

20 October 2015

Nick Green

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Dear Nick

**Application for documents under the Commonwealth Freedom of Information Act 1982**

I refer to your Freedom of Information request dated 19 August 2015 in which you have sought access to documents under the Freedom of Information Act 1982 ("Act"). You have requested the following from Australia Post:

"Freedom of information request –Policy regarding package delivery and security gates"

**Decision**

I have decided to refuse access to the documents sought by you on the basis that it is, under Part II Schedule 2 Division 1 (b), exempt from the operation of the Act in relation to the documents sought.

Section 7 (2) of the Act provides:

The persons, bodies and Departments specified in Part II of Schedule 2 are exempt from the operation of this Act in relation to the documents referred to in that Schedule in relation to them.

In Section 7 (3) (a) and (b) 'commercial activities' means:

- (a) Activities carried on by an agency on a commercial basis in competition with persons other than governments or authorities of governments; or
- (b) Activities, carried on by an agency, that may be reasonably be expected in the foreseeable future to be carried on by the agency on a commercial basis in competition with persons other than governments or authorities of governments.

I have therefore decided that the documents you have requested were brought into existence for the purposes of, or at least in the course of, the carrying on of Australia Post commercial activities as defined in Section 7 of the Act. Accordingly Australia Post is exempt from the operation of the Act in relation to these documents.

However Australia Post have published General Terms and Conditions. This is available on the Australia Post website. I have attached Appendix 2 - Street Mail Service – Conditions of Delivery of the General Terms and Conditions.

**Rights of Review**

If you are unhappy with this decision you have the right to seek either;

- (i) An internal review by writing within 30 days of receiving this letter to Australia Post, FOI Review Officer, Legal Services Group, GPO Box 1777, Melbourne VIC 3001, [foi@auspost.com.au](mailto:foi@auspost.com.au); or
- (ii) A review of this decision by writing within 60 days of receiving this letter to the Information Commissioner, GPO Box 2999, Canberra ACT 2601, Fax: 02 9284 9666, [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

You may also complain to the Ombudsman concerning actions taken by Australia Post in the exercise of powers or performance of functions under the FOI Act. A complaint to the Ombudsman may be made orally or in writing and should be directed to the Commonwealth Ombudsman, GPO Box 442, Canberra ACT 2601, Fax: 02 6276 0123, [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au). The Ombudsman usually prefers applicants to seek a review before complaining about a decision.

If you have any other queries, please let me know.

Yours sincerely,



Information Officer  
Australia Post