



Australian Government

Department of Communications and the Arts

FOI REQUEST NO. 06-1516

David Cooper

NOTICE UNDER SECTION 22 OF THE FREEDOM OF INFORMATION ACT 1982

I, Trudi Bean, Deputy General Counsel, Office of the General Counsel of the Department of Communications and the Arts (the Department), being authorised by the Secretary under subsection 23(1) of the *Freedom of Information Act 1982* (the FOI Act) to make decisions about access to documents under the FOI Act, hereby decide to provide access to the document covered by the applicant's request, with those parts of the document that are irrelevant to the request deleted in accordance with section 22 of the FOI Act.

I also provide the following notice to the applicant in accordance with subsection 22(3) of the FOI Act.

A. NOTICE PURSUANT TO SUBSECTION 22(3)

Pursuant to subsection 22(3) of the FOI Act, I hereby give notice in writing to the applicant that an edited copy of the document, that is the subject of his request, has been prepared. The edited copy of the document with irrelevant material deleted, is provided with this notice. Set out below are the terms of the applicant's request and the grounds for the deletions.

Terms of the Applicant's request

On 15 September 2015, the Department received a request from Mr David Cooper under the FOI Act, requesting access to the following document:

"I'm requesting that you provide the letter from the Minister's Office, signed by then Minister for Communications Malcolm Turnbull and Minister of Finance Mathius Cormann, sent to NBNC_o directing the company to perform an analysis of an FTTP deployment as part of the Corporate Plan 2016 preparation.

This letter was referred to by NBNC_o CEO Bill Morrow during Senate Select Committee into the National Broadband Network on the 14th September, 2015 at approx. 9:50am"

Grounds for Deletions

Section 22 of the FOI Act provides that if the Department decides that granting access to a document would disclose information that would be exempt or reasonably be regarded as irrelevant to the request, then, where it is reasonably practicable to prepare a copy with modifications to delete irrelevant material, such a copy should be prepared.

I find that the document covered by the request contains irrelevant material that falls outside the scope of the request. This is because that material does not relate to a direction

to NBN Co 'to perform an analysis of an FTTP deployment as part of the Corporate Plan 2016 preparation'.

Accordingly, I have decided to apply section 22 of the FOI Act to delete irrelevant material contained in the document in order to facilitate the release of the remainder of the document.

B. REVIEW RIGHTS

This decision is subject to review under section 54 or section 54L of the FOI Act. The Office of the Australian Information Commissioner's *FOI Fact Sheet 12 – Your review rights* is attached for information.

C. INFORMATION PUBLICATION SCHEME

In accordance with section 11C of the FOI Act, where the Department gives access to a document under section 11A of the FOI Act, the Department must publish that information on its website within 10 working days after the day an applicant is given access to the documents.

Please see www.oaic.gov.au for more information about the Information Publication Scheme



Trudi Bean
Deputy General Counsel
Office of the General Counsel

14 October 2015