



Ash Roth

Via email: foi+request-11947-7ccfa5e6@righttoknow.org.au

Dear Ash Roth

Decision on your Freedom of Information request

I refer to your request, dated 25 August 2024 and received by the Department of Climate Change, Energy, the Environment and Water (**department**) on the same date, for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I am seeking copies of correspondence between the Department and The Australia Institute, and the Department and Greenpeace, on the topic of the reforms of the EPBC Act / the Nature Positive reforms, from 1 January 2024 onwards.'

My decision

The department holds 30 documents (totalling 65 pages) that relate to your request.

I have decided to:

- grant you **full access** to 15 documents; and
- grant you **part access** to 15 documents with some of the content removed.

I have decided that certain parts of documents that you have requested are exempt under the FOI Act as the information is personal information about other people (section 47F).

On 30 August 2024 the department acknowledged your request and advised you that we would not include personal details about our staff. You did not contact the department again about this. Staff details have therefore been deleted in accordance with section 22(1) of the FOI Act.

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

Charges

You were advised on 20 November 2024 that a decision had been made at internal review not to impose charges for the processing of your request.

How we will send your documents to you

The documents are attached.

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@dcceew.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 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 or phone the OAIC on 1300 363 992.

Further assistance

If you have any questions, please email foi@dcceew.gov.au.

Yours sincerely



Anna-Liisa Lahtinen
Acting Division Head
Nature Positive Taskforce
17 December 2024

LIST OF DOCUMENTS FOR RELEASE
LEX-78014

Doc No.	Date	Description	Decision	Exemption	Comments
1.	26/02/2024	Email – subject: Addressing agricultural deforestation in Nature Positive reforms – 2-page submission	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
2.	February 2024	Attachment to email (document 1) Greenpeace Issue Focus Submission – Agricultural Deforestation	Release in full	N/A	
3.	February 2024	Attachment to email (document 1) Report – Nature Analytics – Matter of National Environmental Significance losing wooded habitat to clearing in Queensland 2016-2021	Release in part	S 47F	Personal information
4.	26/02/2024	Email – subject: Invitation: Consultation sessions on Australia’s new national environmental laws, 27-28 March 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
5.	16/02/2024	Email – subject: Attending both consultation sessions on the 22 nd ?	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)

Doc No.	Date	Description	Decision	Exemption	Comments
6.	9/02/2024	Email – subject: Invitation: Consultation sessions on Australian’s new national environmental laws, 22-23 February 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
7.	22/01/2024	Email – subject: Invitation: Consultation sessions on Australian’s new national environmental laws, 22-23 February 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
8.	19/01/2024	Email – subject: Invitation: Consultation sessions on Australian’s new national environmental laws, 22-23 February 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
9.	16/04/2024	Email – subject: Australia’s new Nature Positive laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
10.	15/03/2024	Email – subject: NGO – Sitting 2 – March consultation on Australia’s new national environmental laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
11.	27/03/2024	Attachment to email (document 10) Calendar invitation – subject: NGO – Sitting 2 – March consultation on Australia’s new national environmental laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
12.	15/03/2024	Email – subject: NGO – Sitting 1 – March consultation on Australia’s new national environmental laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)

Doc No.	Date	Description	Decision	Exemption	Comments
13.	27/03/2024	Attachment to email (document 12) Calendar invitation – subject: NGO – Sitting 1 – March consultation on Australia’s new national environmental laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
14.	23/02/2024	Email – subject: Invitation: Consultation sessions on Australia’s new national environmental laws, 27-28 March 2024	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
15.	16/02/2024	Email – subject: Attending both consultation sessions on the 22 nd ?	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
16.	22/02/2024	Attachment to email (document 15) Calendar invitation – subject: NGO – Sitting 1 – February consultation on Australia’s new national environmental law	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
17.	9/02/2024	Email – subject: NGO Sitting 2 – February consultation on Australia’s new national environmental laws	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
18.	22/02/2024	Attachment to email (document 17) Calendar invitation – subject: NGO – Sitting 1 – February consultation on Australia’s new national environmental law	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)

Doc No.	Date	Description	Decision	Exemption	Comments
19.	14/06/2024	Email – subject: Clarification of meeting to discuss Environment Information Australia – environmental monitoring and reporting – 25 June 2024	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
20.	14/06/2024	Email – subject: Invitation to discuss Environment Information Australia – environmental monitoring and reporting – 25 June 2024	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
21.	21/06/2024	Meeting invite – subject: Invitation to discuss Environment Information Australia – environmental monitoring and reporting – 25 June 2024	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)
22.	24/06/2024	Email – subject: Invitation to discuss Environment Australia – environmental and reporting – 25 June 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
23.	25/06/2024	Email – subject: Follow up – Discussion of Environment Australia – environmental monitoring and reporting – Meeting 25 June 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
24.	25/06/2024	Attachment to email (document 23) Draft Nature Positive (Environment Information Australia) Bill 2024 – Head of Environment Information Australia reporting functions	Release in full	N/A	
25.	24/06/2024	Email – subject: Accepted: Invitation to discuss Environment Information Australia	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)

Doc No.	Date	Description	Decision	Exemption	Comments
26.	Undated	Email – subject: Invitation to discuss Environment Australia – environmental monitoring and reporting – 25 June 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
27.	25/06/2024	Email – subject: Accepted: Invitation to discuss Environment Information Australia	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
28.	Undated	Email – subject: Invitation to discuss Environment Australia – environmental monitoring and reporting – 25 June 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
29.	14/06/2024	Email – subject: Working overseas Re Invitation to discuss Environment Australia – environmental monitoring and reporting – 25 June 2024	Release in part	S 47F	Personal information s 22(1)(a) - Junior staff details deleted (out of scope)
30.	Undated	Meeting invite - Invitation to discuss Environment Australia – environmental monitoring and reporting – 25 June 2024	Release in full	N/A	s 22(1)(a) - Junior staff details deleted (out of scope)

REASONS FOR DECISION

What you requested

'I am seeking copies of correspondence between the Department and The Australia Institute, and the Department and Greenpeace, on the topic of the reforms of the EPBC Act / the Nature Positive reforms, from 1 January 2024 onwards.'

What I took into account

In reaching my decision, I took into account:

- your original request dated 25 August 2024;
- the documents that fall within the scope of your request;
- consultation with third parties about documents which contain information concerning them;
- 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);
- 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 parts of documents that you requested 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 47F of the FOI Act – unreasonable disclosure of personal information

I have applied the conditional exemption in section 47F(1) to certain documents as detailed in the Schedule at Attachment A.

Section 47F of the FOI Act relevantly provides:

- '(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister 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.'

Personal Information

The term 'personal information' is defined as follows:

'...information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- (a) whether the information or opinion is true or not; and
- (b) whether the information or opinion is recorded in a material form or not.'

Paragraph 6.125 of the Guidelines provides:

'Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.'

I find that certain documents contain personal information of other people. This includes their names and contact details.

Whether disclosure is 'unreasonable'

In addition to the factors specified in section 47F(2) of the FOI Act, paragraph 6.133 of the Guidelines provides:

'The personal privacy exemption is designed to prevent the unreasonable invasion of third parties' privacy. The test of 'unreasonableness' implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals.'

I am satisfied that the disclosure of the third party personal information would be unreasonable for the following reasons:

- it relates to aspects of an individual's personal affairs;
- you do not have the consent from this individual for the release of their personal information;
- the information is private and not available in full or in part from publicly-accessible sources; and
- the identity of the individual concerned is readily apparent or could be easily ascertained.

On this basis, I have decided that the personal information included in documents referred to in the Schedule is conditionally exempt under section 47F(1) 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 an individual’s right to privacy.

Based on the above factors, I have decided that in this instance, the disclosure 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.