



The Hon Michelle Rowland MP

Minister for Communications
Federal Member for Greenway

Our reference: FOI 25-068

CR

By email: foi+request-11878-35ddac61@righttoknow.org.au

To whom it may concern

Decision on your Freedom of Information Request

On 13 August 2024, you submitted a request to the Minister for Communications (the Minister), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

You requested access to:

Crikey.com.au reports that Communications Minister Michelle Rowland has accepted 27 tickets and hospitality from Tabcorp and The Star combined over the past five years, with her and her family receiving tickets to the races, dinners, and tickets to Hamilton. She has not declared a gift from the gambling industry since November 2022. In 2023, when Rowland was criticised in Parliament by Clark MP Andrew Wilkie and other independents for reportedly accepting donations from Sportsbet on the eve of the 2022 election, she said she had always complied with disclosure rules.

I request access to correspondence relating to receiving gifts from gambling groups.

2 Authority to make decision

I am authorised to make decisions in relation to Freedom of Information requests under on behalf of the Minister.

3 Decision

I have identified 1 document that I consider contains information that is relevant to your request. This document was in the possession of the Department when your request was received.

I have decided to grant partial access to 1 document.

4 Finding of facts and reasons for decision

My findings of fact and reasons for deciding that an exemption applies to parts of the document relevant to your request are set out below.

4.1 Section 47F – Documents affecting personal privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

Personal Information

Personal information has the same meaning as in the Privacy Act. Specifically, section 6 of the Privacy Act provides that *personal information* means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.

Paragraph 6.126 of the FOI Guidelines states that for particular information to be personal information, an individual must be identified or reasonably identifiable.

Paragraph 6.125 of the FOI Guidelines states that personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.

I am satisfied that part of the document marked 's47F' includes personal information about an individual.

Unreasonable Disclosure of Personal Information

Section 47F(2) of the FOI Act provides that, in determining whether the disclosure would involve the unreasonable disclosure of personal information, I must have regard to the following matters:

- (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) any other matters that the agency or Minister considers relevant.

I am satisfied that the disclosure of personal information contained within the document would, in the circumstances, constitute an unreasonable disclosure of personal information for the following reasons:

- the conditionally exempt personal information is not well known
- the person to whom the personal information relates is not known to be (or to have been) associated with the matters dealt with in the document
- the conditionally exempt personal information is not available from publicly accessible sources
- the individual whose personal information is contained in the document is identifiable
- no further public purpose would be achieved through the release of the personal information
- the individual would not expect the information to be placed in the public domain, and
- the FOI Act does not control or restrict any subsequent use or dissemination of information released under the FOI Act.

For the reasons outlined above, I decided that part of the document marked 's47F' is conditionally exempt from disclosure under section 47F of the FOI Act.

Where information is found to be conditionally exempt, I must give access to that information unless access at this time would, on balance, be contrary to the public interest. I have addressed the public interest considerations below.

4.2 Public interest considerations

Pursuant to section 11A(5) of the FOI Act, I must give access to conditionally exempt information unless access to that information at that time would, on balance, be contrary to the public interest. I have therefore considered whether disclosure of the conditionally exempt information would be contrary to the public interest.

Factors favouring disclosure

Having regard to section 11B of the FOI Act, I consider that disclosure of the conditionally exempt information at this time:

- (a) would provide access to documents held by an agency of the Commonwealth, which would promote the objects of the FOI Act by providing the Australian community with access to information held by the Australian Government
 - o I note that paragraph 6.230 of the FOI Guidelines suggests it would be a rare case in which disclosure would not promote the objects of the FOI Act, including by increasing scrutiny, discussion, comment and review of the government's activities.
- (b) would not inform debate on a matter of public importance
- (c) would not promote effective oversight of public expenditure
- (d) would not allow you access to your own personal information.
 - o I note you are not seeking access to your own personal information and this factor is mute in my considerations.

Factors weighing against disclosure

I consider that disclosure of the conditionally exempt information at this time, could reasonably be expected to prejudice the protection of an individual's right to personal privacy and that this factor weighs against.

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

Conclusion – disclosure is not in the public interest

For the reasons set out above, after weighing all public interest factors for and against disclosure, I decided that, on balance, disclosure of the conditionally exempt information would be contrary to the public interest. I am satisfied that the benefit to the public resulting from disclosure of the conditionally exempt information is outweighed by the benefit to the public of withholding that information.

4.3 Section 22 – deletion of material from documents released to you

Section 22 of the FOI Act applies to documents containing exempt material and allows an agency to delete such material from a document.

As I decided that some information you have requested is exempt from disclosure, I have prepared an edited copy of the document released to you by deleting the exempt information under section 22(1)(a)(i) of the FOI Act.

5 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the content of the document captured by your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

6 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

7 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

8 Publication of material released under the FOI Act

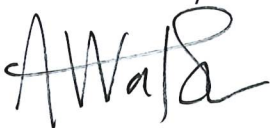
Where I have decided to release documents to you, we may also publish the released material on our Disclosure Log. We will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference our Disclosure Log can be found here: www.infrastructure.gov.au/about-us/freedom-information/freedom-information-disclosure-log.

Further information

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts provides administrative assistance to the Minister's Office in relation to FOI matters. If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely



Amanda Watson
Deputy Chief of Staff

Date: 12 September 2024