



28 May 2019

In reply please quote:

FOI Request: FA 19/04/01357

File Number: ADF2019/143139

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 18 April 2019, the Attorney-General's Department received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act). The request is more closely associated with the functions of the Department of Home Affairs (the Department) and your request was transferred to this Department on 23 April 2019.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

Documents relating to the Living Safe Together Grants Programme:

- Living Safe Together - Grant Guidelines

- the omitted recipients of the Grant as listed in the Grants Register 1 July 2014 to 30 June 2015.

2 Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act

- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access

4 Documents in scope of request

The Department has identified two documents as falling within the scope of your request. These documents were in the possession of the Department on 18 April 2019 when your request was received.

Attachment A is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

5 Decision

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is as follows:

- Release one document in full
- Exempt in full relevant parts of one document

6 Reasons for Decision

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

6.1 Section 22 of the FOI Act – irrelevant to request

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would be exempt from disclosure or reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that is exempt or would reasonably be regarded as irrelevant to the request.

Information contained in document 2 goes beyond "*omitted recipients of the Grant as listed in the Grants Register 1 July 2014 to 30 June 2015*", including the names of the recipients who were not omitted from the Grants Register. I have therefore decided that parts of document 2 would disclose information that could reasonably be regarded as irrelevant to your request.

6.2 Section 45 of the FOI Act – Documents containing material obtained in confidence

Section 45 of the FOI Act provides that a document is an exempt document if its disclosure under this Act would found an action, by a person (other than an agency, the Commonwealth or Norfolk Island), for breach of confidence.

I have decided that the parts of document 2 that contain information that is relevant to your request consists of material that, if disclosed, would found an action by a person for breach of confidence.

The document contains the names of Grant recipients under the Living Safe Together Grants Programme, being both those recipients who have been published in the Grants Register, and those recipients who were omitted from the Grants Register. I am satisfied that the nature of this information is inherently confidential as:

- Applications under the Grants Programme were submitted and received by the Department on the basis of a mutual understanding of confidence;
- The details of the Grant recipients that have been included in the Grants Register have been published with the express consent and authority of the relevant recipients;
- The information that has not been published in the Grants Register has the necessary quality of confidentiality as it consists of information that is not common knowledge or in the public domain;
- If the information was disclosed, it would be without the authority of the relevant Grant recipients; and
- Disclosure of the information will likely cause detriment to the Grant recipients.

Since the information has been specifically identified by the Grant recipients as being confidential, breaching the trust of these recipients would damage the cooperative relationships the Commonwealth has developed with them over a number of years, and could deter the relevant recipients from working cooperatively with the Commonwealth in future. This would significantly undermine the Commonwealth's long-standing efforts to engage with communities to build community resilience and counter violent extremism.

I am satisfied that the disclosure of the information contained in document 2 which is relevant to your request would found an action by the relevant Grant recipients for breach of confidence and as such I have decided that parts of document 2 are exempt from disclosure under section 45 of the FOI Act.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

By email to: foi.reviews@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

9 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

10 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.



**Authorised Decision Maker
Department of Home Affairs**

ATTACHMENT A

**SCHEDULE OF DOCUMENTS
REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982***

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No	Description	Decision on release	
		Release in full	
1.	Living Safe Together – Grant Guidelines	Release in full	
2.	Living Safe Together Programme Grant recipients - 1 July 2014 to 30 June 2015	Irrelevant information Relevant information exempt in full	s.22(1)(a)(ii) s.45(1)