

Senate Finance and Public Administration Legislation Committee

ANSWER TO QUESTION ON NOTICE

Finance and Administration Portfolio

Department of Finance and Administration

Budget Estimates Hearing – May 2006

Question: F65

Outcome 2, Output 2.2.3

Topic: Department of Finance and Administration v Peter Tomson Case

Written Question on Notice

Senator Ludwig asked:

1. Please provide all documents forwarded to the Department of Finance and Administration from the Australian Customs Service. Please provide all correspondence, notes and memos relating to this case.
2. Is there any avenue of appeal for Mr Tomson given the Minister's negative decision for an Act of Grace payment?

Answer:

1. The Department of Finance and Administration (Finance) was provided with information from the Australian Customs Service (ACS), Litigators Pty Ltd and Rodda Castle & Co during the investigation of Mr Peter Tomson's request for an act of grace payment. The information from Litigators Pty Ltd and Rodda Castle & Co was provided as representations on behalf of Mr Tomson. Additional information held on Finance's files, relates directly to the aforementioned material.

When Finance requests information from any source in the process of the investigation of an act of grace request, it undertakes to protect the information that is to be provided in accordance with section 14 of the *Privacy Act 1988*, in that the information is to be used for the purpose of the request. In this regard it would be inappropriate to provide the information to Senator Ludwig.

The information provided by the ACS included its response to Finance's request and points provided to the Government in response to the House of Representatives Legal and Constitutional Affairs Committee relating to Mr Tomson's claims. It would be appropriate for Senator Ludwig to direct his request for this information to the ACS should he require access to these documents. Additional information provided by the ACS is available on the House of Representatives Legal and Constitutional Affairs Committees website.

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2. Mr Tomson can apply to the Federal Court for an order of review in respect of the decision under section 5 of the *Administrative Decisions (Judicial Review) Act 1977*. Generally, proceedings must be commenced within 28 days of receiving notice of the decision, however the Court has the discretion to extend the prescribed period of 28 days.