



Determination

External review - section 39 *Freedom of Information Act 1991*

Applicant:	Mr Edward Satchell
Agency:	Adelaide University Union
Ombudsman reference:	2022/05006
Agency reference:	4389
Determination:	The determination of the agency is varied, the effect of which is set out in Appendix Two.
Date of Ombudsman's determination:	23 January 2023
Issues considered:	Definition of personal affairs Allegation or suggestion of improper conduct Unreasonableness (personal affairs) Business affairs Contract entered into after 2005 Legal professional privilege
Exemption clauses relied upon:	6(1), (2) 7(1)(a), (b), (c), (3)
Legislation considered:	<i>Freedom of Information Act 1991</i> <i>University of Adelaide Act 1972</i> <i>Charities Act 2013 (Cth)</i>

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REASONS

Application for access

1. By application under the *Freedom of Information Act 1991 (the FOI Act)* the applicant requested access from the agency to:
 1. All documents relating to the rebranding of the Adelaide University Union from 01 January 2019 to 29 June 2022.
 2. All documents relating to the rebranding of the Adelaide University Union to YouX from 01 January 2019 to 29 June 2022.
 3. All documents relating to the Adelaide University Union funding of the University of Adelaide Student Representative Council from 01 January 2020 to 29 June 2022.
 4. All documents relating to the Adelaide University Union funding of the University of Adelaide student media (On Dit and Student Radio) from 01 January 2020 to 29 June 2022.
 5. All documents relating to directions of the Adelaide University Union and/or Adelaide University Union Board to University of Adelaide student media (On Dit and Student Radio) from 01 January 2020 to 29 June 2022.
 6. All documents relating to the salary of the AUU Executive Officer from 01 January 2020 to 29 June 2022.
 7. All documents regarding Freedom of Information requests of the AUU from 01 January 2022 to 29 June 2022.

Background

2. For ease of reference, procedural steps relating to the application and the external review are set out in Appendix 1.

Jurisdiction

3. Prior to the commencement of this external review, the issue of whether the Adelaide University Union falls within the definition of 'agency' under the FOI Act was dealt with by my Office as a complaint under the *Ombudsman Act 1972*.
4. Upon being advised of the agency's view that it is not subject to the provisions of the FOI Act, the applicant contacted my Office advising his views that the agency had erred in reaching that conclusion. Having reviewed the information provided by the applicant, I wrote to the agency advising my preliminary view that it does meet one of the definitions of 'agency' within the FOI Act, namely:

- (f) an incorporated or unincorporated body -
 - (i) established or continued in existence for a public purpose by an Act;

5. I formed this tentative view having specific regard to section 21 of the *University of Adelaide Act 1971 (the UA Act)* which states:

21-The Adelaide University Union

- (1) The Adelaide University Union continues in existence.

6. By letters dated 1 August 2022 and 10 August 2022, the agency provided two responses advising that it remains of the view that it does not meet the definition of 'agency' for the purpose of the FOI Act, and providing the following reasons in support of that conclusion:
 - the agency existed prior to the introduction of the UA Act and would have continued to operate in the same manner regardless of the UA Act. Accordingly, it cannot be said that the agency exists because of an Act

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- the agency was not established and does not continue for a public purpose because it does not benefit the community generally or a substantial segment of it; the agency only benefits its members
 - any purpose (public or not) which the agency might serve has not been conferred upon it by an Act, rather the objects of the agency are governed by its constitution
 - the objects of the FOI Act refer particularly to 'government' and so subjecting the agency to the requirements of the FOI Act would not achieve the objects of the Act.
7. By letters dated 4 August 2022 and 15 August 2022 I advised the agency that I was not persuaded by the submissions it had provided and remained of the view that the Adelaide University Union is an 'agency' for the purposes of the FOI Act. For completeness I will summarise my reasoning in this determination.
 8. I do not consider that it is correct to conclude that the use of the words 'established' and 'continued' indicates that section 4(f)(i) of the FOI Act requires a body to exist only because of an Act. There may of course be many reasons for a body to exist, and indeed the use of the term 'continued' would indicate that a reason likely existed prior to the introduction of the relevant Act. Additionally, to accept this submission would erroneously indicate that the Union has autonomous control over its existence. To the contrary, it would not cease to exist even if it wished to do so as it is ultimately preserved by section 21 of the UA Act.
 9. In relation to the agency not benefiting the broader community, the agency stated that:

It was not established and does not continue for a public purpose, being a purpose that is for the benefit of the community generally, or a substantial segment of it. This interpretation of public [sic] purpose was applied in the decision of the Queensland Information Commissioner in *English and Queensland Law Society Inc. (1993 S0178, 4 August 1995)*. The purposes of the AUU are limited to benefiting its members and students of the University.
 10. I consider that more relevant than the question of whether the agency's purposes benefit the majority of the public, is whether the purposes of the agency have the potential to benefit the majority of the public. Whilst I accept that the agency primarily benefits its members, any member of the public would be entitled to enjoy those benefits if they enrolled at the University of Adelaide.
 11. Additionally, I am of the view that the members of the agency comprise a 'substantial segment' of the community. It is accepted that the University of Adelaide is an agency in accordance with section 4(f)(i) of the FOI Act. Arguably the University of Adelaide primarily benefits the same group of people who obtain a benefit from the agency.
 12. In any event, I would argue that the community at large does in fact obtain a benefit from the agency's existence, being that the interests of students can be promoted and advocated for in the wider community in a clear and concise manner. Similarly, the wider community can confidently identify the agency as a point of contact to discuss such issues.
 13. To this point, the agency has submitted that any benefit it provides to the broader public is an incidental purpose rather than its 'major' purpose. Firstly, I do not consider that section 4(f)(i) requires an agency's public purpose to be its 'major' purpose. Very clearly an agency may have many purposes and I consider that provided one of those purposes can be characterised as a public purpose, this will satisfy the requirements of section 4(f)(i).
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14. This is supported by the existence of the *Freedom of Information (Exempt Agency) Regulations 2008* which stipulate that a number of agencies are considered exempt in respect of certain functions and/or information. Insofar as an agency has both private and public purposes, I consider that it will meet the definition of 'agency' by virtue of the latter but may be prescribed as exempt in respect of the former.
15. Secondly, I consider that the benefit enjoyed by the community at large does in fact flow from one of the agency's 'major' purposes. The objects of the agency are set out in its constitution, one of which states that the agency exists:
 - 1.2.4 to represent the interests of the students of the University, individually and as a whole, to the University, government, and the community at large; [emphasis added]
16. The above is one of five objects included in the agency's constitution. I consider that this purpose, which is of benefit to the community at large, is as important or 'major' as any other purpose conferred by the agency's constitution.
17. Further to the question of whether the agency serves a public purpose, I have had regard to submissions from both the applicant and the interested party in response to my provisional determination. The former has submitted:

I note that the agency continues in existence under the UoA Act. The UoA Act does not provide an objects of act section, however at s4A it provides that 'the object of the University is the advancement of learning and knowledge, including the provision of university education.' This is expressed broadly and in a way consistent with a public purpose e.g. noting the importance of the role of education to the broader community. UoA Act s9 establishes the University Council to be the governing body of the University, its primary responsibilities including at s9(d) the establishment of policy and procedural principles, consistent with legal requirements and community expectations - this places emphasis on the importance of the University to the broader community and public. UoA Act s21(3) provides that the constitution and rules of the Adelaide University Union require the 'concurrence of the Council' to be altered. Noting the above, the purpose of the agency must be taken in the context of the UoA Act which, through numerous provisions, clearly intends to regulate institutions which are of a public purpose - that being the University of Adelaide and ancillary institutions such as the agency.
18. Noting that 'the University' is explicitly defined as meaning the University of Adelaide, I do not necessarily agree that the legislated object of the university can be extended to the agency. I do however acknowledge the relevance of the Council having oversight of any alterations made to the agency's constitution and rules, particularly bearing in mind the Council's responsibility to establish policy and procedural principles consistent with community expectations.
19. I am however more persuaded by the submissions of the interested party, who has drawn to my attention that the agency is registered as a charity with the Australian Charities and Not-for-profits Commission (**ACNC**). Although the interested party appears to have made this submission in support of a conclusion that the agency is not subject to the provisions of the FOI Act, I consider the opposite to be true.
20. The ACNC applies the provisions of the *Charities Act 2013* (Cth), which stipulates that to be recognised as a charity, an organisation must have only charitable purposes that are for the public benefit. A charity's purpose is for the public benefit if achieving it would be of benefit to the public generally or a sufficient section of the public. The benefit might be achieved through the provision of goods, services, education, counselling or guidance.¹

¹ *Charities Act 2013* (Cth), section 6.

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21. This not only directly addresses the agency's earlier submission regarding benefiting the public generally but very clearly speaks to the agency's public purpose. In my view, it is difficult to see how the agency could be said not to exist for a public purpose if its purposes are charitable and for the public benefit. I also specifically note the Summary of activities of the agency as provided on the ACNC website:

The Adelaide University Union provides a wide range of services to students including: Academic advocacy, welfare and grants, events on campus, student radio and newspaper, employment and volunteering service and so much more. The Union strives to enrich the student experience by ensuring: that the student voice is heard and valued; that the full range of student communities is fostered and engaged; the health, safety and well-being of students which allows for development, both individually and collectively.

22. In my view, there can be no doubt that the above summary indicates that the agency continues in existence for a public purpose.
23. As the agency has identified, I accept that the agency's purposes are governed by its constitution rather than being conferred by an Act, however I do not consider this to be fatal to my consideration. I refer to the following comments made by the Supreme Court of Queensland:

Applying that approach, if a body is to fall within the definition of "public authority" in s9(1)(a)(i), the legislation requires that the body to be established by an enactment and that it be established for a public purpose. It is not always necessary for the purpose to be set out in the enactment which establishes the body. The body which is established may, for example, be established with a constitution or rules which demonstrate a public purpose which it is unnecessary to repeat in the Act which establishes it. The history of the Local Government Association demonstrates that proposition in this case.²

24. I agree with the views expressed above and consider this to be directly applicable in the current circumstances. The public purpose of the agency is set out within clause 1.2.4 of its constitution, and section 21(2)(c) of the UA Act stipulates that the agency has the powers, authorities, obligations and functions conferred upon it by its constitution.
25. The agency's final submission that subjecting it to the provisions of the FOI Act would not further the objects of the Act is a direct response to statements made in my letter of 4 August 2022. I observed the following comment of the Supreme Court of Queensland:

In any such legislation, the proper approach to construction is that any ambiguity should be resolved using a broad rather than a narrow approach. In *Victorian Public Service Board v Wright*, the High Court after considering the provisions of the Freedom of Information Act in Victoria held that:

"It is proper to give the relevant provisions of the Act a construction which would further, rather than hinder, free access to information. It is, in our view, evident that such a purpose would not be promoted by adopting a narrow construction. . . . beyond any limits plainly imposed by the Act itself."

In *Searle Australia Pty Ltd v Public Interest Advocacy Centre* the Full Court of the Federal Court of Australia applied the same principles to the Commonwealth Freedom of Information Act. As the Information Commissioner held, this is similar to the view espoused by Derrington J of this Court in *Queensland Law Society Inc v Albeitz*:

"This conclusion is consistent with what might be discerned to be the policy of the Freedom of Information legislation in respect of relevant matters. Its remedial nature is

² *Local Government Association of Queensland Inc v Information Commissioner* [2001] QSC 052, at [8].

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directed towards opening to public scrutiny the information relating to public affairs held by agencies of the government. This militates against a restrictive reading of the kind posited by the Society.”³

26. I further noted that this approach would appear to be endorsed in South Australia through section 14 of the *Legislation Interpretation Act 2021* which provides:

14—Interpretation best achieving purpose or object

(1) In interpreting a provision of an Act or a legislative instrument, the interpretation that best achieves the purpose or object of the Act or the instrument (whether or not that purpose or object is expressly stated in the Act or instrument) is to be preferred to any other interpretation.

27. In response, the agency submitted that:

The AUU is not a government agency and subjecting it to the FOI Act will not facilitate effective participation by the public in the making and administration of laws and policies. To read public purpose so broadly as to encompass the activities of a single, student-funded, university student union does not promote the purpose or object of the FOI Act and is not endorsed by section 14 of the *Legislation Interpretation Act 2021* (SA).

28. I am not persuaded by this submission. Firstly, the definition of ‘agency’ is worded in such a way that it will clearly capture a number of non-government bodies and, despite the wording of section 3, section 3A requires ‘agencies’ to give effect to the FOI Act.

29. Secondly, I refer to the following comments made upon judicial review of a decision of my Queensland counterpart:

There were some minor arguments which should be discussed. First, attention was directed to the preamble of the *Freedom of Information Act* which describes it as applying to "documents held by government" and to "documents held by the government". Moreover, the object of the Act is set out in s.4 which describes it as: "The object of this Act is to extend as far as possible the right of the community to have access to information held by Queensland government". It is argued that this should lead to a reading down of the definition of "public authority" so that it extends only to bodies administered by the government.

The difficulty with this submission is that it depends upon a reading of the preamble and s.4 as though the word "government" is spelt with a capital 'G', whereas it is not so in either case. In this context, the expression connotes government in its broad sense. There is nothing to recommend that it should be limited to the formal institutions of the government rather than the former, and indeed the reference to "government" rather than "the . . . government" supports the broader meaning.

Moreover, if there is any ambiguity about this, then the structure of the machinery of definition supports the above conclusion. The expression 'public authority' is referred to in the definition of 'agency' which in turn is included in the definition of 'government'. This has the effect of explaining and shaping the last mentioned term through the others, rather than the reverse. It indicates that the broader meaning is intended.

Consequently to the extent that the regulation of the profession is within the jurisdiction of government, and because the legislature has seen fit to take steps to exercise that jurisdiction through the agency of the Society, there is no reason why the public nature of the activities which it was established to undertake should not be regarded as governmental within the meaning of the Act.⁴

³ *Local Government Association of Queensland Inc v Information Commissioner* [2001] QSC 052, at [6].

⁴ *Queensland Law Society Inc v The Information Commission & SJ English* [1996] QSC 24

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30. I agree with the views expressed above and believe that a similar conclusion can be drawn in the current circumstances. That is, to the extent that the provision of services for and by tertiary students is within the jurisdiction of government, and because that jurisdiction is being exercised through the agency by virtue of the UA Act, my view is that the public purposes of the agency should be regarded as governmental within the meaning of the Act.
31. Whilst I acknowledge that the South Australian FOI Act does not define 'government' in the manner referenced above, neither does it define the term in such a way that would prevent the interpretation I have applied.
32. In summary, I remain of the view that the Adelaide University Union falls within the definition of 'agency' and is therefore subject to the provisions of the FOI Act. It therefore follows that this external review is within my jurisdiction as a relevant review authority under section 39 of the FOI Act.

Provisional determination

33. I provided my tentative view about the agency's determination to the parties, by my provisional determination dated 16 December 2022. I informed the parties that subject to my receipt and consideration of submissions from the parties I proposed to vary the agency's determination.
34. On 6 January 2023 the applicant and agency provided submissions in response. On 26 January 2023 the interested party provided submissions. I have addressed the submissions of all of the parties in this determination.

Relevant law

35. A person has a legally enforceable right to be given access to an agency's documents in accordance with the FOI Act.⁵
36. The FOI Act provides that upon receipt of an access application, an agency may make a determination to refuse access where the documents are 'exempt'. Schedule 1 lists various exemption clauses which may be claimed by an agency as a basis for refusing access.
37. The following clause of Schedule 1 of the FOI Act are relevant to my external review:

6—Documents affecting personal affairs

- (1) A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).
- (2) A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.

7—Documents affecting business affairs

- (1) A document is an exempt document—
 - (a) if it contains matter the disclosure of which would disclose trade secrets of any agency or any other person; or
 - (b) if it contains matter—
 - (i) consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and
 - (ii) the disclosure of which—

⁵ *Freedom of Information Act 1991* s 12.

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- (A) could reasonably be expected to destroy or diminish the commercial value of the information; and
 - (B) would, on balance, be contrary to the public interest; or
- (c) if it contains matter—
- (i) consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and
 - (ii) the disclosure of which—
 - (A) could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and
 - (B) would, on balance, be contrary to the public interest.
- (3) A document is not an exempt document by virtue of this clause if it is a contract entered into by the Crown or an agency after the commencement of this subclause.

10—Documents subject to legal professional privilege

(1) A document is an exempt document if it contains matter that would be privileged from production in legal proceedings on the ground of legal professional privilege.

38. Under section 48, the onus is on the agency to justify its determination ‘in any proceedings’. This includes the external review process.
39. Section 39(11) provides that the Ombudsman may confirm, vary or reverse the agency’s determination in an external review, based on the circumstances existing at the time of review.

Documents in issue

40. The agency did not determine the applicant’s FOI application or internal review application within the statutory time frames and is deemed to have refused access to all documents.⁶
41. Upon being requested to provide the relevant documents and submissions to this Office, the agency advised that, had it dealt with the FOI application within the required timeframe, it would have refused to deal with the application on the basis of section 18(1). The agency therefore requested that I make my determination on that basis.
42. By letter dated 26 September 2022 I advised the agency of my preliminary view that the agency had not justified a reliance upon section 18(1) as it had not yet complied with the requirement under section 18(2) to endeavour to assist the applicant to amend the application such that section 18(1) would no longer be applicable. I also observed some deficiencies in the agency’s submissions regarding section 18(2).
43. In light of the above, and having particular regard the agency’s lack of experience in processing FOI applications, I enquired whether the agency would be willing to rectify its non-compliance with section 18(2) if I afforded a two-week period for it do so. By return letter of 4 October 2022 the agency accepted that invitation.
44. I subsequently confirmed on 10 October 2022 that the agency was afforded a two-week period to properly comply with the requirements of section 18(2), and advised the outcome of same to my Office by 19 October 2022. I requested that, if the agency and applicant were able to agree to an amended scope, the agency provide me with a copy of all documents falling within the scope of the amended application together with any submissions regarding exemption.

⁶ *Freedom of Information Act 1991* s 19(2); s 29(5)

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45. On 19 October 2022 the agency provided a response to my Office advising that it had reached an agreement with the applicant to narrow the scope of the FOI application such that the following categories of documents would be excluded:
- All Monday and Teams created documents.
 - All text messages and email documents apart from those which the AUU Executive Officer, AUU Board President, and AUU Board Vice-President have created.
46. Although the applicant and agency had agreed to an amended application, it was noted that the agency had not provided copies of documents falling within the scope of that amendment. As such, on 19 October 2022 my Legal Officer reiterated my request for a copy of the relevant documents.
47. By letter of 21 October 2022 the agency enquired the reason as to why I would require a copy of the documents in issue to make my determination, stating:
- As an agreement was reached in respect of narrowing the request, the AUU no longer presses its reliance on section 18(1), nor does it assert that any specific documents are exempt.
- Rather, the AUU now accepts that if it is an agency (a matter which it does not concede), then it will need to produce to Mr Satchell the documents as narrowed, pursuant to the FOI Act.
- Accordingly, the AUU respectfully requests that the Ombudsman now proceed to finalise his external review based only on the AUU's position that it is not an agency.
48. By responding letter of 24 October 2022, I provided the following clarification to the agency:
- The issue of whether the AUU is an agency is a jurisdictional issue which precedes my external review entirely. It was only after satisfying myself that the AUU is an agency that I commenced my external review; if I were persuaded that the AUU is not an agency, my jurisdiction to conduct an external review would not be enlivened.
- My jurisdiction under the FOI Act is to confirm, vary or reverse an agency's determination based on the circumstances existing at the time of my review. In this case, the AUU was deemed to have determined to refuse access to any documents falling within scope of the application. It is that refusal of access which is subject to review, and which I may ultimately confirm, vary or reverse. It is therefore crucial that I view the documents in issue in order to form a view as to whether they ought to be disclosed or are otherwise exempt. That said, I accept that if the AUU concedes that all documents within scope can be released in full, it may not be necessary for me to view those documents as the parties are in agreement.
49. On 31 October 2022 the agency conceded that, having not yet undertaken steps to identify and consider the documents falling within the scope of the amended application, it was not in a position to advise whether it would claim exemption over any of those documents. The agency further accepted that in order to properly exercise my jurisdiction and make a determination regarding access to documents, it is crucial for me to view those documents.
50. The agency requested an extension of time until 30 November 2022 to provide the relevant documents. By email of 1 November 2022 my Legal Officer advised the agency of my approval of the requested extension, and reiterated that the agency should also provide submissions in support of any exemption claimed as was previously requested by my Office.

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51. On 30 November 2022 the agency provided me with a copy of all documents falling within the scope of the amended application.
52. The agency identified 106 documents within the scope of the application and submits that access to 11 documents ought to be partially refused and access to a further 2 documents ought to be fully refused. The agency has provided no submissions regarding the remaining 93 documents and it is therefore assumed that the agency has no objection to their full disclosure.
53. It is noted that documents 60-63 have 'confidential' within their title, however this does not appear to be a claim of exemption on the basis of clause 13(1). Where the agency has claimed full exemption 'exempted' appears in the document title. As documents 60-63 have not been titled as such, I have not treated 'confidential' as being a submission from the agency. This is also supported by the fact that the agency has applied proposed redactions to document 61, indicating that it is not claimed to be fully exempt.
54. In response to my provisional determination, the applicant observed that the list of documents set out in Appendix Two does not appear to include any text messages or email documents created by the agency's Executive Officer, Board President or Board Vice-President. The applicant submits that:

Given the significant nature of the agency's decision to rebrand I believe that text and email documents created by the noted agency executives regarding the topic subject to my application exist. Because of this, I am concerned that the agency has failed to comply with its obligations under the FOI Act to provide the full list of relevant documentation that falls within the scope of the application.
55. I advise the applicant that the identification of documents relevant to an FOI application is a matter for the agency and is not something that is subject to review by me under the FOI Act.⁷ It has been determined by the South Australian Civil and Administrative Tribunal (**the Tribunal**) that issues of this nature should instead be dealt with as a complaint under the *Ombudsman Act 1972* if they cannot first be resolved between the applicant and the agency.
56. In the current circumstances, I confirm that this is an option available to the applicant as the definition of 'agency' under the *Ombudsman Act 1972* includes the same definition which I believe renders the Adelaide University Union an 'agency' for the purposes of the FOI Act. That said, as the agency has expressed an intention to seek a review of my determination by the Tribunal, I take this opportunity to express my misgivings about the approach imposed by the Tribunal in the matter of *El Shafei v Central Adelaide Local Health Network (El Shafei)*.
57. At present, matters of sufficiency of search and interpretation of scope both fall beyond the ambit of my external review. In my view, the preferable approach would be to deal with all matters arising from an FOI application holistically for a number of reasons.
58. Firstly, a holistic approach is simply more straightforward as it would avoid the need for me to entertain two related matters under different jurisdictions. This would be much less confusing for many applicants and would reduce duplication of work.
59. Secondly, and perhaps of greater concern, although they share significant overlap, the definitions of 'agency' in the FOI Act and the *Ombudsman Act 1972* are not identical, the most obvious discrepancy in my view being Ministers; Ministers are considered to be an 'agency' for the purposes of the FOI Act but not under the *Ombudsman Act 1972*.

⁷ *El Shafei v Central Adelaide Local Health Network* [2017] SACAT 5.

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60. This effectively means that although Ministers are subject to the provisions of the FOI Act, there is no oversight or scrutiny of the issues excluded from the ambit of an external review by *El Shafei*. A Minister could fail to properly search for relevant documents or interpret the scope of an FOI application in an unreasonable manner, and there is no recourse for an aggrieved applicant.
61. Thirdly, I consider that a holistic approach would make most sense in terms of achieving a meaningful outcome for the FOI applicant. By dealing with one of the above issues in the course of conducting an external review, an agency has the opportunity to concede that additional documents fall within the scope of the application and agree to my review considering those additional documents. However as such an issue is not raised or dealt with until after the conclusion of my external review, neither myself nor the agency has jurisdiction to make a further determination about any additional documents, requiring the applicant to lodge a new FOI application.
62. The risk of this happening is particularly high noting that the applicant is afforded 12 months to make a complaint under the *Ombudsman Act 1972* but only 30 days to apply for external review under the FOI Act. Additionally, I am generally not inclined to entertain a complaint unless it has first been raised directly with the agency, further delaying the time until my Office is made aware of the relevant issue and increasing the likelihood that my external review will finalise in the meantime.
63. Finally, the application of *El Shafei* has, on numerous occasions, placed me in the absurd position of being required to make a determination which has no practical outcome. In instances where an agency has failed to make a determination within the statutory timeframes, it is taken to have made a deemed refusal determination. Even if an agency subsequently advises the applicant or myself that it does not hold any documents relevant to the FOI application, the fact remains that the agency has made a determination by default which must be reviewed by me upon request by an applicant.
64. As such, on numerous occasions I have been required to determine whether to confirm, vary or reverse a deemed refusal determination whilst simultaneously knowing that there are no documents to be considered.
65. In my view, a holistic approach which permits me to consider issues of sufficiency of search and interpretation of scope in the course of conducting an external review would address the issues above and would generally improve the efficiency of the FOI review process.

Issues in this review

66. Having regard to the agency's submissions and the exemption clauses provided in Schedule 1 of the FOI Act, it is for me to determine whether to confirm, vary or reverse the agency's determination in regard to the documents in issue in this external review.

Consideration

67. As outlined above, the agency has applied proposed redactions to 11 documents, and has identified two documents as being 'Exempted Commercial in Confidence'. Upon receipt of the documents in issue, it was noted that the agency had not provided any submissions to support its refusal of full access to the documents. As such, on 30 November 2022 my Legal Officer requested that the agency provide submissions in support of its revised position.

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68. By return email of 1 December 2022 the agency advised that it relies on the notes included in the relevant documents as its submissions. My Legal Officer responded the same day to advise that whilst those comments largely advise the basis of refusal, no explanation has been provided to support those redactions. The agency was given the example that in the event it intended to rely upon clause 6(1), it should explain why the information constitutes personal affairs and why disclosure would be unreasonable.
69. The agency was afforded one final opportunity to provide my Office with supporting submissions. On 6 December 2022 the agency indicated via its solicitor that no further submissions would be provided, stating:
- In the circumstances, we're instructed that our client has used its best endeavours with regard to its explanation for the redaction of certain documents for irrelevance and its claims to exemption, and our client requests that you treat its response with due consideration notwithstanding what you might normally expect, in terms of submissions to support such claims, from an Agency with a duly appointed & trained FOI officer.
70. Whilst I acknowledge that the agency is not experienced in dealing with FOI applications, in the circumstances I consider that it would not be unreasonable for me to expect at least some submissions from the agency in support of its position.
71. Firstly, although the agency may be restricted by its experience, I am mindful that it has been represented by a law firm throughout the entirety of this review, as well as the preceding complaint process. Certainly, the quality of submissions I would expect from an agency represented by a law firm is higher than I might expect of an unrepresented agency.
72. Additionally, I am satisfied that the agency has been given sufficient guidance and opportunity to rectify its failure to provide me with submissions. I refer in particular to the example provided by my Legal Officer as to what is generally expected of an agency relying upon clause 6(1) as an exemption.
73. The agency's failure to provide submissions to my Office is exacerbated by the fact that the agency did not actively determine the FOI application or internal review determination. The agency has not advised either the applicant or myself of any explanation for its refusal of full access to the documents. This is echoed in the applicant's submissions responding to my provisional determination. Under the FOI Act, it is the agency which bears the onus of justifying any refusal of access.⁸ I am not satisfied that the agency has complied with this requirement.
74. Whilst I confirm that I have considered each refusal proposed by the agency, I can only make my determination based on the limited information before me.
75. To this point, it is noted that documents 10, 61 and 68 contain proposed redactions for which there is no corresponding comment advising the basis for refusing access to that information. Noting that the other redactions to documents 61 and 68 have been made on the basis that the information is out of scope, I have assumed that all redactions to those documents have been made on that basis.
76. As to document 10, further redactions have been made to the document on the basis of clause 6(2) and scope. Insofar as the clause 6(2) redactions and redactions without reason appear within the same minute item, I have assumed all redactions are on the basis of clause 6(2). The remainder of the redactions have been considered on the basis that the agency submits the information is out of scope.

⁸ *Freedom of Information Act 1991* section 48.

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77. The agency submits that access to 11 documents should be partially refused on the basis that those portions are out of scope. I refer to the following findings of the South Australian Civil and Administrative Tribunal:

Where an agency has identified that it holds a document of which only part falls within the scope of a request for documents under the FOI Act -

- Is a decision-maker permitted to treat only the part or parts that fall within the scope of the request as constituting the subject of a determination to grant or refuse access under the FOI Act;

Answer: No.

- Is the withholding of part of a document identified by an agency as not falling within the scope of a request a refusal to give access for the purposes of ss 19 or 20 of the FOI Act;

Answer: Yes.

- Does the Ombudsman have jurisdiction to review, vary or depart from an agency's identification of what part or parts fall within the scope of the request for the purposes of a determination to grant or refuse access under the FOI Act;

Answer: Yes.⁹

78. The above excerpt makes clear that once the agency identified the 11 documents as falling within scope, the entirety of the documents had to be determined, whether by way of a deemed refusal determination or otherwise. I accept that part of those 11 documents may be withheld on the basis of scope, but as the agency's deemed refusal determination covers the entirety of those documents, such a refusal is open to review by me.
79. Noting that the objects of the FOI Act favour disclosure of agency information, absent any submissions from the agency supporting the submission that the 11 documents are partially out of scope, I am not inclined to confirm that position.
80. The agency submits that documents 5 and 10 are partially exempt on the basis of clause 6(2). Both documents are described by the agency as being 'In-Camera Minutes'.
81. In response to my provisional determination the applicant has taken issue with the agency claiming exemption 'simply because a document is listed as 'in-camera'. I wish to clarify to the applicant that this is not the case. A number of the documents are described as being 'In-Camera Minutes', yet the agency has only claimed exemption over documents 5 and 10. Additionally, the nature of the documents being 'In-Camera Minutes' is more likely to indicate exemption under clause 7(1) or 13(1), whereas the agency has relied upon clause 6(2).
82. The agency has redacted two items in document 5. It is not at all clear to me how the first item would meet the requirement of clause 6(2). The only portion which might be said to suggest improper conduct refers to a group rather than an individual.
83. As to the second item, I accept that the information contains an allegation of improper conduct on the part of a person the truth of which has not been established by judicial process. Although the agency has failed to explain why disclosure would be unreasonable, I am satisfied that is the case based on:
- the nature of the information
 - the fact that the matter was discussed confidence and does not form part of the publicly available meeting minutes
 - the age of the information
 - the potential impact of disclosure upon the relevant individual.

⁹ *State of South Australia (Department of the Premier and Cabinet) v Seven Network (Operations) Ltd* [2021] SACAT 60 at [47].

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84. I also apply the same reasoning to the entirety of item 5 in document 10.
85. In response to my provisional determination the applicant has submitted that if the agency has failed to provide a compelling argument as to why documents 5 and 10 ought to be exempt, the documents should be released in full.
86. I acknowledge that section 48 of the FOI Act places the onus on the agency to justify any claim of exemption and with that in mind can appreciate the applicant's submissions. However, I am also mindful that section 39(12) stipulates that if I am satisfied that a document is exempt, I may not make a determination to the effect that access be given to the document. In the current circumstances I am satisfied that the contents of documents 5 and 10 are sufficient for me to be satisfied that clause 6(2) is applicable even without any explanation from the agency. As such, I am not able to determine that the documents ought to be released.
87. The agency has submitted that document 7 is partially exempt on the basis of clause 7(1). The agency has also referred to documents 51 and 52 as 'Exempted Commercial in Confidence'. I have treated this as a claim of full exemption on the basis of clause 7(1).
88. As the agency has failed to identify a relevant sub-clause, I have briefly considered each aspect of clause 7(1). I am satisfied that none of the relevant information constitutes trade secrets. It also does not appear to me that the information has any commercial value, or that disclosure would diminish any commercial value that the information may have.
89. As to clause 7(1)(c), whilst I accept that the information concerns the business affairs of the agency, it is not clear to me how disclosure could reasonably be expected to have an adverse effect on those affairs or prejudice the future supply of information. It is also not clear why disclosure would be contrary to the public interest. I am therefore not satisfied that clause 7(1) is applicable to documents 7, 51 and 52.
90. Whilst I have now addressed all exemptions proposed by the agency, having reviewed all documents in issue I consider it appropriate to provide some additional comments.
91. It appears to me that document 16 might be subject to legal professional privilege. That said, I acknowledge that it is the agency who is in a position to enjoy or waive that privilege as it sees fit. Noting that the agency had not claimed exemption over document 16, in my provisional determination I took this as an intention by the agency to waive privilege, and therefore did not consider document 16 to be exempt on the basis of clause 10(1). That said, I foreshadowed that if the agency responded to my provisional determination confirming that privilege had been established and had not been waived, I would likely be persuaded to determine that document 16 is fully exempt.
92. In response to my provisional determination the agency has advised that it agrees that document 16 is subject to legal professional privilege, and that it did not intend to waive that privilege. Although the agency has failed to explain the application of clause 10(1), I am nevertheless satisfied that the document is exempt as it contains a confidential communication between a client and their solicitor created for the dominant purpose of providing legal advice. As I foreshadowed reaching this conclusion in my provisional determination, I do not consider it necessary to afford the applicant a further opportunity to comment on document 16.

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93. Although not claimed by the agency, I consider that document 77 is fully exempt and document 101 is partially exempt on the basis of clause 6(1). Both documents contain information that would clearly be of private concern to the relevant individuals.¹⁰ I am satisfied that disclosure would be unreasonable having regard to the nature of the information, and particularly noting that the information is tangential to what the applicant appears to be seeking. Whilst I acknowledge that information may constitute both personal and business affairs simultaneously, in this case the information is solely personal.
94. In response to my provisional determination the agency acknowledged my views and confirmed that clause 6(1) ought to be applied to documents 77 and 101.
95. As to document 47, whilst I do not consider that the document is exempt, I am satisfied that the information contained therein constitutes personal affairs. Section 39(10) of the FOI Act therefore required me to conduct consultation with the relevant individual prior to determining that the information be disclosed. As such, at the time of providing my provisional determination to the applicant and agency, I also invited comment from the interested party regarding the disclosure of document 47. I also took the opportunity in my provisional determination to advise the agency that it is bound by the same consultation requirements pursuant to sections 25-28 of the FOI Act.
96. In response to my provisional determination the applicant has conceded that elements such as a home address may fall under clause 6(1), but that salary information ought to be disclosed on the basis that the salary of the highest-level employee of the agency should be subject to public scrutiny. I confirm that document 47 does not include a home address or other similar details.
97. The interested party has highlighted the objects of the FOI Act:
- ...to promote openness in government and accountability of Ministers of the Crown and other government agencies and thereby to enhance respect for the law and further the good government of the State
98. The interested party submits that he is not a government employee, has no reporting relationship to the University of Adelaide and receives no form of government funding. It is also submitted that the agency is entirely separated from the University of Adelaide and receives no government funding whatsoever. On this basis, the interested party submits that disclosure of document 47 would not further the objects of the FOI Act.
99. As outlined in my jurisdiction assessment above, I am not satisfied that the reference to 'government' in the objects of the Act is intended to exclude non-government agencies from being subject to the provisions of the FOI Act. As such, I am satisfied that document 47 is liable to disclosure by virtue of being held by an agency, and therefore ought to be released in full unless it is established that disclosure of the interested party's personal affairs would be unreasonable.
100. As set out above, the interested party has drawn to my attention that the agency is registered as a charity with the ACNC. As such, the agency is required to keep financial records and report to the ACNC annually. Contrary to the interested party's submissions, in the 2021/2022 financial year the agency reported that 'revenue from government' accounted for 100% of the agency's incoming finances. As such, it appears that not only does the agency receive government funding, but also that the interested party's salary would be entirely funded by government money.

¹⁰ *Commissioner of Police v District Court of New South Wales* (1993) 31 NSWLR 606, 625, citing *Re Williams and Registrar of Federal Court of Australia* (1985) 8 ALD 219 and *Young v Wicks* (1985) 13 FCR 85 at 88-89.

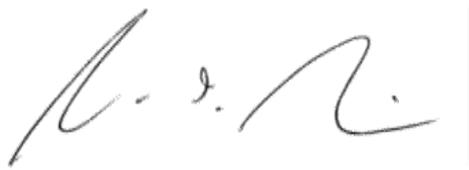
101. As such, in considering whether disclosure of the documents would be unreasonable, I consider it appropriate to have regard to comments made by the Ombudsman's Queensland counterpart:

The public has a strong, legitimate and abiding interest in having access to sufficient information to enable scrutiny of whether funds raised by government are expended efficiently and effectively in furtherance of the wider public interest. This extends to scrutiny of whether the public is obtaining value for money from performance of the duties of particular positions for which a government has decided to allocate funding. This public interest is even stronger in the case of senior officers who have responsibility for devising and/or implementing strategic operational plans, and delivering key performance outcomes.¹¹

102. I agree with the views of the Ombudsman's Queensland counterpart and note that unreasonableness has 'as its core, public interest consideration'.¹² It is clear that the document relates to a senior officer who has responsibility for devising and/or implementing strategic operational plans and delivering key performance outcomes as the interested party is the most senior employee of the agency.
103. I am also mindful that the reports provided to the ACNC indicate the amount of expenditure for employee expenses. Whilst I acknowledge that the amount is not broken down per employee, I believe the reporting requirement indicates an expected level of scrutiny for such expenditure by a registered charity.
104. In light of the above, I am not satisfied that disclosure of document 47 would be unreasonable.
105. I observe that the interested party has additionally submitted that document 47 ought to be exempt on the basis of another exemption clause not previously raised. I do not consider it appropriate to repeat those submissions or advise the exemption clause which has been claimed, as I consider that to do either would reveal information which itself ought to be exempt. I do however advise the parties that I am not persuaded by the interested party's submission and will expand on this in a covering letter to the interested party only.

Determination

106. In light of my views above, I vary the agency's determination in accordance with Appendix Two.



Wayne Lines
SA OMBUDSMAN

23 January 2023

¹¹ *Lower Burdekin Newspaper Company Pty Ltd and Lower Shire Council* [2004] QICmr 2 at [27].

¹² *Colakovski v Australian Telecommunications Corporation* (1991) 29 FCR 429, 438.

APPENDIX ONE

Procedural steps

Date	Event
6 May 2022	The agency received the FOI application dated 6 May 2022.
5 July 2022	The FOI application became valid upon payment of the application fee by the applicant.
6 August 2022	The agency failed to determine the application within the 30 day period required by the FOI Act, ¹ and is deemed to have refused access to the documents. ²
9 August 2022	The agency received the internal review application dated 9 August 2022, together with payment of the application fee.
23 August 2022	The agency failed to determine the application within the statutory time frame, and is taken to have confirmed the original determination. ³
31 August 2022	The Ombudsman received the applicant's request for external review dated 31 August 2022.
1 September 2022	The Ombudsman advised the agency of the external review and requested submissions and documentation.
14 September 2022	The agency provided submissions in support of a reliance upon section 18(1).
26 September 2022	The Ombudsman advised that a determination would not be made on the basis of section 18(1) unless the agency had complied with section 18(2). The Ombudsman enquired whether the agency would be willing to utilise a two week extension of time to comply with section 18(2).
4 October 2022	The agency accepted the Ombudsman's invitation to comply with section 18(2).
5 October 2022	The Ombudsman confirmed that the agency had until 19 October 2022 to comply with section 18(2) and provide a response to the Ombudsman as to whether an amended application scope could be agreed to.
19 October 2022	The agency advised that it had come to an agreement with the applicant to amend the scope of the application such that section 18(1) was no longer relied upon.
19 October 2022	The Ombudsman requested that the agency provide copies of the documents falling within scope of the amended application, together with any submissions regarding exemption.

¹ *Freedom of Information Act 1991* s 14(2).

² *Freedom of Information Act 1991* s 19(2).

³ *Freedom of Information Act 1991* s 29(5).

30 November 2022	The agency provided the Ombudsman with copies of the documents falling within scope. A number of the documents were marked with proposed redactions. No submissions were provided to the Ombudsman.
30 November 2022	The Ombudsman requested that the agency provide submissions in support of the proposed redactions.
6 December 2022	The agency confirmed that it would not provide any further submissions.
16 December 2022	The Ombudsman issued his provisional determination and invited submissions from the parties.
6 January 2023	The applicant provided submissions in response to the provisional determination.
6 January 2023	The agency provided submissions in response to the provisional determination.
16 January 2023	The interested party provided submissions in response to the provisional determination.

APPENDIX TWO

Document in issue	Description	Agency's revised position	Ombudsman's provisional determination	Information to be released
1	01-22 In-Camera Minutes	Partially out of scope	Not exempt	Entire document
2	01-22 Special Meeting Minutes	Not exempt	Not exempt	Entire document
3	02-22 In-Camera Minutes	Not exempt	Not exempt	Entire document
4	04-22 In-Camera Minutes	Not exempt	Not exempt	Entire document
5	05-22 In-Camera Minutes	Partially out of scope and partially exempt on the basis of clause 6(2)	Partially exempt on the basis of clause 6(2)	Release in full excepting the entirety of item 10
6	08-21 In-Camera Minutes	Not exempt	Not exempt	Entire document
7	09-21 In-Camera Minutes	Partially out of scope and partially exempt on the basis of clause 7(1)	Not exempt	Entire document
8	10-21 In-Camera Minutes	Partially out of scope	Not exempt	Entire document
9	11-21 Executive Meeting	Not exempt	Not exempt	Entire document
10	11-21 In-Camera Minutes	Partially out of scope, partially exempt on the basis of clause 6(2), partially redacted without reason	Partially exempt on the basis of clause 6(2)	Release in full excepting the entirety of item 5
11	11-21 In-Camera Minutes	Partially out of scope	Not exempt	Entire document
12	12-21 Executive Meeting Minutes	Partially out of scope	Not exempt	Entire document
13	AUU - Copy f Rebrand_consolidated feedback GS additions	Not exempt	Not exempt	Entire document
14	AUU - Copy of Rebrand_consolidated feedback GS additions.xlsx	Not exempt	Not exempt	Entire document
15	AUU Front of House - Hub_Old Accommodation services space	Not exempt	Not exempt	Entire document
16	AUU rebrand legal advice	Not exempt	Fully exempt on the basis of clause 10(1)	None

17	AUU rebrand presentation	Not exempt	Not exempt	Entire document
18	AUU year in review - Xmas special	Not exempt	Not exempt	Entire document
19	Board meeting - Rebrand update_status	Not exempt	Not exempt	Entire document
20	Board Resolutions Re SRC	Not exempt	Not exempt	Entire document
21	Breach of SRC Funding Due to Recent Post	Not exempt	Not exempt	Entire document
22	Catch up	Not exempt	Not exempt	Entire document
23	Circular Resolution Re EO	Not exempt	Not exempt	Entire document
24	Directions RE SRC Funding_O_Week	Not exempt	Not exempt	Entire document
25	Exec Salary Data	Not exempt	Not exempt	Entire document
26	FW CONFIDENTIAL RE Breach of Funding Agreement	Not exempt	Not exempt	Entire document
27	FW Media inquiry The Oz	Not exempt	Not exempt	Entire document
28	FW Re motion for the upcoming AUU Board meeting	Not exempt	Not exempt	Entire document
29	FW Re motion for the upcoming AUU Board meeting A1	Not exempt	Not exempt	Entire document
30	FW Re motion for the upcoming AUU Board meeting A2	Not exempt	Not exempt	Entire document
31	FW_AUU Front of House - Hub_Old Accommodation services space	Not exempt	Not exempt	Entire document
32	FW_AUU Rebrand	Not exempt	Not exempt	Entire document
33	FW_Brand presentation for tonight	Not exempt	Not exempt	Entire document
34	FW_Brand workshop	Not exempt	Not exempt	Entire document
35	FW_FEEDBACK_Rebrand - audience testing	Not exempt	Not exempt	Entire document
36	FW_Re motion for the upcoming AUU Board meeting	Not exempt	Not exempt	Entire document
37	FW_Rebrand	Not exempt	Not exempt	Entire document
38	FW_Rebrand Document for the	Not exempt	Not exempt	Entire document

	Board			
39	FW_Rebrand GL code	Not exempt	Not exempt	Entire document
40	FW_Rebranding Budget	Not exempt	Not exempt	Entire document
41	FW_Schedule 4 to the AUU constitution and AUU rebrand	Not exempt	Not exempt	Entire document
42	Fwd AUU FOI 1	Not exempt	Not exempt	Entire document
43	Fwd AUU FOI 2	Not exempt	Not exempt	Entire document
44	Fwd_17 January 2022 AUU Board Meeting 01-22	Not exempt	Not exempt	Entire document
45	Fwd_AUU Front of House - Hub_Old Accommodation services space	Not exempt	Not exempt	Entire document
46	Fwd_AUU Rebrand presentation	Not exempt	Not exempt	Entire document
47	Gary Sutherland Signed Contract June 20 2019	Not exempt	Not exempt	Entire document
48	General Manager - Position Description May 2016	Not exempt	Not exempt	Entire document
49	Master Question List	Not exempt	Not exempt	Entire document
50	Media Interview	Not exempt	Not exempt	Entire document
51	Memo RE AUU EO Employment Contract renewal 2022	Fully exempt, presumably on the basis of clause 7(1)	Not exempt	Entire document
52	Memo RE AUU EO Employment Contract renewal 2022	Fully exempt, presumably on the basis of clause 7(1)	Not exempt	Entire document
53	Question Re SRC Motion	Not exempt	Not exempt	Entire document
54	RE AUU and SRC and funding 1	Not exempt	Not exempt	Entire document
55	RE AUU and SRC and funding 2	Not exempt	Not exempt	Entire document
56	RE AUU FOI	Not exempt	Not exempt	Entire document
57	Re Brand	Not exempt	Not exempt	Entire document
58	Re CityMag Article 1	Partially out of scope	Not exempt	Entire document
59	Re CityMag Article 2	Partially out of scope	Not exempt	Entire document

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60	RE CONFIDENTIAL RE Breach of Funding Agreement	Not exempt	Not exempt	Entire document
61	RE CONFIDENTIAL Salary information	Partially out of scope and partially redacted without reason	Not exempt	Entire document
62	RE CONFIDENTIAL Salary information A1	Not exempt	Not exempt	Entire document
63	RE CONFIDENTIAL Salary information A2	Not exempt	Not exempt	Entire document
64	RE Counter Guide Purchasing	Not exempt	Not exempt	Entire document
65	RE George Duncan Memorial Letter - SRC 1	Not exempt	Not exempt	Entire document
66	RE George Duncan Memorial Letter - SRC 2	Not exempt	Not exempt	Entire document
67	RE Media inquiry The Oz	Not exempt	Not exempt	Entire document
68	Re Protest and occult club media enquiry	Partially out of scope and partially redacted without reason	Not exempt	Entire document
69	RE Re motion for the upcoming AUU Board meeting	Not exempt	Not exempt	Entire document
70	RE Rebrand	Not exempt	Not exempt	Entire document
71	RE Rebrand - Club documents transition	Not exempt	Not exempt	Entire document
72	RE Rebrand - Q_A for AUU Board 1	Not exempt	Not exempt	Entire document
73	RE Rebrand - Q_A for AUU Board 2	Not exempt	Not exempt	Entire document
74	RE Rebrand - Q_A for AUU Board 2 A1	Not exempt	Not exempt	Entire document
75	RE SRC President's report on AUU funding agreement KPIs to AUU President Oscar Ong	Not exempt	Not exempt	Entire document
76	RE_ 11 August 2021 Board Meeting Agenda 08-21	Not exempt	Not exempt	Entire document
77	RE_ Annual leave request	Not exempt	Fully exempt on the basis of	None

			clause 6(1)	
78	RE_AUU Front of House - Hub_Old Accommodation services space	Not exempt	Not exempt	Entire document
79	RE_AUU Rebrand presentation	Not exempt	Not exempt	Entire document
80	RE_Board meeting - Rebrand update_status	Not exempt	Not exempt	Entire document
81	Re_Board Meetings - YouTube recordings	Not exempt	Not exempt	Entire document
82	RE_Constitution and Rules documents	Not exempt	Not exempt	Entire document
83	RE_Decision on Rebranding	Not exempt	Not exempt	Entire document
84	RE_FEEDBACK_Rebrand - audience testing	Not exempt	Not exempt	Entire document
85	RE_Hub closure - rebranding	Not exempt	Not exempt	Entire document
86	RE_phone call	Not exempt	Not exempt	Entire document
87	RE_Re Brand	Not exempt	Not exempt	Entire document
88	RE_Re motion for the upcoming AUU Board meeting	Not exempt	Not exempt	Entire document
89	Re_Rebrand	Not exempt	Not exempt	Entire document
90	RE_Rebrand - artwork files	Not exempt	Not exempt	Entire document
91	RE_Rebrand - budget_plan approval	Not exempt	Not exempt	Entire document
92	RE_Rebrand Dcoument for the Board	Not exempt	Not exempt	Entire document
93	RE_Rebrand project in Monday	Not exempt	Not exempt	Entire document
94	RE_Rebrand_Stakeholder Communications (EDM preview)	Not exempt	Not exempt	Entire document
95	RE_Social Media - rebrand	Not exempt	Not exempt	Entire document
96	Rebrand	Not exempt	Not exempt	Entire document
97	Rebrand Board briefing	Not exempt	Not exempt	Entire document
98	Rebrand Briefing	Not exempt	Not exempt	Entire document
99	Rebrand Document for the	Not exempt	Not exempt	Entire document

	Board			
100	Rebrand Project Outline June 19	Not exempt	Not exempt	Entire document
101	Rebrand Project Outline June 19_pdf	Not exempt	Partially exempt on the basis of clause 6(1)	Release in full excepting the second sentence in the body of the email.
102	Resolutions Passed in Today Board Meeting	Not exempt	Not exempt	Entire document
103	Survey link	Not exempt	Not exempt	Entire document
104	TAG Salary Survey Summary 2021	Not exempt	Not exempt	Entire document
105	Whole of team update when we do it	Not exempt	Not exempt	Entire document
106	youX preso to Martin and Jennie	Not exempt	Not exempt	Entire document