

FOI REQUEST LS5394

Request for:

information and documentation related to the nomination of Bill Liao for candidate to the Australian Constitutional Convention of 1998:

- The documentation that was completed which nominated Bill Liao (COB: September 10, 1967) as a candidate for delegate from the State of Victoria which would have been filed with the AEC on or before October 08, 1997
- Any documentation which would have served as evidence of Bill Liao's consent to act if elected to the Constitutional Convention of 1998
- Any documentation which would have served as a declaration from Bill Liao asserting that he was qualified to be elected as a delegate to the Constitutional Convention of 1998
- Any documentation which would have served as declaration from Bill Liao asserting that he is not, and does not intend to be, a candidate in any other election
- Any documentation which would have served as a statement from Bill Liao asserting that he is an Australian citizen
- Any documentation which would have served as a candidate statement filed by Bill Liao
- Any documentation related to the Candidate Details on Bill Liao
- Any documentation or the approved form(s) (Form CC002 or CC003) which was used to lodge the Bill Liao nomination into the RMANS or equivalent system at the office of the AEO for the State of Victoria
- The completed AEO checklist to the Bill Liao nomination form inclusive of all attachments (i.e. Attachment A & 5) and schedules, *if applicable*
- Any documentation which would have served as request for the Dinkum name by the ungrouped candidate, Bill Liao which would have been in writing and signed by Bill Liao, the candidate and given to the AEO with their nomination

Schedule of Retrieved Documents

Document No.	Description	Date	Recommendation/decision
1.	Australian Electoral Commission – Victoria Constitutional Convention Election 1997 <i>Proforma For</i>		

	<i>Lodgment Of Voting Ticket</i>		
	<p>1.1 Document No. 1 lists the names of candidates, including Bill Liao but is otherwise unpopulated. It falls within the 7th limb of the FOI Request.</p> <p>1.2 The listing in Document No. 1 of the names of all the candidates for election to the Convention from Victoria is personal information to which section 47F of the FOI Act applies.</p> <p>1.3 In my view the names of the other candidates are out of scope of the FOI Request. It would be unreasonable to give access to the names of the other candidates.</p> <p>1.4 I also believe that the balance of public interest in relation to the right of access to Document No. 1 is outweighed by the right of the other candidates to privacy.</p> <p>1.5 It is not unreasonable to give access to the entry in Document No. 1 relating to Bill Liao.</p> <p>1.6 It is both possible and practicable to prepare an edited copy of Document No. 1 for the purposes of section 22 of the FOI Act.</p> <p>1.7 I recommend that you refuse access to Document No. 1 and offer in lieu access to an edited copy of Document No. 1 from which the names of the other candidates are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 1 and offer in lieu access to an edited copy of Document No. 1 from which the names of the other candidates are redacted.</p>		<p style="text-align: right;">Approved (Released Document No 1.)</p>
<p>2.</p>	<p>Mail merge file giving, name, party, address and salutation details of candidates at the Convention</p>		
	<p>2.1 Document No. 2 lists the names and other details of candidates, including Bill Liao. It falls within the 7th limb of the FOI Request.</p> <p>2.2 Document No. 2 contains personal information, namely:</p> <p>(a) the names , party, address and salutation details of all the candidates for election to the Convention from Victoria; and</p> <p>(b) the address of other electors with the surname Liao, to which section 47F of the FOI Act applies.</p>		

	<p>2.3 In my view:</p> <p>(a) the names and details of the other candidates are out of scope of the FOI Request.</p> <p>(b) It would be unreasonable to give access to the names of the other candidates.</p> <p>(c) the address details of the other electors with the surname Liao are out of scope of the FOI Request.</p> <p>(d) It would be unreasonable to give access to the address of the other candidates.</p> <p>2.4 I also believe that the balance of public interest in relation to the right of access to Document No. 2 is outweighed by the right of the other candidates and electors to privacy.</p> <p>2.5 It is both possible and practicable to prepare an edited copy of Document No. 2 for the purposes of section 22 of the FOI Act.</p> <p>2.6 I recommend that you refuse access to Document No. 2 and offer in lieu access to an edited copy of Document No. 2 from which the names of the other candidates and the address of Mr Liao are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 2 and offer in lieu access to an edited copy of Document No. 2 from which the names of the other candidates and the address of Mr Liao are redacted.</p> <p style="text-align: right;">Approved (Released Document No 2.)</p>			
<p>3.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; padding: 5px;"> Australian Constitutional Convention 1997 - List of Contact Addresses, Facsimile & Telephone Numbers </td> <td style="width: 10%;"></td> <td style="width: 60%;"></td> </tr> </table> <p>3.1 The contact list lists the names and other details of candidates, including Bill Liao. It falls within the 7th limb of the FOI Request.</p> <p>3.2 In my view:</p> <p>(a) the names and details of the other candidates are out of scope of the FOI Request.</p> <p>(b) It would be unreasonable to give access to the names of the other candidates.</p> <p>(c) the address details of the other electors with the surname Liao are out of scope of the FOI Request.</p> <p>(d) It would be unreasonable to give access to the address of the other candidates.</p> <p>3.3 I also believe that the balance of public interest in relation to the right of access to Document No. 3 is outweighed by the right of the other candidates to privacy.</p>	Australian Constitutional Convention 1997 - List of Contact Addresses, Facsimile & Telephone Numbers		
Australian Constitutional Convention 1997 - List of Contact Addresses, Facsimile & Telephone Numbers				

	<p>3.4 It is both possible and practicable to prepare an edited copy of Document No. 3 for the purposes of section 22 of the FOI Act.</p> <p>3.5 I recommend that you refuse access to Document No. 3 and offer in lieu access to an edited copy of Document No. 3 from which the names of the other candidates and the address of Mr Liao are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 3 and offer in lieu access to an edited copy of Document No. 3 from which the names of the other candidates and the address of Mr Liao are redacted.</p> <p style="text-align: right;">Approved (Released Document No 3.)</p>				
<p>4.</p>	<p>Draft Constitutional Convention Election 1997 – Victoria Declaration of Nominations</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;"></td> <td style="width: 80%;"> <p>4.1 Document No. 4 lists the names and addresses of candidates, including Bill Liao but is otherwise unpopulated. It falls within the 7th limb of the FOI Request.</p> <p>4.2 Document No. 4 contains personal information, namely the names and addresses of all the candidates for election to the Convention from Victoria to which section 47F of the FOI Act applies.</p> <p>4.3 In my view the names and addresses of the other candidates are out of scope of the FOI Request. It would be unreasonable to give access to the names and addresses of the other candidates.</p> <p>4.4 I also believe that the balance of public interest in relation to the right of access to Document No. 4 is outweighed by the right of the other candidates to privacy.</p> <p>4.5 It is not unreasonable to give access to the entry in Document No. 4 relating to Bill Liao. No other electors by the surname of Liao reside at the address given for Bill Liao</p> <p>4.6 It is both possible and practicable to prepare an edited copy of Document No. 4 for the purposes of section 22 of the FOI Act.</p> <p>4.7 I recommend that you refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <p style="text-align: right;">Approved</p> </td> <td style="width: 10%;"></td> </tr> </table>		<p>4.1 Document No. 4 lists the names and addresses of candidates, including Bill Liao but is otherwise unpopulated. It falls within the 7th limb of the FOI Request.</p> <p>4.2 Document No. 4 contains personal information, namely the names and addresses of all the candidates for election to the Convention from Victoria to which section 47F of the FOI Act applies.</p> <p>4.3 In my view the names and addresses of the other candidates are out of scope of the FOI Request. It would be unreasonable to give access to the names and addresses of the other candidates.</p> <p>4.4 I also believe that the balance of public interest in relation to the right of access to Document No. 4 is outweighed by the right of the other candidates to privacy.</p> <p>4.5 It is not unreasonable to give access to the entry in Document No. 4 relating to Bill Liao. No other electors by the surname of Liao reside at the address given for Bill Liao</p> <p>4.6 It is both possible and practicable to prepare an edited copy of Document No. 4 for the purposes of section 22 of the FOI Act.</p> <p>4.7 I recommend that you refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <p style="text-align: right;">Approved</p>	
	<p>4.1 Document No. 4 lists the names and addresses of candidates, including Bill Liao but is otherwise unpopulated. It falls within the 7th limb of the FOI Request.</p> <p>4.2 Document No. 4 contains personal information, namely the names and addresses of all the candidates for election to the Convention from Victoria to which section 47F of the FOI Act applies.</p> <p>4.3 In my view the names and addresses of the other candidates are out of scope of the FOI Request. It would be unreasonable to give access to the names and addresses of the other candidates.</p> <p>4.4 I also believe that the balance of public interest in relation to the right of access to Document No. 4 is outweighed by the right of the other candidates to privacy.</p> <p>4.5 It is not unreasonable to give access to the entry in Document No. 4 relating to Bill Liao. No other electors by the surname of Liao reside at the address given for Bill Liao</p> <p>4.6 It is both possible and practicable to prepare an edited copy of Document No. 4 for the purposes of section 22 of the FOI Act.</p> <p>4.7 I recommend that you refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <hr/> <p>I have decided to refuse access to Document No. 4 and offer in lieu access to an edited copy of Document No. 4 from which the names of the other candidates are redacted.</p> <p style="text-align: right;">Approved</p>				

	(Released Document No 4.)	
5.	Ungrouped Candidates' Statements	
	<p>5.1 Document No. 5 contains candidate statements by ungrouped candidates including Bill Liao.</p> <p>5.2 Section 47F of the FOI Act applies to candidate's statements in as much as they indicate opinions attributable to the candidates.</p> <p>5.3 The statements of candidates other than Bill Liao are out scope of the FOI Request and it would be unreasonable to give access to those statements.</p> <p>5.4 The candidate statement by Bill Liao is within scope of the 6th limb of the FOI Request. I do not see how that it would be reasonable to give access to views articulated Mr Liao in 1997 in his candidate statement, albeit that that statement was published by the AEC.</p> <p>5.5 It is not unreasonable to give access to the entry in Document No. 5 relating to Bill Liao. No other electors by the surname of Liao reside at the address given for Bill Liao</p> <p>5.6 I also believe that the balance of public interest in relation to the right of access to Document No. 5 is outweighed by the right to privacy of:</p> <ul style="list-style-type: none">(a) the other candidates; and(b) Bill Liao. <p>5.7 It is neither possible nor practicable to prepare an edited copy of Document No. 5 for the purposes of section 22 of the FOI Act. Such an edited copy would need to redact such a substantive part of the document that the resulting copy would have no intelligible meaning to a reader.</p> <p>5.8 I recommend that you refuse access to Document No. 5.</p> <hr/> <p>I have decided to refuse access to Document No. 5.</p> <p style="text-align: right;">Approved</p>	
6.	Constitutional Convention Election Group/Candidate Statement	

- 6.1 Document No. 6 contains candidate statements by ungrouped candidates including Bill Liao.
- 6.2 Section 47F of the FOI Act applies to candidate's statements in as much as they indicate opinions attributable to the candidates.
- 6.3 The statements of candidates other than Bill Liao are out scope of the FOI Request and it would be unreasonable to give access to those statements.
- 6.4 The candidate statement by Bill Liao is within scope of the 6th limb of the FOI Request. I do not see how that it would be reasonable to give access to views articulated Mr Liao in 1997 in his candidate statement, albeit that that statement was then published by the AEC. In this regard, I note that that publication was done by distribution of the statement as a hard copy document and that no copy of that document has been further published by the AEC. The ephemeral nature of the publication suggests that the contents of the statement are not currently in the public domain.
- 6.5 It follows that it would be unreasonable to give access to the candidate statement of Mr Liao.
- 6.6 I **recommend** that you refuse access to Document No. 6.

I have **decided to refuse access** to Document No. 6.

Approved