produce lists of potentially relevant documents and files which are useful not only for identifying documents but also for considering the potential volume of documents and the question of charges.

At the meeting, we will discuss the **attached Stage 1 Checklist and PM&C Business Rules for Processing FOI requests** for the detailed management of the request, including time lines and who is responsible for what. It will also be important for us to discuss the likely sensitivity and complexity of the request so that sufficient resources are devoted to it by both FOI officers in Legal Policy Branch and officers in your Branch to enable efficient and timely handling.

### Timing

Subject to extensions and suspensions of time allowed by the FOI Act, a decision on access to the documents is due to be finalised by **Friday 6 May 2016**.

### Next steps

We would be grateful if you would start giving consideration to the matters for discussion at the meeting. Of course, please feel free to call and discuss any aspect of the matter.

Regards

(s 47F)

(s 47F)

| FOI Administration Officer/Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (s 47F)

e. (s 47F)

| [foi@pmc.gov.au](mailto:foi@pmc.gov.au) |

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

(s 47F)

**From:** (s 47F)  
**To:** [MacDowell, Brendan](#); (s 47F)  
**Subject:** Initial meeting- FOI/2016/069 [SEC=UNCLASSIFIED]  
**Attachments:** @

---

Hi Brendan,

I'm writing to set up a meeting to discuss the new FOI request from Senator Penny Wong for which you are the decision-maker.

I understand 2.00pm today might be a suitable time to meet to discuss? Please let me know if a different time/day suits you better. Please forward this invite onto another action officer that you feel appropriate to attend.

Please see attached the relevant documents for the meeting.

Regards

(s 47F)

(s 47F) | FOI Administration Officer/Adviser  
Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
f(s 47F)  
e. [HYPERLINK "\(s 47F\)"](#)  
foi@pmc.gov.au |  
[HYPERLINK "http://www.dpmc.gov.au/"](#) www.dpmc.gov.au  
PO Box 6500 CANBERRA ACT 2600  
(s 47F)

| [HYPERLINK "mailto:foi@pmc.gov.au"](mailto:foi@pmc.gov.au)

<< Attachments:

[HYPERLINK "http://PMC-EVAULT01.internal.pmc.gov.au/EnterpriseVault/ViewMessage.asp?VaultId=19DF115A7042BC54AA4A248E47B226D541110000PMC-EVSITE&SavesetId=201605284447512~201604122325000000~Z~91495B8EA51509E0A9DBC3FC65D082E1&AttachmentId=1"](http://PMC-EVAULT01.internal.pmc.gov.au/EnterpriseVault/ViewMessage.asp?VaultId=19DF115A7042BC54AA4A248E47B226D541110000PMC-EVSITE&SavesetId=201605284447512~201604122325000000~Z~91495B8EA51509E0A9DBC3FC65D082E1&AttachmentId=1) New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only] (220.4KB)  
>>

**MacDowell, Brendan**

---

**From:** (s 47F)  
**Sent:** Wednesday, 13 April 2016 9:26 AM  
**To:** MacDowell, Brendan  
**Cc:** (s 47F)  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]  
**Attachments:** QB16-000163.docx

For Official Use Only

Hi Brendan

QB16-000163 is titled 'Multinational Tax (including tax transparency)' (attached).

I have completed a search in PDMS for 'Labor's Savings Proposals' and found nil results.

Kind Regards

(s 47F)

**From:** MacDowell, Brendan  
**Sent:** Wednesday, 13 April 2016 9:13 AM  
**To:** (s 47F)  
**Cc:** (s 47F)  
**Subject:** FW: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]

For Official Use Only

Hi (s 47F)

Can I get a copy of the QTB the subject of this FOI request please? Thanks.  
Brendan

**From:** (s 47F)  
**Sent:** Tuesday, 12 April 2016 3:28 PM  
**To:** MacDowell, Brendan  
**Cc:** (s 47F) FOI  
**Subject:** New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [DLM=For-Official-Use-Only]

For Official Use Only

Dear Brendan

**The FOI request**

We have received an FOI request from Senator Penny Wong (**refer attached**) and we have identified you as the most appropriate officer to be the decision maker for this request.

**Action**

In the first instance, we need to meet with **you and a contact officer of your choice** to discuss management of the request. This meeting needs to be within the next two working days. Half an hour should suffice. We will send a meeting request shortly.

In particular we will need to discuss:

- whether the request's terms provide **sufficient detail** to enable all relevant documents to be identified
- whether **other areas** of PM&C or portfolio ministers' offices would be likely to **hold relevant documents** not already in your branch's possession
- whether **consultation** is likely to be required with other agencies, other governments, businesses or individuals
- whether a **transfer** of the request in full or in part to another agency or agencies might be appropriate
- whether the anticipated volume of potentially relevant documents might be such that processing the request might be an **unreasonable diversion of resources**
- whether you consider **charges** for processing the request should be levied
- what **searches** for documents should be conducted
- who is to be your branch's main **contact officer** for managing the request.

In relation to identifying/searching for documents, we suggest that you discuss searches of Slipstream and TRIM with Ministerial Support Division ([TRIM@pmc.gov.au](mailto:TRIM@pmc.gov.au) and [slipstream@pmc.gov.au](mailto:slipstream@pmc.gov.au)) and the Records Management Unit (RMU's Manager on x5889) respectively. These searches will produce lists of potentially relevant documents and files which are useful not only for identifying documents but also for considering the potential volume of documents and the question of charges.

At the meeting, we will discuss the **attached Stage 1 Checklist and PM&C Business Rules for Processing FOI requests** for the detailed management of the request, including time lines and who is responsible for what. It will also be important for us to discuss the likely sensitivity and complexity of the request so that sufficient resources are devoted to it by both FOI officers in Legal Policy Branch and officers in your Branch to enable efficient and timely handling.

### Timing

Subject to extensions and suspensions of time allowed by the FOI Act, a decision on access to the documents is due to be finalised by **Friday 6 May 2016**.

### Next steps

We would be grateful if you would start giving consideration to the matters for discussion at the meeting. Of course, please feel free to call and discuss any aspect of the matter.

Regards

(s 47F)

(s 47F)

| FOI Administration Officer/Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

(s 47F)

p.

e. (s 47F)

[foi@pmc.gov.au](mailto:foi@pmc.gov.au) |

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

(s 47F)

(s 47F)

**MacDowell, Brendan**

---

**From:** DLO  
**Sent:** Wednesday, 13 April 2016 2:06 PM  
**To:** (s47F)  
**Cc:** PMO-DLO; s47F ; MacDowell, Brendan  
**Subject:** Labor's Savings Proposal QTB - FOI request [DLM=For-Official-Use-Only]

For Official Use Only

Hi Eco team

PM&C has received an FOI request from Senator Wong regarding a QTB the PM was pictured holding marked 'confidential' — it was the Labor Saving's Proposal QTB which was drafted in house. The brief has the reference QB16-000163 in the top right hand corner, however the QTB with this reference drafted by the department is actually the one on Multinational Tax. I'm guessing in the rush of QTB morning it was drafted in this template and saved over without the reference being removed.

The department would like to confirm that this has not been provided to anyone in the department (possible fact check?), nor is it saved where anyone could access it — I can't find it in the QTB folders so I'm assuming it's saved somewhere else?

Thanks  
(s 47F)

(s 47F)

Departmental Liaison Officer  
Office of the Prime Minister  
Department of the Prime Minister and Cabinet  
(s 47F)

[dlo@pm.gov.au](mailto:dlo@pm.gov.au)

**From:** [Arnaudo, Peter](#)  
**To:** [MacDowell, Brendan](#)  
**Cc:** [FOI](#)  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Friday, 6 May 2016 11:51:50 AM

---

UNCLASSIFIED

No all fine. Thanks

---

**From:** MacDowell, Brendan  
**Sent:** Friday, 6 May 2016 11:51 AM  
**To:** Arnaudo, Peter  
**Cc:** FOI  
**Subject:** FW: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

UNCLASSIFIED

Peter  
I'm happy with the draft. Any comments? Thanks.  
Brendan

---

**From:** FOI  
**Sent:** Friday, 6 May 2016 11:29 AM  
**To:** MacDowell, Brendan  
**Cc:** FOI; Arnaudo, Peter<sup>(s47F)</sup> <sup>(s47F)</sup>  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Brendan

Please see **attached** updated decision.

Let me know how I can assist further. Happy to come and collect decision and documents when they are ready.

Kind regards,  
(s47F)

(s47F)

| Senior Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet

p. (s47F)

e. (s47F)

| [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

---

**From:** MacDowell, Brendan

**Sent:** Thursday, 5 May 2016 8:04 PM

**To:** (s47F)

**Cc:** (s47F) FOI; Arnaudo, Peter

**Subject:** Re: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

Thanks (s47F)

I'm happy with the draft but would be grateful if you could include the following paragraph and then pass to Peter A for any comment. Ta.

(s47C)

Sent from my iPad

On 4 May 2016, at 10:59 AM, (s47F)

(s47F)

> wrote:

## UNCLASSIFIED

Dear Brendan

We have prepared a no documents decision for FOI/2016/069.

Accordingly, please see attached draft decision for your signature. Please note decision is due to be notified to the applicant by Friday, 6 May 2016.

- If you are happy with the draft decision, please discuss the proposed decision and any necessary briefing with your FAS (generally, a brief to the Deputy Secretary is not necessary for no documents decisions, unless they are particularly sensitive in some way); and
- Notify your adviser(s) in PMO of your proposed decision for this request (email is fine, please ensure you copy in our PMO adviser, (s47F), and also the FOI Inbox ([FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)) – draft text provided below for your assistance.

\*\*\* Text of message to PMO begins\*\*\*

(s47C)



(s47C)

- Complete the attached Stage 1 and 2 checklist – but please do not sign it until after you have briefed PMO.

### **What I will do**

Following receipt of the signed decision and Stage 2 checklist, I will forward the decision to the applicant.

Kind Regards

(s47F)

(s47F)

| FOI Administration Officer/Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (s47F)

e. (s47F)

| [foi@pmc.gov.au](mailto:foi@pmc.gov.au) |

[www.dpmc.gov.au](http://www.dpmc.gov.au)

PO Box 6500 CANBERRA ACT 2600

(s47F)

<FOI-2016-069 - Decision.docx>

<FOI-2016-069 - Stage 1 checklist.doc>

<FOI-2016-069- Stage 2 checklist.docx>

## Decision-maker's checklist for stage 2 of the request

No.	Description	Yes/No	Comments
1	Has the Stage 1 checklist been completed and provided to the FOI action officer?		
2	Have all external third parties requiring consultation been consulted?		
3	Have all third party submissions been considered?		
4	<p>Have the following internal parties been advised or consulted as appropriate with regards to sensitivities on the potential release of information:</p> <ul style="list-style-type: none"> <li>• Executive</li> <li>• Other areas of PM&amp;C (please identify)</li> <li>• PMO</li> <li>• Other Ministerial offices in the portfolio (please identify)</li> </ul> <p>Note: The FOI action officer should be copied into any such consultation. Consultations should occur no later than day 13.</p>		
5	Have my FAS and Deputy Secretary been kept informed of sensitivities and consultations relevant to those sensitivities?		
6	Has the line area completed assessment of all documents and collated relevant information into a document schedule?		
7	Have proposed exemptions and redactions been reviewed against the FOI Act in consultation with the FOI action officer?		
8	Have the indicative decision and copies of documents showing proposed exemptions been reviewed by me and provided to the FOI action officer?		
9	Have the Deputy Secretary (Governance) and the PMO been notified of the intended decision and provided with copies of documents intended for release?		
10	If the line area's Deputy/Associate Secretary was not consulted previously on the documents, have they been notified of the intended decision?		
11	If the Deputy Secretary (Governance) requires more time to consider the documents, has the FOI action officer been advised to seek an extension of time?		

I confirm that:

- All necessary staff were kept informed of progress, sensitivities and the indicative decision throughout the process.
- All necessary external third party consultation has occurred and submissions considered.
- The Executive, the PMO and any other internal parties have been consulted as and when required and their comments have been considered in reaching my decision.
- The Executive and the PMO have been advised about the documents proposed for release.

[Name of AS]

Assistant Secretary

Department of the Prime Minister and Cabinet

February 2016

**From:** [MacDowell, Brendan](#)  
**To:** [FOI](#)  
**Cc:** (s 47F)  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Friday, 6 May 2016 12:36:15 PM  
**Attachments:** [FOI-2016-069 - Decision.docx](#)

---

UNCLASSIFIED

Slightly revised, attached.

---

**From:** FOI  
**Sent:** Friday, 6 May 2016 11:29 AM  
**To:** MacDowell, Brendan  
**Cc:** FOI; Arnaudo, Peter<sup>(s47F)</sup> (s47F)  
**Subject:** RE: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Brendan

Please see **attached** updated decision.

Let me know how I can assist further. Happy to come and collect decision and documents when they are ready.

Kind regards,  
(s47F)

(s47F) | Senior Adviser  
 Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
 Government Division | Department of the Prime Minister and Cabinet  
 p. (s47F)  
 e. (s47F) | [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)  
[www.dpmmc.gov.au](http://www.dpmmc.gov.au)  
 PO Box 6500 CANBERRA ACT 2600

---

**From:** MacDowell, Brendan  
**Sent:** Thursday, 5 May 2016 8:04 PM  
**To:** (s47F)  
**Cc:** (s47F) FOI; Arnaudo, Peter  
**Subject:** Re: New FOI request (ref: FOI/2016/069) - Senator the Honourable Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

Thanks<sup>(s47F)</sup>

I'm happy with the draft but would be grateful if you could include the following paragraph and then pass to Peter A for any comment. Ta.

(s47C)

(s47C)

Sent from my iPad

On 4 May 2016, at 10:59 AM, <sup>(s47F)</sup>

<<sup>(s47F)</sup>

> wrote:

## UNCLASSIFIED

Dear Brendan

We have prepared a no documents decision for FOI/2016/069.

Accordingly, please see attached draft decision for your signature. Please note decision is due to be notified to the applicant by Friday, 6 May 2016.

- If you are happy with the draft decision, please discuss the proposed decision and any necessary briefing with your FAS ( generally, a brief to the Deputy Secretary is not necessary for no documents decisions, unless they are particularly sensitive in some way); and
- Notify your adviser(s) in PMO of your proposed decision for this request (email is fine, please ensure you copy in our PMO adviser, <sup>(s47F)</sup>, and also the FOI Inbox ([FOI@pmc.gov.au](mailto:FOI@pmc.gov.au)) – draft text provided below for your assistance.

\*\*\* Text of message to PMO begins\*\*\*

(s47C)

s47C

(s47C)

\*\*\*Message to PMO ends\*\*\*

- Complete the attached Stage 1 and 2 checklist – but please do not sign it until after you have briefed PMO.

### **What I will do**

Following receipt of the signed decision and Stage 2 checklist, I will forward the decision to the applicant.

Kind Regards

(s47F)

(s) | FOI Administration Officer/Adviser

Access and Administrative Review | Honours, Symbols and Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (s47F)

e. (s47F)

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(s47F)

<FOI-2016-069 - Decision.docx>

<FOI-2016-069 - Stage 1 checklist.doc>

<FOI-2016-069- Stage 2 checklist.docx>







**From:** [Kelly, Elizabeth](#)  
**To:** (s 47F)  
**Cc:** [FOI: Arnaudo, Peter](#); [MacDowell, Brendan](#); (s 47F)  
**Subject:** RE: FOI request (ref: FOI/2016/069) - Senator the Hon Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]  
**Date:** Friday, 6 May 2016 2:13:49 PM

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UNCLASSIFIED

noted

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**From:** (s 47F)  
**Sent:** Friday, 6 May 2016 2:11 PM  
**To:** Kelly, Elizabeth  
**Cc:** FOI; Arnaudo, Peter; MacDowell, Brendan; (s 47F)  
**Subject:** FW: FOI request (ref: FOI/2016/069) - Senator the Hon Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Elizabeth

This email is to inform you that Brendan MacDowell, Assistant Secretary, Ministerial & Parliamentary Support Branch is finalising a 'no documents' decision in relation to this matter.

We intend to notify the applicant of Mr MacDowell's FOI access decision today.

Kind regards,  
(s 47F)

(s 47F) | Senior Adviser  
Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
p. (s 47F)  
e. (s 47F) | [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)  
[www.dpmc.gov.au](http://www.dpmc.gov.au)  
PO Box 6500 CANBERRA ACT 2600

---

**From:** MacDowell, Brendan  
**Sent:** Friday, 6 May 2016 12:49 PM  
**To:** (s47F)  
**Cc:** FOI  
**Subject:** FOI request (ref: FOI/2016/069) - Senator the Hon Penny Wong - The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' [SEC=UNCLASSIFIED]

UNCLASSIFIED

**For Information**

Dear<sup>(s47F)</sup>

I'm writing to you to let you know that the Department is in the process of finalising an FOI decision. I am the decision-maker for this request.

We intend to notify the FOI applicant of the decision to refuse access to the requested document on the basis that no document falling within the scope of the request was found in the Department of the Prime Minister and Cabinet (a 'no documents' decision under s24A of the FOI Act).

## **Background**

On 6 April 2016 the applicant sought access to:

*' The Question Time Brief (QTB) entitled 'Labor's Savings Proposals' with the reference number QB16-000163.*

We intend notifying the applicant of the Department's FOI access decision today.

Kind regards

Brendan

**Brendan MacDowell** | Assistant Secretary  
Ministerial & Parliamentary Support Branch  
Ministerial Support Division | Department of the Prime Minister and Cabinet  
p. 02 6271 6005 | m. 0439 661 388 | f. 02 6271 5033  
e. [brendan.macdowell@pmc.gov.au](mailto:brendan.macdowell@pmc.gov.au) | [www.dpmc.gov.au](http://www.dpmc.gov.au)  
PO Box 6500 CANBERRA ACT 2600

**From:** [MacDowell, Brendan](#)  
**To:** (s 47F)  
**Cc:** [FOI; Arnaudo, Peter](#); (s 47F)  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]  
**Date:** Friday, 6 May 2016 6:05:21 PM

---

For Official Use Only

Thanks everyone for your usual efficient and friendly advice and assistance.  
Brendan

---

**From:** (s47F)  
**Sent:** Friday, 6 May 2016 5:31 PM  
**To:** MacDowell, Brendan  
**Cc:** FOI; Arnaudo, Peter; (s47F) (s47F)  
**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

Dear Brendan

I confirm the FOI decision for this FOI request has been finalised and sent to the applicant this afternoon. A copy of the decision package is attached for your records.

Thank you and your team for your assistance with this FOI request; (s47F) and I have appreciated all of your efforts.

Kind regards,  
(s47F)

(s47F) | Senior Adviser  
Access and Administrative Review | Honours, Symbols and Legal Policy Branch  
Government Division | Department of the Prime Minister and Cabinet  
p. (s47F)  
e. (s47F) | [foi@pmc.gov.au](mailto:foi@pmc.gov.au) | [ombudsman@pmc.gov.au](mailto:ombudsman@pmc.gov.au) | [privacy@pmc.gov.au](mailto:privacy@pmc.gov.au)  
[www.dpmmc.gov.au](http://www.dpmmc.gov.au)  
PO Box 6500 CANBERRA ACT 2600

---

**From:** FOI  
**Sent:** Friday, 6 May 2016 5:28 PM  
**To:** 'Wong, Penelope (Senator)'  
**Cc:** FOI; van Bavel, Anton (Sen P. Wong)  
**Subject:** FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

**FOI/2016/069**

Dear Senator Wong

**From:** [MacDowell, Brendan](#)  
**To:** [FOI](#)  
**Cc:** [Arnaudo, Peter](#); (s 47F)  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]  
**Date:** Monday, 9 May 2016 5:13:33 PM

---

For Official Use Only

Hi (s 47F)

The QTB with the reference number QB16-000163 is not the document specified in the FOI request. While Senator Wong is entitled to seek a review, I suggest it would be more efficient all round if she were to make a fresh request seeking the QTB with the reference number QB16-000163, without specifying a title. Thanks.

Brendan

---

**From:** FOI  
**Sent:** Monday, 9 May 2016 9:57 AM  
**To:** MacDowell, Brendan  
**Cc:** FOI; Arnaudo, Peter; (s 47F)  
**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

Dear Brendan

Please see below message from Senator Wong's representative.

Grateful for your consideration.

Kind regards,

(s 47F)

---

(s22)

(s47C - Draft email message never sent)

**From:** [FOI](#)  
**To:** [MacDowell, Brendan](#)  
**Cc:** [FOI](#); [Arnaudo, Peter](#); (s 47F)  
**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]  
**Date:** Thursday, 12 May 2016 9:14:33 AM

---

For Official Use Only

Dear Brendan

For your reference, below is the email HSLPB sent to Mr van Bavel (in Senator Wong's office) yesterday.

Kind regards,  
(s 47F)

---

(s. 22)

---

**From:** (s 47F)  
**To:** (s 47F)  
**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]  
**Date:** Tuesday, 17 May 2016 10:37:00 AM

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For Official Use Only

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**From:** FOI  
**Sent:** Monday, 16 May 2016 3:57 PM  
**To:** MacDowell, Brendan  
**Cc:** Arnaudo, Peter; (s 47F)  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

Brendan – can we discuss tomorrow?  
Ta

---

**From:** MacDowell, Brendan  
**Sent:** Thursday, 12 May 2016 5:40 PM  
**To:** FOI  
**Cc:** Arnaudo, Peter; Anderson, Monique  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

Hi (s 47F)

I would be grateful if a response could be drafted noting that I was in no doubt as to the document requested by the applicant as it was a document that had been identified publicly and the existence of which I was aware. To me, the scope of the request was perfectly clear and I did not see any need to consult with the applicant. I also did not see any need to contact the applicant about document QB16-000163 (a document held by the Department but not titled ‘Labor’s Savings proposals’ and unrelated to that topic) as I did not consider it was the document sought. It is an entirely different document. I do not consider that s15(2)(b) is relevant, as I was satisfied that the applicant had provided sufficient information about the document sought to enable me to identify it – that is, to identify it as the document which had been displayed publicly. No further information would have assisted me to identify the document requested. A search for the document revealed that it was not in the Department’s possession. Enquiries made of the PMO led to my understanding of how the document came into existence. I had no reason to believe that the applicant was in the least bit interested in any document other than the one she specifically requested. I do not consider that the Question Time Brief with the reference number QB16-000163 is the document sought by the applicant “in accordance with her request”. I remain of the view that my decision was the correct and appropriate one. I do not believe it is tainted by any error and I consider I am *functus officio* in the matter.

The applicant can seek review of my decision. The applicant could also accept the Department’s

offer to treat Mr van Bavel's email of 6 May as a request for the document now sought.

Happy to discuss. Thanks.

Brendan

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**From:** FOI

**Sent:** Thursday, 12 May 2016 5:13 PM

**To:** MacDowell, Brendan

**Cc:** FOI; Arnaudo, Peter; (s 47F)

**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

### For Official Use Only

Dear Brendan

Please see below email from Mr van Bavel in Senator Wong's office.

We would be grateful to receive your advice regarding next steps.

Kind regards,

(s 47F)

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(s22)

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**From:** [Arnaudo, Peter](#)  
**To:** [MacDowell, Brendan](#); (s 47F)  
**Cc:** [FOI](#); (s 47F)  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]  
**Date:** Friday, 20 May 2016 9:32:59 PM

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Thanks.

I agree.

FOI team – please create a new FOI request and send acknowledgment based on receipt of new request as 6 May.

Eco Div to be the decision maker.

Peter

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**From:** MacDowell, Brendan  
**Sent:** Friday, 20 May 2016 4:50 PM  
**To:** (s 47F); Arnaudo, Peter  
**Cc:** FOI; (s 47+)  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

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Thanks. I think given subject matter, most probably one for Eco Div.

B

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**From:** (s 47F)  
**Sent:** Friday, 20 May 2016 4:40 PM  
**To:** MacDowell, Brendan; Arnaudo, Peter  
**Cc:** FOI; (s 47F)  
**Subject:** FW: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

For Official Use Only

Dear Brendan and Peter

Please see below response from Mr van Bavel in Senator Wong's office, in response to Peter's email this afternoon.

Kind regards,

(s 47F)

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**From:** van Bavel, Anton (Sen P. Wong) [<mailto:Anton.vanBavel@aph.gov.au>]  
**Sent:** Friday, 20 May 2016 4:34 PM  
**To:** FOI  
**Subject:** RE: FOI/2016/069 - Notification of decision [DLM=For-Official-Use-Only]

Thanks Peter.

	16/069 Mon/ Derya  DNC	Senator the Hon Penny Wong  Brendan MacDowell MPS, MSD	06/04/16	The Question Time Brief (QTB) entitled ‘Labor’s Savings Proposals’ with the reference number QB16-000163.	Received via email on 06/04/16. Advised FAS Gov Div 08/04/16. Dep Sec notified 08/04/16. DM notified 12/04/16. Initial meeting set for 13/04/16. Acknowledgment email sent to applicant 13/04/16. Awaiting final instructions for no-documents decision. Draft no-documents decision sent to DM 04/05/16. DM approved with amendment 06/05/16. Decision sent 06/05/16. Applicant responded 06/05/16. Email sent to DM 09/05/16. Email received from DM 09/05/16. Further email from DM 13/05/16. Email sent to applicant 13/05/16. Response from applicant’s representative. A&AR preparing email to respond.	06/05/16  FINALIED 06/05/16 (within time) (access refused, s24A)
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