

**Senate Standing Committee on Education Employment and Workplace
Relations**

**QUESTIONS ON NOTICE
Budget Estimates 2012-2013**

Agency - Fair Work Australia

DEEWR Question No. EW0297_13

Senator Abetz asked on 29 May 2012 , Hansard page 88

Question

FWA - FOI request regarding attachment to QoN

Senator ABETZ: That remains to be seen, and I am willing to accept that that is the case. If that is the case, why is Fair Work Australia still objecting to my officer's freedom of information request for the release of this document? Ms O'Neill: I am not aware of it. I will take that on notice. Senator ABETZ: It is currently with the Office of the Information Commissioner appealing against Fair Work Australia's refusal to release the document, putting us through all this, and here we are getting the document in response to a question on notice. Ms O'Neill: These things are always a point in time, and certainly in relation to providing the memo in the form that I have in response to the question on notice was open to me, in my view, because at that date the investigation had been concluded. If it had been an earlier date, when the investigation was ongoing, the answer may well have been different. So that may or may not be the explanation in relation to the original FOI request, but I can take that detail on notice and clarify that. Senator ABETZ: If you could.

Answer

Fair Work Australia has provided the following response:

The document sought by Mr Doug Fryar in his freedom of information request dated 31 August 2011, being an email dated 30 June 2009 from Mr Doug Williams to Mr Terry Nassios entitled "HSU Inquiry and Investigation Strategy", was at the time of the request exempt from release under section 37(1)(a) of the *Freedom of Information Act* 1982.

On 7 May 2012 the document in question was provided to the Senate Standing Committee on Education, Employment and Workplace Relations as an annexure to the report of the Investigation into the Health Services Union National Office. Additionally, since receipt of Mr Fryar's request, the document has been made publically available as an attachment to Fair Work Australia Question on Notice EW1066_12.

Pursuant to section 12 of the Act, which provides that a person is not entitled to obtain under the Act a document that is open to public access, the document is now exempt and is therefore no longer subject to Mr Fryar's request.