

7 October 2015

Larry Singer

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Dear Larry

Application for documents under the Commonwealth Freedom of Information Act 1982

I refer to your Freedom of Information request dated 28/8/2015 in which you have sought access to documents under the Freedom of Information Act 1982 ("Act") (FOI Act). You have requested the following from Australia Post:

"I have had ongoing issues with delivery of parcels to my address. Each time there seems to be a different reason why the parcel was not delivered. I am trying to determine whether the reason that deliveries are not made is that our building does not meet your requirements. I have not been able to get any consistent information about this.

The only information I can find on your website is: "Parcel delivery is dependent upon how an item is addressed, the location of a property, and Australia Post operational requirements for security and occupational health and safety."

Please provide copies of the policies that your delivery people use to determine whether they are permitted to deliver to any specific property, and the procedures that govern how and when that delivery is to be attempted."

Decision

I have decided to refuse access to the documents sought by you on the basis that it is, under 7(2) and Part II of Schedule 2 FOI Act, exempt from the operation of the Act in relation to the documents sought.

Section 7 of the Act provides:

- (2) "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.
- (3) In Part II of Schedule 2, "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 expected in the foreseeable future to be carried only the agency on a commercial basis in competition with persons other than governments or authorities.
- (4) In Part II of Schedule 2, a reference to documents in respect of particular activities shall be read as a reference to documents received or brought into existence in the course of, or for the purposes of the carrying of its commercial activities."

Part II of Schedule 2 of the Act provides that Australia Post is an exempt agency "in relation to documents of its commercial activities".

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, I recommend you look at Australia Post General Terms and Conditions relating to Mail Delivery which is available publicly. You can access this information via the following link <http://auspost.com.au/general-terms-conditions.html> Appendix 2 – Street Mail Service (General Terms and Conditions) is attached to this letter, for your information.

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; 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.

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. 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,



Anna
Information Officer
Australia Post