



DEFENCE FOI 344/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 6 November 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

Please provide the invoice and a document that contains the scope of the project related to: Event Services - Events management: PERISHER BLUE SKI RESORT – AusTender Contract Notice: CN4105087. If a document does not exist, please provide the final contract and any variations to the contract.

Background



FOI decision maker

4. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

5. I have identified two (2) documents as falling within the scope of the request.

Decision

6. I have decided to:
 - a) partially release two documents in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act on the grounds that the deleted material is considered exempt under section 47E(c) [Public interest conditional exemptions – certain operations of agencies] of the FOI Act; and
 - b) remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

7. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions of the FOI Act;

- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- e. Vale Resorts Australia consultation response.

REASONS FOR DECISION

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

8. Section 22 of the FOI Act permits an agency to prepare and provide an edited copy of a document where the agency has decided to refuse access to an exempt document or that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.
9. Where whole pages are irrelevant to the scope of the request, these pages have been removed from the released document pack.
10. I am satisfied that it is reasonably practicable to remove the irrelevant material and release the documents to you in an edited form.

Section 47E(c) – Public interest conditional exemptions – certain operations of agencies

11. Section 47E(c) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

(d) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency

12. The Guidelines provide, at paragraph 6.102, that:

Where the document relates to the agency's policies and practices in relation to the assessment and management of personnel, the decision maker must address both elements of the conditional exemption in s 47E(c), namely, that:

- *an effect would reasonably be expected following disclosure*
- *the expected effect would be both substantial and adverse.*

13. The document contains the name of Defence personnel. The details of Defence personnel within the document are not publicly available and disclosure of these could reasonably be expected to have an adverse effect on the health and wellbeing of these individuals.
14. I am satisfied there is a reasonable expectation that the names and contact details of Defence personnel could be used inappropriately, in a manner which adversely affects the health, wellbeing and work of Defence personnel. Disclosure of names, email addresses and phone numbers could, therefore, reasonably be expected to substantially adversely impact the staff management function of Defence in maintaining workplace health and safety standards.
15. Accordingly, I am satisfied that the document is conditionally exempt under section 47E(c) of the FOI Act.

Public interest considerations - section 47E(c)

16. Section 11A(5) of the FOI Act states:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

17. I have considered the factors favouring disclosure as set out in section 11B(3) [factors favouring access] of the FOI Act. The relevant factors being whether access to the document would:

(a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);

(b) inform debate on a matter of public importance;

(c) promote effective oversight of public expenditure;

(d) allow a person to access his or her own personal information.


18. In my view, disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).

19. Paragraph 6.233 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice:

- an agency's ability to obtain similar information in the future;
- the management function of an agency; and
- the personnel management function of an agency.

20. I have not taken any of the factors listed in section 11B(4) [irrelevant factors] of the FOI Act into account when making this decision.

21. I am satisfied, based on the above particulars, the public interest factors against disclosure outweigh the factors for disclosure, and that, on balance, it is against the public interest to release the information to you. Accordingly, I find that the information is exempt under sections 47E(c) [Public interest conditional exemptions – certain operations of agencies] of the FOI Act.



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