

TRIM Ref: D24/26726

Agency Ref: FOI no. 137

Mr Glenn Hamiltonshire

foi+request-12366-2bb825ba@righttoknow.org.au

BY E-MAIL

Dear Mr Hamiltonshire,

Freedom of Information Request No. 137 – Notice of Decision on Access

I refer to your *Freedom of Information Act 1982* (Cth) (**FOI Act**) request of 25 November 2024 to the Murray–Darling Basin Authority (**MDBA**).

The Request

On 25 November 2024, the MDBA received your FOI Act request in the following terms:

“I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Murray-Darling Basin Authority.”

Following receipt of the above request, I understand the MDBA’s FOI Officer (**FOI Officer**) has been in contact with you to better understand and refine the scope of your request. As a result, the final scope of your request can be expressed as follows:

“I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Murray-Darling Basin Authority. This Request excludes:

- *personal information of non-Senior Executive Service (SES) or equivalent staff; and*
- *culturally sensitive information.”*

(the **Request**)

Timing

Under s 15(5)(b) of the FOI Act, the MDBA must have decided on the Request within 30 days of its receipt.

Office locations

Adelaide, Albury-Wodonga, Canberra, Goondiwindi, Griffith, Mildura, Murray Bridge, Toowoomba



mdba.gov.au



1800 230 067



engagement@mdba.gov.au

As the Request was received on 25 November 2024, the date 30 days after the date of the request is 25 December 2025. Since that date falls on a public holiday, the Decision Date is the next business day, which is 26 December 2025.

However, the FOI Act contemplates that this time period can be extended in certain circumstances. Relevantly in this case, the time period for deciding on the Request was extended by 30 days by agreement under s 15AA of the FOI Act on 26 November 2024.

As such, the date by which the MDBA is required to decide on the Request is 27 January 2025. However, since that date falls on a public holiday, the MDBA has until the next working day, 28 January 2025 to decide on the Request.

Authority

I am, pursuant to arrangements authorised by the Chief Executive of the MDBA under s 23 of the FOI Act, authorised to make a decision in relation to the Request.

Decision

I have identified 6 documents which fall within the scope of the Request and have decided that:

1. **2 documents** will be released in full; and
2. **4 documents** (Documents 2, 3, 4 and 6) will be released with out of scope/ irrelevant information redacted (personal information of non-SES MDBA staff members).

My decision in relation to each document is set out in the Schedule of Documents (**Attachment A**).

I am also pleased to advise that I have decided to waive charges applicable to processing the Request.

Access to the Documents

The documents are attached.

Statement of reasons

I am required under s 26 of the FOI Act to provide a statement of reasons for my decision. My general comments and reasons for my decision are set out below.

General comments

Material considered in making the decision

In making my decision in relation to each document I have considered:

- your original request dated 25 November 2024 and your revised request of 3 December 2024;
- the content of the documents that fall within the scope of the Request;
- the FOI Act;
- the *FOI Guidelines* issued by the Information Commissioner under s 93A of the FOI Act (the **Guidelines**); and
- relevant case law.

I set out below the detailed reasons for my decision regarding the Request.

Access to documents under the FOI Act

Under s 11A of the FOI Act, the MDBA must give an FOI applicant access to documents which are the subject of an FOI request except in the circumstances set out in the FOI Act under Division 2 of Part IV where a document is exempt, conditionally exempt or both.

Reasons for my decision

Deletion of exempt and irrelevant material (section 22)

Section 22 of the FOI Act allows for information that is exempt or irrelevant to be deleted. Applying the scope of the Request, as refined following your exchanges with the FOI Officer (as outlined above), I have decided that of the documents containing information relevant to the Request, **4 documents** (Documents 2, 3, 4 and 6) contain irrelevant personal information of non-SES MDBA staff members and, on this basis, I have prepared edited copies of those 4 documents with the irrelevant information deleted in accordance with s 22 of the FOI Act.

Australian Government Style Manual

You may notice that there are several references to the Australian Government Style Manual in the documents being released to you. We have not provided this as it is not a MDBA document, however, you can find the Manual [here](#).

Summary

In summary, my decision is to:

1. release **2 documents** in full; and
2. release **4 documents** (Documents 2, 3, 4 and 6) with out of scope/ irrelevant information redacted (personal information of non-SES MDBA staff members).

Review Rights

Under the FOI Act there are two ways to seek a review of my decision:

1. an internal review that is conducted by the MDBA, or
2. a review by the Australian Information Commissioner.

You can find further information about both of these avenues of review at:

1. internal review by the MDBA at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-9-internal-agency-review-of-decisions/>; and
2. review by the Australian Information Commissioner at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-10-review-by-the-information-commissioner/>.

I note that the option to seek an internal review does not prevent you from seeking a review by the Australian Information Commissioner at a later stage as the Australian Information Commissioner can also review an internal review decision. No fees apply for either of these review requests.

Kind Regards,



Katrina Tonkin

Chief Operating Officer

24 January 2025

Attachment A: Applicant Document Schedule