4 May 2016

Dear [Name]

Freedom of Information Request No. 201600009C

I refer to your request, under the Freedom of Information Act 1982. I have taken your request to be for access to:

1. All government permits authorising the destruction of kangaroos at the Kioloa, ANU from January 2015 to present.

2. All application forms requesting permits to kill kangaroos at the Australian National University Kioloa campus from January 2015 to present.

3. All documents relating to the number of kangaroos killed at ANU including the number of males, females and joeys, from January 2015 to present.

4. All documents relating to the cull of kangaroos at ANU from September 2015 to present.

As the Freedom of Information delegate I find that:

- 11 documents relate to your request
- 11 documents are partially exempt from release under Sections 47F and 47C

Section 47F of the Act provides that:

(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 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 consider relevant.

Personal Information means information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

I have determined that parts of the documents include personal information of third parties and the information contained in the documents readily identifies natural persons, the information directly relates to...
them and the information says something about them. I have also determined that the public release of the information would affect the individuals' personal privacy interests.

In reaching my decision, I considered: the extent to which the information is well known; whether the persons identified in your request are known to be or have been associated with the matters dealt with in the information and whether this information is publically available.

In relation to factors favouring disclosure I believe the following are relevant:

(a) the general public interest in access to information under the Act;
(b) the general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

(c) the extent to which the information is well known;
(d) the availability of the information from publicly accessible sources; and
(e) the likely impact on the individuals if the personal information were to be released; and
(f) whether the individuals have a reasonable expectation of privacy in the information.

I have considered the public interest factors in favour and against disclosure and I find that the factors at (c) to (f) outweigh the factors in favour of disclosure. Considering all the circumstances I find that material contained in the identified documents would be exempt under section 47F of the Act. Therefore I have exempted parts of the documents identifying personal information of individuals and information detailing the personal affairs of individuals.

Section 47C provides that:

(1) A document is conditionally exempt if its disclosure under this Act would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister of the Government of the Commonwealth.

The parts of the documents identified as exempt under Section 47C contain exempt information on the basis that the documents are internal working documents. Provision of parts of the documents would disclose matter in the nature of consultation and deliberation that took place for the purposes of deliberative processes involving operational functions of the University. The documents identified record recommendations and advice.

There is a public interest in protecting the integrity of the decision-making process by separating the final decision-making policy or steps towards making the final decision from the opinions and advice of persons who provided their opinions into the consideration of the matter. The specific documents listed in the Schedule as conditionally exempt under Section 47C do not constitute final decisions nor were they intended as such. The views expressed in the documents are merely preliminary in nature.

Subsection 47C(2) provides that:

(2) Deliberative matter does not include either of the following:

(a) operational information (see section 8A);
(b) purely factual material.
Because the opinions expressed in the documents involve a portion of the process to form judgment, I am satisfied that the information is not operational information or purely factual material and is therefore not excluded under subsection 47C(2). In reaching my decision, I considered public interest factors in favour and against disclosure of the information.

In relation to factors favouring disclosure, I believe the following are relevant:

(a) the general public interest in access to information under the Act; and
(b) the general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

(c) the disclosure of the information would restrict the ability of University staff in future to record their opinions directly and freely during a deliberative process; and
(d) there is a public interest in protecting the integrity of the decision-making process by separating the final decision-making policy, including the steps and reasons therefore, from the opinions and advice of the employees who contributed to the deliberation.

I have considered the public interest factors both in favour and against disclosure and I find that the factors identified at (c) and (d) and outweigh the factors in favour of disclosure. I find that the parts of the documents are exempt under section 47C of the Act. I therefore have redacted information relating to the deliberative process.

**Outstanding charges**

We received your deposit of $38 on 11 April 2016. Upon completion of your request, the amount for processing was calculated to be $150. This charge based on the following costs:

<table>
<thead>
<tr>
<th>PROCESSING CHARGES</th>
<th>Time</th>
<th>Cost @ $15/hr</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Search and retrieval</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Task</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Search and retrieval of relevant records</td>
<td>5 hours</td>
<td>$75</td>
</tr>
<tr>
<td>Preparation of schedule of documents</td>
<td>3 hours</td>
<td>$45</td>
</tr>
<tr>
<td><strong>A. Search and retrieval subtotal</strong></td>
<td>8 hours</td>
<td>$120</td>
</tr>
<tr>
<td><strong>Decision making</strong></td>
<td></td>
<td></td>
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<tr>
<td>Task</td>
<td></td>
<td></td>
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<tr>
<td>Examination of documents</td>
<td>4 hours</td>
<td>$80</td>
</tr>
<tr>
<td>Preparation of documents for release</td>
<td>1.5 hours</td>
<td>$30</td>
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<tr>
<td>Preparation of notice of access decision</td>
<td>1 hour</td>
<td>$20</td>
</tr>
<tr>
<td><strong>Decision making subtotal (before deduction of 5 hours)</strong></td>
<td>6.5 hours</td>
<td>$130</td>
</tr>
<tr>
<td><strong>B. Decision making subtotal (after deduction of first 5 hours free)</strong></td>
<td>1 hour</td>
<td>$30</td>
</tr>
<tr>
<td>TOTALS</td>
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<tr>
<td>TOTAL (total of A and B)</td>
<td>$150</td>
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<tr>
<td>LESS $38 DEPOSIT</td>
<td>$112</td>
<td></td>
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</tbody>
</table>

Following payment of the outstanding charge of $112 the University will provide the requested documents to you via email unless you indicate your preference for a different manner of delivery.

**Payment of charges**

Payments to The Australian National University can be made by direct deposit to the following bank account:

- **Bank**: NATIONAL AUSTRALIA BANK
- **Branch**: CANBERRA CITY, LONDON CIRCUIT & AI NSLIE AVE CIVIC SQUARE, AUSTRALIAN CAPITAL TERRITORY (ACT), AUSTRALIA. 2601
- **BSB**: 082-902
- **Account Number**: 674507553
- **Account Name**: THE AUSTRALIAN NATIONAL UNIVERSITY GENERAL ACCOUNT
- **Reference**: FREEDOM OF INFORMATION REQUEST

If you wish to discuss this decision, please contact me using the details below.

Yours sincerely

[Signature]

David Brumby
FOI Coordinator
University Records
+61 2 6125 4237
foi@anu.edu.au
Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Application for Internal Review of Decision

Section 54A of the Act, gives you the right to apply for an internal review of my decision.

It must be made in writing within 30 days of receipt of this letter, no particular form is required but it is desirable to set out in the application the grounds on which you consider the decision should be reviewed.

The application should be addressed to:

Executive Director (Administration & Planning)
Building 10
The Australian National University
Canberra ACT 2601

Or via email: edap@anu.edu.au

Application for Information Commissioner Review of decision

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

- online: https://forms.business.gov.au/aba/oaic/foi-review/
- email: enquiries@oaic.gov.au
- post: GPO Box 2999, Canberra ACT 2601
- in person: Level 3, 175 Pitt Street, Sydney NSW