



Glenn Hamiltonshire

Via email: [foi+request-11714-a3c96b81@righttoknow.org.au](mailto:foi+request-11714-a3c96b81@righttoknow.org.au)

Dear Glenn Hamiltonshire

### Decision on your Freedom of Information request

I refer to your request received by the Department of Agriculture, Fisheries and Forestry (**department**) on 18 July 2024 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Department of Agriculture Fisheries & Forestry'

#### My decision

The department holds 5 documents (totalling 161 pages) that relate to your request.

I have decided to:

- grant you **part access** to 4 documents (documents 2-5); and
- **refuse access** to 1 document (document 1).

I have decided that:

- document 1 is exempt under the FOI Act as the information is commercially valuable information, the disclosure of which would, or could reasonably be expected to be destroyed or diminished if the information was disclosed (section 47(1)(b)); and
- certain parts of documents 2 – 5 that you have requested include information which would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency and be contrary to the public interest if released (section 47E(d)).

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision.

#### Charges

On 2 August 2024, the department made a preliminary estimate of the charges applicable to your request in the amount of \$106.22.

On 6 August 2024, you contended the charges on the basis that the charges have been wrongly assessed and also requested a waiver of the charge for processing your request under the FOI Act.

On 2 September 2024, I decided to affirm the charge in my charges decision as I considered the charge has been correctly assessed and did not consider this a basis to waive or reduce the charge.

On 3 October 2024, you requested Information Commissioner (**IC**) review of the charges decision, with further contentions that the charge had been wrongly assessed.

On 20 December 2024, the department issued a section 55G charges decision to not impose a charge and waive the charge associated with your request. Although the department was not of the view that the charges have been wrongly assessed, they consider that the cost of collecting the charge will exceed the cost of processing your request.

### **You can ask for a review of my decision**

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to [foi@aff.gov.au](mailto:foi@aff.gov.au).

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You may apply for an OAIC review through the following [link](#). You can also make a [complaint](#) to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website [www.oaic.gov.au](http://www.oaic.gov.au) or phone the OAIC on 1300 363 992.

### **Further assistance**

If you have any questions, please email [foi@aff.gov.au](mailto:foi@aff.gov.au).

Yours sincerely



Carmel Curran  
Assistant Secretary  
Communication and Media Branch  
Enterprise Strategy and Governance Division  
2 January 2025



**LIST OF DOCUMENTS FOR RELEASE**

**LEX-31964**

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1-57	5 June 2024	Brand standards manual	Exempt in full	s 47(1)(b)	Pages 1-57: commercially valuable information exempt under s 47(1)(b).
2.	58-127	January 2024	Style guide	Release in full	s 47E(d)	Pages 63, 66 and 81: certain operations of agencies exempt under s 47E(d).
3.	128-149	January 2024	References guide	Release in full	s 47E(d)	Page 132: certain operations of agencies exempt under s 47E(d).
4.	150-158	25 June 2024	Writing print and web content guide	Release in full	s 47E(d)	Pages 151 and 155: certain operations of agencies exempt under s 47E(d).
5.	159-161	25 June 2024	Writing import industry advice notices	Release in full	s 47E(d)	Page 159 and 161: certain operations of agencies exempt under s 47E(d).

## REASONS FOR DECISION

### What you requested

'I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Department of Agriculture Fisheries & Forestry'

### What I took into account

In reaching my decision, I took into account:

- your original request dated 18 July 2024;
- other correspondence with you on 19 July 2024, 6 August 2024 and 3 September 2024;
- the preliminary assessment of charges dated 2 August 2024;
- the charges decision dated 2 September 2024;
- your request for IC review dated 3 October 2024;
- the revised section 55G charges decision dated 20 December 2024;
- the documents that fall within the scope of your request;
- information about:
  - the nature of the documents; and
  - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (Guidelines); and
- the FOI Act.

### Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided that certain documents and parts of documents are exempt under the FOI Act. My findings of fact and reasons for deciding that an exemption applies to those documents are discussed below.

#### Section 47(1)(b) of the FOI Act - documents disclosing commercially valuable information

I have applied the exemption in section 47(1)(b) to document 1.

Section 47 of the FOI Act provides:

'(1) A document is an exempt document if its disclosure under this Act would disclose:

- (a) trade secrets; or

(b) any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.'

Paragraph 5.234 of the Guidelines provides that, in order for a document to be exempt under section 47(1)(b) of the FOI Act, it must satisfy two criteria:

- The document must contain information that has a commercial value either to an agency or to another person or body; and
- The commercial value of the information would be, or could reasonably be expected to be, destroyed or diminished if it were disclosed.

Furthermore, paragraph 5.235 of the Guidelines relevantly provides that in deciding whether information has commercial value, a decision maker may consider whether the information is known only to the agency or person for whom it has value or, if it is known to others, to what extent that detracts from its intrinsic commercial value.

The document is a brand standards manual produced for internal department use. The document contains graphic designs and includes First Nations artwork procured by the department and was created specifically for the department. This content is not publicly available and is only known by the department and the First Nations artist to whom it has value. If this information were disclosed, it could provide any graphic design company a competitive advantage when pitching for work with the department. On this basis, I am satisfied that the document has a commercial value which would be, or could reasonably be expected to be, destroyed or diminished if it were disclosed.

As such, I am satisfied that document 1 is exempt under section 47(1)(b) of the FOI Act.

#### Section 47E(d) of the FOI Act – certain operations of agencies

I have applied the conditional exemption in section 47E(d) to parts of documents 2 –5 as identified in the Schedule.

Section 47E(d) of the FOI Act relevantly provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Paragraph 6.115 of the Guidelines provides, in relation to section 47E(d) of the FOI Act, that:

The predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its expected activities in an expected manner. Where disclosure of the documents reveals unlawful activities or inefficiencies, this element of the conditional exemption will not be met and the conditional exemption will not apply.

Parts of documents 2 – 5 contain a number of centralised email addresses used to manage communications to and within internal areas of the department. I am satisfied that the material in the documents relate to the department's functions in the managing of its internal workflows.

I consider that the disclosure of this information would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the department in dealings with the internal area responsible for that mailbox as, if these email addresses was made available to the public, the public could use it to contact the department which would reduce the department's ability to carry out its functions in an efficient manner.

On this basis, I have decided that parts of the information included in documents 2 – 5 are conditionally exempt under section 47E(d) of the FOI Act.

#### *Public interest considerations*

Section 11A(5) of the FOI Act provides:

'The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.'

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice the department's ability to perform its functions in the managing its own workflows.

Based on the above factors, I have decided that in this instance, the disclosure of parts of the documents would, on balance, be contrary to the public interest.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision

#### **Summary of my decision**

In conclusion, I have decided to:

- grant you part access to 4 documents; and
- refuse access to 1 document.

I have decided that document 1 is exempt, in full, under section 47(1)(b) of the FOI Act. I have decided that documents 2 – 5 are exempt, in part, under section 47E(d) of the FOI Act.