

LEX9503

Senator James Paterson  
By email: Senator.Paterson@aph.gov.au

Dear Senator Paterson

**FOI Request: Freedom of Information Request No. LEX9503**

**Your FOI request**

On 28 August 2025 you wrote to the Australian Electoral Commission (**AEC**) seeking access under the *Freedom of Information Act 1982* (the FOI Act) to:

This is a request for all correspondence between the AEC and the City of Melton (the Council) relating to political and electoral signage in and around the early voting centre at the Caroline Springs Scout Centre, located on 115 Tenterfield Drive, Burnside Heights VIC 3023.

This request includes, but is not limited to, documents relating to:

- the Council's decision and actions to enforce limits on political parties' and candidates' signage and other campaign material at the early voting centre;
- the AEC's lease or venue hire agreement with the Council regarding the Caroline Springs Scout Centre for the 2025 federal election; and
- any correspondence between the AEC and the Council relating to the terms and conditions of that lease or venue hire agreement.

For the purposes of this request, correspondence includes emails, text messages or instant messages sent via Signal, WhatsApp, Microsoft Teams or iMessage.

On 1 September 2025 an Electorate Officer, on your behalf, clarified that the scope of the request relates to 'seeking documents in connection with the 2025 federal election, not documents relating to previous elections or referenda.'

**Identification of documents**

I identified EIGHT documents that fell within the scope of your FOI Request (the 'Relevant Documents').

I did this by contacting the relevant areas of the AEC and asking them to provide copies of the Relevant Documents.

The schedule of documents in **Attachment A** provides a description of each of the Relevant Documents and the access decision for each of the Relevant Documents.

**Decision**

With regard to the Relevant Documents identified in **Attachment A**, I have decided:

- Edited Copies: Documents 1-3, 7-8.

- Refuse access: Documents 4-6.

The relevant documents are provided as a separate attachment to this decision.

More information, including my reasons for my decision, is set out in **Attachment B**.

### **Disclosure log**

Section 11C of the FOI Act requires that the documents released under section 11A are published unless it would be unreasonable to do so.

I have determined that it is not unreasonable to publish these documents. These documents will be published on the [Freedom of Information \(FOI\) Disclosure Log - Australian Electoral Commission](#) within 10 business days.

### **Review rights**

You are entitled to seek review of this decision. **Attachment C** sets out your rights to apply for review if you are dissatisfied with my decision.

Yours sincerely

Anthony

Senior Government Lawyer

(15845)

### Attachment A – Schedule of Relevant Documents

Document No.	Document Title	Exemption	Decision on Access
1	SOD01 - PNG - Screenshot - Proof of Call - 24.04.2025 (A6580458)	S47F	Release in part
2	SOD02 - PNG - Text Message between DRO and Council Representative 24.04.2025 (A6581972)	S22 S47F	Release in part
3	SOD03 - PDF Email - Copy of our Pre-poll templated lease - 28.04.2025	S22 S47E(d) S47F	Release in part
4	SOD04 - Copy of Pre-Poll templated lease - 28.04.2025	S47E(d)	Refuse Access
5	Duplicate - SOD02 - PDF Email - Copy of our Pre-poll templated lease - 28.04.2025 (A6579684)	s22 (Duplicate of Doc 3)	Refuse Access
6	Duplicate - SOD01 - JPEG - Photograph of SMS - 24.04.2025 (A6579792) (1)	s22 (Duplicate of Doc 2)	Refuse Access
7	SOD02 - JPEG - Photograph proof of Phone Call - Telephone number is 03 9747 5764 - 24.04.2025	S22 S47F	Release in part

Document No.	Document Title	Exemption	Decision on Access
8	SOD08 – PDF Email – Party materials displayed at Caroline Springs PPVC – 24.04.2025.pdf	S22 S47F	Release in part

### **Authority**

As a Senior Government Lawyer, Legal Services Branch, I am an authorised decision-maker under section 23 of the FOI Act.

### **Retrieval process**

To identify documents for your request, I arranged for relevant staff likely to be able identify documents to undertake a comprehensive search of the relevant electronic holdings used by the AEC.

I did this by directing enquiries to:

- (a) Corporate Law
- (b) Divisional Office of Gorton
- (c) Electoral Integrity and Media Branch
- (d) Event Workforce, Workplace and Supply Chain Branch
- (e) Property Management and Facilities
- (f) Regulatory Law, and
- (g) Victoria State Office.

### **Relevant Documents**

With regard to the Relevant Documents identified in Attachment A, I have decided:

#### ***Edited copies***

- a) to grant access to an edited copy of the following documents from which exempt matter and irrelevant information has been deleted under section 22 of the FOI Act:
  - i. **Documents 1-3, and 7-8.**

#### ***Refuse access***

- b) To refuse access in full to Document 4 as it is an exempt document under s47E(d).
- c) To refuse access in full to Documents 5-6 as the documents are a duplicate of Documents 3 and 2, respectively – which are otherwise being released as an edited copy.

### **Material taken into account**

I have taken the following material into account in making my decision:

- a) the content of the documents that fall within the scope of your FOI Request;
- b) the FOI Act, specifically sections 22 (irrelevant material), 47E(d) (operations of agencies and 47F (personal privacy));
- c) the guidelines ('[FOI Guidelines](#)') issued by the Australian Information Commissioner under section 93A of the FOI Act;

- d) the [FOI Guidance Notes](#), July 2011 issued by the Department of Prime Minister and Cabinet; and
- e) the *Privacy Act 1988*.

### **Detailed Reasons**

**Attachment A** indicates each Relevant Document to which access is refused or access is granted. My reasons for refusing or granting access are given below.

### **Public interest conditional exemptions – operations of an agency – section 47E(d)**

#### ***Findings***

I found that Document 3 and Document 4 contain information that could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

#### ***Consideration***

Section 47E of the FOI Act conditionally exempts a document if its disclosure under the FOI Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by the AEC (amongst other entities);
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by the AEC (amongst other entities);
- (c) have a substantial adverse effect on the management or assessment of personnel by the AEC (amongst other entities);
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of the AEC (amongst other entities).

Document 3 contains information relating to a financial payment made by the AEC to secure a pre-poll voting centre. Document 4 contains a copy of the AEC's Standard Licence terms used during federal electoral events. A disclosure of this information would diminish the AEC's bargaining position when negotiating with entities to procure premises to carry out pre-polling or polling services. A diminution of the AEC's bargaining position would inhibit the AEC's efforts to procure polling facilities in a timely manner, and on terms that provide value for money.

In making my decision I had regard to:

- (a) Part 6 (Conditional Exemptions) of the FOI Guidelines, specifically paragraphs 6.112 – 6.118; and
- (b) the following matters that I considered relevant:
  - a. the AEC's use of standard terms to enter into arrangements for polling facilities
  - b. the fact that the FOI Act does not control or restrict any subsequent use of or dissemination of information released under the FOI Act.

### ***Initial Outcome***

Accordingly, I am satisfied that information contained in Document 3 and all of Document 4 is conditionally exempt under section 47E(d) of the FOI Act.

### ***Weighing of public interest factors***

Under subsection 11A(5) of the FOI Act, the AEC (as an agency) 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.

My weighing of public interest factors follows:

I considered the following factors favouring disclosure:

- (a) Disclosure may inform debate on a matter of public importance.

I considered the following factors that mitigate against disclosure:

- (a) Disclosure could reasonably be expected to prejudice the competitive commercial activities of an agency.

In accordance with subsection 11B(4) of the FOI Act I excluded from my consideration the following matters:

- (a) Access to the documents could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- (b) Access to the document could result in any person misinterpreting or misunderstanding the document;
- (c) The author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- (d) Access to the document could result in confusion or unnecessary debate.

In considering the weighing of public interest factors I had regard to the FOI Guidelines at paragraphs 6.7-6.28 and 6.236-6.239.

In my view, the factors against disclosure of the document outweigh the factors in favour of disclosure.

### ***Final Outcome***

Accordingly, I am satisfied that information contained in Document 3 and all of Document 4 is conditionally exempt from disclosure pursuant to s 47E(d) of the FOI Act.

### **Public interest conditional exemptions – personal privacy – section 47F**

#### ***Findings***

I found that Document 1-3 and 7-8 contains personal information of a third party.

#### ***Consideration***

Section 47F of the FOI Act conditionally exempts a document if its disclosure under the FOI Act would involve unreasonable disclosure of personal information about any person (with certain exceptions regarding the disclosure to a person of their own personal information).

Section 47F(1) of the FOI Act provides:

## **47F Public interest conditional exemptions—personal privacy**

### *General rule*

- (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).

In making my decision I had regard to:

- (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) Part 6 (Conditional Exemptions) of the FOI Guidelines
- (e) Submissions made by third parties in response to consultation, and
- (f) The following matters that I considered relevant:
  - i. The extent to which the release of the documents might cause harm to a third party, and
  - ii. The fact that the FOI Act does not control or restrict any subsequent use of or dissemination of information released under the FOI Act.

### ***Initial Outcome***

Accordingly, I am satisfied that part of Documents 1-3 and 7-8 are conditionally exempt under s 47F of the FOI Act.

### ***Weighing of public interest factors***

Under subsection 11A(5) of the FOI Act, the AEC (as an agency) 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.

My weighing of public interest factors follows:

I considered the following actors favouring disclosure under section 11B(3) of the FOI Act:

- (a) Disclosure may promote the objects of the FOI Act, including to inform the community of the Government's interactions with property owners regarding the procurement of polling facilities.
- (b) Disclosure may inform debate on a matter of public importance.

I considered the following factors that mitigate against disclosure:

- (a) Disclosure of personal information, including contact details in an email header might have unintended consequences and put a third party's personal safety at risk. I consider the public interest in the release of these names and contact details relevant to this request is extremely low.
- (b) Disclosure of information which is conditionally exempt under sections 47F of the FOI Act could be reasonably expected to prejudice the protection of an individual's right to privacy.

In accordance with subsection 11B(4) of the FOI Act I excluded from my consideration the following matters:

- (a) Access to the documents could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- (b) Access to the document could result in any person misinterpreting or misunderstanding the document;
- (c) The author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- (d) Access to the document could result in confusion or unnecessary debate.

In considering the weighing of public interest factors I had regard to the FOI Guidelines at paragraphs 6.7-6.28 and 6.236-6.239.

In my view, having regard to the above considerations and the factors set out in section 11B and 47F of the FOI Act, I have decided that the harm or damage to the public interest outweighs the benefit to the public if disclosure were to ensue.

### ***Final Outcome***

Accordingly, I am satisfied that the Documents 1-3 and 7-8 contain material that is conditionally exempt, and the disclosure would be contrary to the public interest.

### **Preparation of edited copy**

In accordance with section 22 of the FOI Act, I considered whether it is possible and practicable to prepare an edited copy of each of Documents 1-3 and 7-8 from which exempt and irrelevant material is redacted.

This was done on the basis that it is either exempt because of a specified provision of the FOI Act, or because I regard it as irrelevant to the scope of your request.

### ***Findings***

I found that:

- (a) it is possible to prepare an edited copy of each of the documents modified by deletions, ensuring that:
  - i. access to each edited copy would be required to be given under section 11A (access to documents on request) of the FOI Act; and
  - ii. each edited copy would not disclose any information that would reasonably be regarded as irrelevant to the FOI Request;
- (b) it is reasonably practicable for the AEC to prepare each edited copy, having regard to:
  - i. the nature and extent of the modifications
  - ii. the resources available to modify each document; and
  - iii. it is not apparent that you would decline access to each edited copy.

I had regard to section 22 of the FOI Act and paragraphs 3.162–3.176 of the FOI Guidelines.

***Outcome***

I concluded that it is both possible and practicable to prepare an edited copy of each of Documents 1-3 and 7-8 from which exempt and irrelevant matter is redacted.

## Attachment C - FOI Review rights

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### Internal review

Under section 54 of the FOI Act, you may apply in writing to the AEC for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of my decision is necessary. The internal review will be carried out by another officer within 30 days.

### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner 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://www.oaic.gov.au/freedom-of-information/reviews-and-complaints>

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001

fax: 02 9284 9666

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

### FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. Complaints can be lodged in one of the following ways:

online: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints>

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: GPO Box 5218 Sydney 2001

More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>

If you are not sure whether to lodge an Information Commissioner review or an Information Commissioner complaint, the Office of the Australian Information Commissioner has more information at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>

12:34

4G 87



SUNBURY, VICTORIA

s47F



message



call



video



mail

24 April 2025

11:10am **Outgoing Call**

5 minutes

[Share Contact](#)

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Favourites



Recent



Contacts



Keypad



FaceTime

11:03

VO  
LTE



s47F



Thursday, 24 Apr • 10:53

Texting with s47F (SMS/MMS)

Hi s22

s47F from Melton City Council.  
As discussed, can you please have your manager contact me directly, to discuss the removal of the signage, urgently, as this will occur shortly today?

Further, can you please provide the details of the person responsible for use of the site, as we understand this may be without Council consent.

Kind regards,

s47F

+ Text message



s22

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**From:** s22  
**Sent:** Monday, 28 April 2025 10:01 AM  
**To:** s47F  
**Subject:** Copy of our Pre-poll templated lease  
**Attachments:** PPVC-short-term-hire-agreement.pdf

Hi s47F

Thanks again for your time on the phone this morning. Please find attached a copy of our templated lease which I can confirm is the same one we used with the Caroline Springs Scouts. I am also comfortable to confirm we have s47E(d) for use of the venue. Whilst I cannot disclose the personal contact details provided on the contract, I am happy to disclose the business email address: carolinesprings.scouts@gmail.com. I have been able to find some information online which may be of assistance to you (if you haven't already tried it)

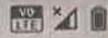
[CAROLINE SPRINGS | Scouts Victoria | Australia](#)

Hope this is useful information – I look forward to keeping in contact as the day progresses.

Kind Regards,

s22 | **A/g Director, Operations**  
Operations | VIC State Office and Outposts  
Australian Electoral Commission  
T: s22

11:12



Search contacts



s22

s47F

s22



Favourites



Recent



Contacts

# s22

**From:** s22  
**Sent:** Thursday, 24 April 2025 10:44 AM  
**To:** s22  
**Subject:** Party materials displayed at Caroline Springs PPVC [SEC=OFFICIAL]

Hi s22

I have received a call from s47F at Melton City Council concerning the display of political signage by all parties at the Caroline Springs PPVC.

She has advised this is against council policy and they will be arranging for their team to remove today.

She said she would not organise this until I had a chance to escalate this matter with my manager.

s22

The number she called on is s47F .