

Mr Christopher Gentle

By email: foi+request-4025-ca778ee2@righttoknow.org.au

Dear Mr Gentle

LS6217 – FOI Request – Decision record and reasons

1. I refer to your email dated 15 August 2017 at 6:14 AM to the Australian Electoral Commission ('AEC') in which you request ('your FOI Request') under the *Freedom of Information Act 1982* (Cth) ('the FOI Act') access to documents relating to the ABS' Marriage Law Postal Survey and 16 and 17 year olds.
2. I am writing today to give you a decision about access to documents that you requested in your FOI Request.

Summary

3. I, Lauren Collett, Senior Lawyer, of the AEC, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
4. Specifically you sought access to:
 - "correspondence, advice and ministerial communication related to the determination that 16 and 17 year olds will not be surveyed in the Marriage Law Postal Survey, and
 - correspondence, advice and ministerial communication related of the Treasurer's [direction to the ABS](#) with regard to its definition of "elector" for the Marriage Law Postal Survey."
5. I coordinated searches for relevant documents to be conducted of files held by the Legal and Procurement Branch of the AEC, the Executive of the AEC and the Parliamentary and Strategic Engagement section of the AEC.
6. Following these searches I have identified nine documents which fall within the scope of your request.
7. With regard to the documents that you have requested (set out in **Attachment A**), I have decided to:
 - (a) grant access to one document;
 - (b) refuse access to one document and to offer in lieu to grant access to an edited version of this document; and
 - (c) refuse access to the remaining seven documents.
8. More information, including my reasons for my decision, is set out below.

Decision and reasons for decision

Decision

9. With regard to the documents identified in **Attachment A**, I have decided:
- (a) to grant access in full to Document No. 3;
 - (b) to refuse access to Document No. 9 under section 47F – personal privacy, as providing access would be contrary to the public interest and, in lieu, to offer to grant access in part to Document No. 9 with exempt and irrelevant matter deleted under section 22 of the FOI Act;
 - (c) to refuse access to Document Nos. 1, 4, 5, 6, 7 and 8 under section 42 – legal professional privilege;
 - (d) to refuse access to Document Nos. 2, 4, 5, 6, 7 and 8 under sections 47C – deliberative processes, and section 47F – personal privacy, as providing access would be contrary to the public interest.

Material taken into account

10. In reaching my decision, I have taken the following information into account:
- (a) the content of the documents that fall within the scope of your FOI Request;
 - (b) the FOI Act, specifically sections 22, 42, 47C, and 47F;
 - (c) the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the “FOI Guidelines”)¹, specifically;
 - i. Section 4 (definition of ‘document’), specifically paragraphs 2.29 – 2.44;
 - ii. Section 22 (Access to edited copies with exempt or irrelevant matter deleted), specifically paragraphs 3.85 – 3.90;
 - iii. Section 42 (Documents subject to legal professional privilege): Part 5 (Exemptions), specifically paragraphs 5.126 – 5.154;
 - iv. Section 47C (Public interest conditional exemptions—deliberative processes): Part 6 (Conditional Exemptions), specifically paragraphs 6.1 – 6.28 and 6.52 – 6.88; and
 - v. Section 47F (Public interest conditional exemptions—personal privacy): Part 6 (Conditional Exemptions), specifically paragraphs 6.1 – 6.28 and 6.124 – 6.179;
- and
- (d) Relevant case law.

¹ Available here: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>

Reasons

11. **Attachment A** indicates each document to which access is refused. My reasons for refusing access are given below.

Section 42 of the FOI Act (legal professional privilege)

12. Under subsection 42(1) of the FOI Act, a document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege (LPP).

13. Section 42 of the FOI Act provides:

42 Documents subject to legal professional privilege

- (1) A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.
- (2) A document is not an exempt document because of subsection (1) if the person entitled to claim legal professional privilege in relation to the production of the document in legal proceedings waives that claim.
- (3) A document is not an exempt document under subsection (1) by reason only that:
 - (a) the document contains information that would (apart from this subsection) cause the document to be exempt under subsection (1); and
 - (b) the information is operational information of an agency.

Note: For **operational information**, see section 8A.

14. As the FOI Act does not provide a definition for LPP, for the purposes of this exemption, the common law concepts of LPP apply.

15. The underlying common law principle of LPP is to promote the full and frank disclosure between a lawyer and a client to the benefit of the effective administration of justice: See the High Court decision of *Esso Australia Resources Ltd v Commissioner for Taxation* [1999] HCA 67² (*Esso*). While the information in a document is relevant and assists in any determination, the common law test focuses on the purpose of the communication requiring a “dominant purpose test” rather than a “sole purpose test” see *Esso*.

16. The courts have established the following principles to be considered when determining whether a communication is privileged:

- (a) whether there is a legal adviser-client relationship;
- (b) whether the communication was for the purpose of giving or receiving legal advice, or use in connection with actual or anticipated litigation;
- (c) whether the advice given is independent;

² *Esso Australia Resources Ltd v Commissioner for Taxation* [1999] HCA 67 - <https://jade.io/j/#!/article/68169>

(d) whether the advice given is confidential.

See FOI Guidelines, Part 5 – Exemptions at paragraph 5.129.

17. Where elements of a privileged communication has been disclosed, or disclosed in full to a third party, the Courts have adopted the “inconsistency test” to assist in resolving whether the “dominant purpose” of the communication has been waived. This test is of particular use in disputes over implied waiver.
18. The “inconsistency test” examines whether particular conduct is inconsistent with the maintenance of confidentiality which the privilege is intended to protect: see *Mann v Carnell* [1999] HCA 66³ at [53].
19. I have analysed each of the documents and am satisfied that Document Nos. 1, 4, 5, 6, 7, 8 would be privileged from production in legal proceedings on grounds of legal professional privilege and that there has been no waiver, express or implied, which could have prevented the documents from being exempt by operation of subsection 42(2) of the FOI Act. Therefore I have found the documents are exempt under section 42 of the FOI Act.

Public interest conditional exemption – deliberative processes

20. With respect to Document Nos. 2, 4, 5, 6, 7 and 8, I found that:

- (a) Document No. 2 relates to the functions of the agency and the exchanging of opinions and recommendations between the agency and the Minister’s office;
- (b) Document No. 4 contains an email chain between an officer at the ABS and an officer at the AEC checking draft media release material, and containing recommendations and advice between the agencies. The email chain forwards this to relevant officers in the AEC which outlines deliberative internal processes and legal advice provided by the Chief Legal Officer of the AEC;
- (c) Document No. 5 contains an email between legal practitioners of the AEC regarding opinions and advice provided by the Chief Legal Officer;
- (d) Document No. 6 contains an email discussion regarding the recommendations and opinions of the AEC’s Executive and Chief Legal Officer surrounding the processes of the Agency and the Government;
- (e) Document No. 7 contains advice and recommendations from the AEC Chief Legal Officer to contacts in other government departments regarding the development of legislation; and

³ *Mann v Carnell* [1999] HCA 66, <https://jade.io/j/#!/article/68168>

- (f) Document No. 8 contains opinions and recommendations from the AEC Chief Legal Officer to AEC officers regarding responses to questions.

21. Subsection 47C(1) of the FOI Act conditionally exempts a document if its disclosure under the FOI Act would disclose matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of the AEC (among other things).

22. Subsection 47C of the FOI Act provides:

47C Public interest conditional exemptions—deliberative processes

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would disclose matter (***deliberative matter***) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:
- (a) an agency; or
 - (b) a Minister; or
 - (c) the Government of the Commonwealth.

Exceptions

- (2) Deliberative matter does not include either of the following:
- (a) operational information (see section 8A);
 - (b) purely factual material.

Note: An agency must publish its operational information (see section 8).

- (3) This section does not apply to any of the following:
- (a) reports (including reports concerning the results of studies, surveys or tests) of scientific or technical experts, whether employed within an agency or not, including reports expressing the opinions of such experts on scientific or technical matters;
 - (b) reports of a body or organisation, prescribed by the regulations, that is established within an agency;
 - (c) the record of, or a formal statement of the reasons for, a final decision given in the exercise of a power or of an adjudicative function.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

23. The relevant documents contain matter which relate to an opinion, advice, or recommendation obtained, prepared or recorded, and also contain consultation or deliberation which has taken place in the course of, or for the purposes of, the deliberative processes involved in the functions of the AEC. The information contained in these documents is neither operational information nor

purely factual material. The matter in the relevant documents is not merely descriptive or incidental administrative content, nor is it the final decision. The matter in the documents go to the weighing up and evaluation of the competing considerations that may have a bearing on a course or action.

24. In making my decision I had regard to:

- (a) the extent to which the information is well-known;
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- (c) the availability of the information from publicly accessible sources;
- (d) FOI Guidelines, Part 6 (Exemptions), specifically paragraphs 6.1 – 6.28 and 6.56 – 6.77; and
- (e) the information contained in the documents and the nature of the opinions, advice and recommendations.

25. Accordingly, I am satisfied that Document Nos. 2, 4, 5, 6, 7 and 8 fall within the scope of the conditional exemption for deliberative matter provided by section 47C of the FOI Act.

Public interest conditional exemption – personal privacy

26. With respect to Document Nos. 4 and 9, I found that:

- (a) Document Nos. 4 and 9 contain phone and mobile numbers of AEC officers.

27. Subsection 47F(1) of the FOI Act conditionally exempts personal information where it is unreasonable to give access under an FOI Request.

28. Subsection 47F(1) of the FOI Act provides:

47F Public interest conditional exemptions—personal privacy

General rule

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

29. Personal information in the context of the FOI Act has the same meaning as in the *Privacy Act 1988* (Cth) ('the Privacy Act'). Subsection 6(1) of the Privacy Act provides:

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) Whether the information or opinion is true or not; and

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| 50 Marcus Clarke Street, Canberra ACT 2600 P 02 6271 4411 F 02 6215 9999 | www.aec.gov.au |
|--|--|

(b) Whether the information or opinion is recorded in a material form or not.

30. Paragraph 6.130 of the FOI Guidelines provides that 'personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.'
31. Further, paragraph 6.138 of the FOI Guidelines states the following about the unreasonableness test in section 47F:

The personal privacy exemption is designed to prevent the unreasonable invasion of third parties' privacy. The test of 'unreasonableness' implies a need to balance the public interest in disclosure of government-held information and the privacy interest in the privacy of individuals.

32. In making my decision I had regard to:

- (a) the extent to which the information is well known;
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- (c) the availability of the information from publicly accessible sources; and
- (d) FOI Guidelines, Part 6 (Conditional Exemptions) specifically paragraphs 6.1 – 6.28 and 6.124 – 6.179.

33. I have found that the phone mobile number details for the AEC officers contained in Document Nos. 4 and 9 is unlikely to be known by you or widely known by members of the public.
34. I am satisfied that the third party personal information within Document Nos. 4 and 9 would be unreasonable to disclosure as it is not well-known, there is not consent from the relevant individuals for the release of their personal information, and the information is not widely available in full or in part from publicly accessible sources.
35. Accordingly, I am satisfied that the document falls within the scope of the conditional exemption for personal privacy provided by section 47F of the FOI Act.

Public interest considerations

36. Having found that Document Nos. 2, 4, 5, 6, 7, 8 and 9 are conditionally exempt, I then considered whether give access to the documents would be contrary to the public interest
37. Subsection 11A(5) of the FOI Act provides that an agency must give access to a document if it is conditionally exempt unless (in the circumstances) it assesses the document would, on balance, be contrary to the public interest (the public interest test).

38. Paragraph 6.5 of the FOI Guidelines provides a definition of the public interest test with reference to relevant case law. That is, the public interest test is something that is of serious concern or benefit to the public, not merely of individual interest and not something of interest to the public, but in the interest of the public.
39. My weighing of public interest factors follows.
40. I considered the following factors favouring disclosure:
- (a) promote the objects of the FOI Act;
 - (b) inform debate on the matter of public importance; and
 - (c) promote agency transparency.
41. I have also considered the following factors against disclosure, reflecting on the extent to which disclosure would:
- (a) reasonably be expected to prejudice an individual's right to privacy;
 - (b) release into the public forum information which is not otherwise well-known;
 - (c) be contrary to the circumstances in which the information was obtained; and
 - (d) be limited in its application to a matter of public, as opposed to private, concern.
42. In accordance with subsection 11B(4) of the FOI Act I excluded from my consideration the following matters:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made; and
 - (d) access to the document could result in confusion or unnecessary debate.
43. In considering the weighing of public interest factors, I had regard to the FOI Guidelines at paragraphs 6.7 – 6.28.
44. In my view, the factors against disclosure of the documents in relation to sections 47C and 47F outweigh the factors in favour of disclosure for the following reasons:

- (a) disclosure could reasonably be expected to prejudice an agency's ability to obtain confidential information, or to prejudice their ability to obtain similar information in the future;
- (b) disclosure could reasonably be expected to impede the flow of information between Commonwealth agencies;
- (c) disclosure could reasonably be expected to prejudice the management function of an agency; and
- (d) disclosure could reasonably be expected to harm the interests of an individual or a group of individuals.

45. Accordingly, I am satisfied that the Document Nos. 2, 4, 5, 6, 7, 8 and 9 are conditionally exempt under subsections 47C and 47F of the FOI Act and because disclosure would be contrary to the public interest and that the Document Nos. 2, 4, 5, 6, 7, 8 and 9 should be treated as exempt from disclosure under the FOI Act.

Preparation of an edited copy

46. In accordance with section 22 of the FOI Act, I next considered whether it is both possible and practicable to prepare an edited copy of Document Nos. 1, 2, 4, 5, 6, 7, 8 and 9 from which exempt or irrelevant material is redacted.

47. Section 22 of the FOI Act provides:

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to Document Nos. on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and

- (ii) the resources available to modify the document; and
- (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.

48. I had regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.

49. I have decided to **grant access in full** to Document No. 3.

50. I found that it is both possible and practicable to prepare an edited copy of Document No. 9 from which exempt or irrelevant material is redacted. Material in this document is exempt under section 47F of the FOI Act – personal privacy, and section 22 - information that is not in the scope of your FOI request.

51. Accordingly, I have decided to **grant access to an edited copy** of Document No. 9 from which the relevant exempt material has been removed in accordance with section 22 of the FOI Act.

52. In considering Document Nos. 1, 2, 4, 5, 6, 7 and 8, I have had regard to paragraph 3.88 of the FOI Guidelines which advises that a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant.

53. Taking the common sense approach, I have found that while it may be possible to provide an edited copy of Document Nos. 1, 2, 4, 5, 6, 7 and 8, it is not practicable to prepare an edited copy, having regard to the nature and extent of the modification required. Further, the remaining documents would contain so little information it would be of little to no value to the applicant.

54. According, I have decided to **refuse access to an edited copy** of Document Nos. 1, 2, 4, 5, 6, 7 and 8. Having found that section 42, and sections 47C and 47F would apply to these documents,

and that it would be contrary to the public interest to disclose these documents, I have decided to **refuse access in full** to Document Nos. 1, 2, 4, 5, 6, 7 and 8.

Your review rights

55. If you are dissatisfied with my decision, you may apply for internal review or for review by the Information Commissioner of my decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

56. Under section 54 of the FOI Act, you may apply in writing to the AEC for an internal review of my decision. In accordance with section 54B of the FOI Act an internal review application must be made in writing, within 30 days of receipt of this letter.

57. No particular form is required for an application for internal review, but to assist the decision-maker who will conduct the review, please attach the reasons why you believe review of the decision is necessary.

58. Applications for internal review can be lodged in one of the following ways:

By email info@aec.gov.au

By post Attention: FOI Officer - Locked Bag 4007, Canberra ACT 2601

59. The internal review will be carried out by another officer within 30 days of receipt of your application.

Information Commissioner Review

60. Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the receipt of this decision, and be lodged in one of the following ways:

Online <https://forms.business.gov.au/aba/oaic/foi-review/>

By email enquiries@oaic.gov.au

By fax +61 2 9284 9666

By post: GPO Box 52189, Sydney NSW 2001

In person: Level 3, 175 Pitt Street, Sydney NSW

61. More information about Information Commissioner Review is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.

Questions about this decision

62. If you wish to discuss this decision, please contact me at:

email legal@aec.gov.au
fax 02 6293 7657
post Locked bag 4007, Canberra ACT 2601
phone (02) 6271 4411

Yours sincerely

Lauren | Senior Lawyer

Legal Services Section | Legal & Procurement Branch
Australian Electoral Commission

13 September 2017

LS6217 FOI REQUEST BY CHRISTOPHER GENTLE

LS6127 FOI Request for:

“correspondence, advice and ministerial communication related to the determination that 16 and 17 year olds will not be surveyed in the Marriage Law Postal Survey

correspondence, advice and ministerial communication related to the Treasurer’s [direction to the ABS](#) with regard to its definition of “elector” for the Marriage Law Postal Survey.”

SCHEDULE OF RELEVANT DOCUMENTS

| Document No. | Description | Date |
|--------------|--|-----------------------------------|
| 1 | <p>Email from Paul Pirani, CLO, Legal & Procurement Branch, to internal AEC clients, regarding 16 and 17 year olds and participation in the survey.</p> <p>DECISION</p> <p>1.1 Document No. 1 contains matter which is exempt under section 42 - legal professional privilege of the FOI Act as it is made up of legal advice given by the Chief Legal Officer for AEC internal clients.</p> <p>1.2 It is not possible to produce a meaningful edited copy of Document No. 1 once exempt matter is redacted.</p> <p>1.3 I have decided to refuse access to Document No. 1.</p> | <p>14 August 2017 10:57AM</p> |
| 2 | <p>Email from Paul Pirani, CLO, Legal & Procurement Branch, to AEC Executive and internal AEC clients, regarding 16 and 17 year olds and participation in the survey.</p> | <p>14 August 2017 2:21PM</p> |

| Document No. | Description | Date |
|--------------|--|---|
| | <p>DECISION</p> <p>2.1. Document No. 2 contains matter which is exempt under section 47C – deliberative processes of the FOI Act, as it is noting conversations between the Chief Legal Officer and the Finance Ministers’ office.</p> <p>2.2. It is not possible to produce a meaningful edited copy of Document No. 2 once exempt matter is redacted.</p> <p>2.3. I have decided to refuse access to Document No. 2.</p> | |
| 3 | <p>Question Time Brief (QTB) on entitlement to participation 16 and 17 year olds</p> <p>DECISION</p> <p>3.1. Document No. 3 is a brief on the ABS survey: entitlement to participation 16 and 17-year-olds.</p> <p>3.2. I have decided to give full access to Document No. 3.</p> | 14 August 2017 |
| 4 | <p>Email chain from officers at ABS, to officer at AEC, and to other relevant parties at the AEC regarding the marriage law postal survey.</p> <p>DECISION</p> <p>4.1. Document No. 4 contains an email chain between an officer at the ABS and an officer at the AEC checking draft media release material, and containing recommendations and advice between the agencies. The email</p> | 10 August 2017 12:17 PM, 1:24PM, 1:53PM |

| Document No. | Description | Date |
|--------------|--|---------------------------|
| | <p>chain forwards this to relevant officers in the AEC who discuss deliberative internal processes and legal advice provided by the Chief Legal Officer of the AEC.</p> <p>4.2. The document contains matter which is exempt under section 47C – deliberative processes, section 42 – legal professional privilege, section 47F – personal privacy, and section 22 – irrelevant material which is outside the scope of the FOI request.</p> <p>4.3. It is not possible to produce a meaningful edited copy of Document No. 4 once exempt matter is redacted.</p> <p>4.4. I have decided to refuse access to Document No. 4.</p> | |
| 5 | <p>Email within Legal Services section regarding legal advice given by Paul Pirani, CLO, Legal & Procurement Branch, to internal AEC clients, regarding 16 and 17 year olds and participation in the survey.</p> <p>DECISION</p> <p>5.1. Document No. 5 contains matter that is exempt under section 47C – deliberative processes and section 42 – legal professional privilege as it comprises of legal advice and opinions given by the senior legal practitioners of the AEC.</p> <p>5.2. It is not possible to produce a meaningful edited copy of Document No. 5 once exempt matter is redacted.</p> <p>5.3. I have decided to refuse access to Document No. 5.</p> | 14 August 2017 5:24PM |
| 6 | Email between Paul Pirani, CLO AEC, to Tom Rogers, Jeff Pope, Andrew Gately, and relevant internal officers of the AEC, and others regarding the Treasurer’s Direction. | 14 August 2017 2:56 PM |

| Document No. | Description | Date |
|--------------|---|---------------------------|
| | <p style="text-align: center;"><i>DECISION</i></p> <p>6.1. Document No. 6 contains matter that is exempt under section 47C – deliberative processes and section 42 – legal professional privilege as it contains discussion between the Executive of the AEC and the Chief Legal Officer surrounding processes of Government.</p> <p>6.2. It is not possible to produce a meaningful edited copy of Document No. 6 once exempt matter is redacted.</p> <p>6.3. I have decided to refuse access to Document No. 6.</p> | |
| 7 | <p>Email from Paul Pirani, CLO AEC, to Office of Parliamentary Counsel, Department of Finance and AEC clients regarding enrolled persons</p> <p style="text-align: center;"><i>DECISION</i></p> <p>7.1. Document No. 7 contains matter that is exempt under section 47C – deliberative processes and section 42 legal professional privilege.</p> <p>7.2. It is not possible to produce a meaningful edited copy of Document No. 7 once exempt matter is redacted.</p> <p>7.3. I have decided to refuse access to Document No. 7.</p> | 12 August 2017 5:42 PM |
| 8 | <p>Email from Paul Pirani, CLO AEC, to David Lang, Gina Dario, Jeff Pope, Andrew Gately, Officers of the AEC, regarding urgent input on questions.</p> | 14 August 2017 9:10 AM |

| Document No. | Description | Date |
|--------------|--|----------------------------|
| | <p>DECISION</p> <p>8.1. Document No. 8 is exempt under section 47C – deliberative processes and section 42 – legal professional privilege.</p> <p>8.2. It is not possible to produce a meaningful edited copy of Document No. 8 once exempt matter is redacted.</p> <p>8.3. I have decided to refuse access to Document No. 8.</p> | |
| 9 | <p>Email from Emma White, Officer of AEC, to Paul Pirani, CLO AEC, regarding Questions on Notice –16 & 17 year old electors</p> <p>DECISION</p> <p>9.1. Document No. 9 contains matter involving a question on notice on two topics. The document contains material which is exempt under section 47F – personal privacy, and section 22 – irrelevant material which contains material that is outside the scope of the FOI request.</p> <p>9.2. It is possible to produce a meaningful edited copy of Document No. 9 once exempt matter is redacted.</p> <p>9.3. I have decided to give access in part to Document No. 9.</p> | 14 August 2017 11:15 AM |

END