

**Economics Legislation Committee**  
**ANSWERS TO QUESTIONS ON NOTICE**  
Industry, Innovation, Science, Research and Tertiary Education Portfolio  
Additional Budget Estimates  
13 February 2013

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**AGENCY/DEPARTMENT:** DEPARTMENT OF INDUSTRY, INNOVATION, SCIENCE, RESEARCH AND TERTIARY EDUCATION

**TOPIC:** FOI request – Grants to Holden, Toyota and Ford

**REFERENCE:** Question on Notice (Hansard, 13 February 2013, pages 35 and 36)

**QUESTION No.:** AI-14

**Senator RYAN :** Yes, that is exactly it; you can see the future, Mr Lawson-where I was going to go. Just to go back to the question-and I am only going to ask for a 'yes' or 'no'-it is not possible, as a genuine query, for me to find out what the Commonwealth expends in this fashion by breaking it up amongst participants. I have to rely on third party or recipient numbers, which can be slightly different due to the difference between government standards and corporate standards in accounting. But it is not a research project that I can undertake and come up with a number?

**Mr Lawson:** That is correct. The act provides for us to publish the aggregate amounts; it does not provide for us to publish individual amounts.

**Senator RYAN:** Mr Durrant, why then did you write this comment, that it would not: ... contribute in any meaningful way to informing debate on a matter of public importance. Your assertion now is that you could not release them anyway because of law. Why did you make the assertion that having taxpayers know what is spent-given-to certain corporations is not going to contribute in a meaningful way to informing public debate on a matter of public importance?

**Mr Durrant:** As I said, there was one element of my response to-

**Senator RYAN:** This is an important element. I have dealt with inquiries on the FOI Act; my other committee dealt with it. The commissioner has talked regularly about a culture of seeking to find ways to release information as opposed to a reliance upon provisions not to. And I am not saying, by any stretch of the imagination, that the only fault in that approach is in the bureaucracy or with you-that is a cultural issue that I think the commissioner sought to change more generally.

But it seems to me that on one level that is a fairly extraordinary statement to make about a large amount of government funds being handed over to a select number of corporates, and on a second level: rather than allowing people to exercise their own judgement on what might inform them you are seeking to interpose yourself and decide what they may use to inform themselves.

**Mr Durrant:** I take your point, Senator, but I wish to make it known the fundamental reason that I felt restricted in releasing this information did go to the commercial and financial affairs issue, and that was as a consequence of my deliberations and taking into account the restrictions under the ATS.

**Senator RYAN:** Were there other reasons? We have mentioned the big one, which is your reference to the act which funds these programs and its predecessor. We have covered that. Were there any other reasons you provided?

**Mr Durrant:** I did take into account the third-party consultations.

**Senator RYAN:** I know that is a standard provision under the act. By that, it would be consultation with the other parties mentioned which, in this case, were three car companies and their willingness or otherwise to have the numbers released?

**Mr Durrant:** Yes.

**Senator RYAN:** What I understand though is that-it might have been subsequent to this becoming a matter of public furore-at least a couple of the companies were not particularly happy for the information to be released. That is a public comment I have in front of me here.

**Mr Durrant:** Those comments, if they are the same as I have read in the paper, were post my decision-

**Senator RYAN:** Okay.

**Mr Lawson:** The third-party responses were mixed.

**Senator RYAN:** Yes, okay. If I could ask you to take on notice what you feel you can really release about that process, including the application for FOI as well and whatever issues and other documents you have. But I take the point that there are privileges around this. I will leave it to your judgement and we can talk in May-I am sure we will again.

## **ANSWER**

The following documents relating to the FOI process are attached:

- FOI request received 16 October 2012;
- Correspondence between the Department and the FOI applicant on 5 November 2012;
- Initial FOI decision dated 12 November 2012;
- Revised FOI request dated 15 November 2012;
- FOI decision dated 1 February 2013 (note the document is mistakenly dated 1 February 2012).

Although there has been substantial public commentary on this FOI request, the requirements of the *Privacy Act 1988* have been considered and personal information of the FOI applicant and some departmental staff has been redacted accordingly.