



FOI Reference: LEX4321

File No: 21/26624

16 November 2021

Mr Lucas Baird

By email: foi+request-7793-0661110b@righttoknow.org.au

Dear Mr Baird

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

I have identified four documents relevant to the scope of your request and, after careful consideration, I have decided that the documents are exempt in full.

Request

On 1 September 2021, you sought access to:

“any and all communication between Qantas, the department, and/or the relevant minister about the airline's plan to restart international travel in December as outlined to the ASX on August 26.”

On 2 September, you clarified the scope of your request, adding:

*“For timeframe – can we set that to fom June 1 to September 1.
And, in terms of the relevant ministers, I was referring to the minister for Trade and Tourism Minister Dan Tehan and Foreign Affairs Minister Marise Payne.”*

Reasons

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

In making my decision I have taken into account the terms of the request, the FOI Act, and the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

The reasons for my decision are set out below. Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au. Sections of the FOI Guidelines referenced can be found online at <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

Adverse effect on the operations of an agency

The documents you have requested contain correspondence between the department and Qantas relating to its plan to restart international travel. The documents are conditionally exempt under section 47E(d) of the FOI Act as disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

The conditionally exempt material includes information provided to the department in confidence, and the department's internal consideration of such material. Disclosure could reasonably be expected to prejudice the future supply of information to the department.

Personal privacy

The documents you have requested contain the personal information of individuals other than yourself. The documents are conditionally exempt under section 47F(1) of the FOI Act as release would constitute an unreasonable disclosure of the personal information, including the name and contact details, of the individuals. In reaching this view, I have considered each of the factors listed in section 47F(2) of the FOI Act.

Business affairs

The documents you have requested contain information concerning the business, commercial or financial affairs of Qantas. The documents are conditionally exempt under section 47G of the FOI Act as disclosure could reasonably be expected to unreasonably affect Qantas adversely in respect of its lawful business, commercial or financial affairs.

Public interest considerations

As sections 47E(d), 47F(1) and 47G of the FOI Act are conditional exemptions I have considered whether providing access to the material in question would, on balance, be contrary to the public interest (section 11A of the FOI Act). In assessing the public interest, I have considered the FOI Guidelines and the public interest factors favouring disclosure, including to promote the objects of the FOI Act and inform debate on a matter of public importance. I have also considered the public interest factors against disclosure, including that disclosure could reasonably be expected to:

- prejudice the business affairs of a third party;
- prejudice the future supply of information to the department; and
- prejudice the protection of an individual's right to privacy.

I have concluded that granting you access to the documents would, on balance, be contrary to the public interest.

Review

Your review rights are attached for your reference.

Should you have any queries regarding this matter please contact the FOI and Privacy Law Section by email to foi@dfat.gov.au.

Yours sincerely

Dr Joanne Loundes
Assistant Secretary

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act). The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (section 54L of the FOI Act).

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at: <http://www.oaic.gov.au/freedom-of-information/foi-complaints>