

LEX3110

Morgan Bennett

By email: foi+request-8753-ee@xau

Dear Morgan Bennett

Your FOI Request LEX3110

Thank you for your email dated 12 September 2022 requesting an internal review of my FOI decision reference LEX3110.

Your request

I have considered the matters you have raised. I agree that the reasons I provided with my letter to you dated 9 September 2022 do not adequately deal with the public interest test limb of the exemption applied to the Relevant Document under s 47E of the *Freedom of Information Act 1982* (the 'FOI Act').

As you have identified, the reasons provided refer to an irrelevant consideration – the potential for the document (and/or the exempt sections) to be misunderstood.

Simply put, I misspoke. The word 'misunderstanding' should not have been used in the reasons. Rather my intention was to capture that:

'Having the information... widely available, may result in people **misusing** it when reviewing the integrity of electoral operations, including Senate counting procedures.'

I acknowledge that this is a rather subtle distinction, and that the decision document would have benefitted from public interest test being explicitly addressed.

To this end, I have re-made my decision. The re-made decision is set out in Attachment A.

You will note that in addition to providing a more precise articulation of the application of s 47E of the FOI Act to the Relevant Document in my reasons in Attachment B, I have also provided additional reasons for providing a copy of that document with certain redactions under s 22 of the FOI Act.

Next steps

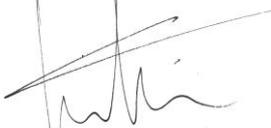
The FOI Act does not explicitly provide for a decision to be remade nor does it explicitly forbid this. I believe that it is appropriate to do so in the circumstances.

To assist with the process, I request that you withdraw your section 55 internal review request.

This will **not** preclude you from making a further review request if you are not satisfied with the reasons provided in Attachment B. Attachment C explains those review rights.

If you would like to discuss this matter, please contact FOI@aec.gov.au with appropriate contact details and I will get in touch.

Kind regards

A handwritten signature in black ink, appearing to read 'Will Mueller', with a long horizontal stroke extending to the right.

Will Mueller
Manager, Corporate and Information Law
Legal Services Branch

16 September 2022.