

## FOI REQUEST LS5555

### Request for all documents

- used by the AEC in concluding that the following entities were not associated entities of the National Party of Australia, as described in the below link:
  - Doogary Proprietary Limited, National Party Foundation, Pilliwinks Pty Ltd, NPA Vic Settlement, Natpar Pty Ltd, National Free Enterprise Foundation, Centralised Trustee Foundation, Comserv (No 2092) Pty Ltd, National Building Foundation, Green and Gold Foundation and Supporters Foundation
  - [http://www.aec.gov.au/parties\\_and\\_representatives/compliance/AEC\\_Advice/national.htm](http://www.aec.gov.au/parties_and_representatives/compliance/AEC_Advice/national.htm)
- detailing the reasons why the AEC felt the abovementioned entities did not meet the definition of an associated entity and/or met the definition of a donor

### SCHEDULE OF RELEASED DOCUMENTS

Document No.	Description	Date	Recommendation/decision
1	Trust deed for NPA Vic Settlement	28/08/1981	<b>Approved.</b>
	1.1 Document No. 1 contains business information about: <ul style="list-style-type: none"> <li>(a) Valerie Upson;</li> <li>(b) Doogary Proprietary Limited;</li> </ul> 1.2 Document No. 1 contains personal information about: <ul style="list-style-type: none"> <li>(a) Valerie Upson;</li> <li>(b) Edith Taylor</li> <li>(c) An unnamed person,</li> </ul> 1.1 being their names and facsimiles of their signatures.		

Document No.	Description	Date	Recommendation/decision
	<p>1.3 No submission was received from any third party who was consulted about giving access to Document No. 1 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>1.4 Subsection 47G(1) of the FOI Act applies to Document No. 1 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>1.5 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 1 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>1.6 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 1 for the following reasons:</p> <p>(a) Valerie Upson’s business information is no longer current, in as much as her act as settlor of the trust was done 35 years ago; and</p> <p>(b) The beneficiaries are described as a class of unnamed persons which class is ephemeral.</p> <p>1.7 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 1 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the <a href="#">Commonwealth Electoral Act 1918</a> (the ‘Electoral Act’); and</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b><i>Personal Information</i></b></p> <p>1.8 Subsection 47F(1) of the FOI Act applies to Document No. 1 where its disclosure under the FOI Act would involve the unreasonable</p>		

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	<p>disclosure of personal information about any person (including a deceased person).</p> <p>1.9 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 1 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>1.10 Document No. 1 contains the following personal information:</p> <p>(a) the names and facsimiles of the signatures of:</p> <p>(i) Valerie Upson as settlor of the deed;</p> <p>(ii) Edith Taylor as a director of Doogary Pty Ltd appointed as the trustee of the trust;</p> <p>(b) the facsimile of the signature of an unnamed officer of Doogary Pty Ltd;</p> <p>(c) the facsimile of the signature of an unnamed witness to the execution of the deed by Ms Upon.</p> <p>1.11 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p>1.12 Aside from concerns about publishing facsimiles of signatures and manuscript initialing, there is nothing unreasonable in publishing an individual's name in the context of the execution of Document No. 1.</p> <p><b><i>Balancing public interest</i></b></p> <p>1.13 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>1.14 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 1 are outweighed by the possibility of harm to Valerie Upson and Edith Taylor and two unnamed individuals occasioned by facilitating theft of their identities by giving access to a facsimile of their signatures.</p> <p><b><i>Edited Copy</i></b></p> <p>1.15 If you decide that access to Document No. 1 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 1 from which the</p>		

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	<p>exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 1.</p> <p>1.16 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>1.17 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 1 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 1.</p> <p><b>Recommendation</b></p> <p>1.18 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) paragraph 47G(1)(a) of the FOI Act does not apply to Document No. 1 for the reason given at paragraph 1.5;</p> <p>(ii) paragraph 47G(1)(b) of the FOI Act does not apply to Document No. 1 for the reason given at paragraph 1.7;</p> <p>(iii) it is unreasonable for the reason given at paragraph 1.11 to give access to a facsimile of the signatures of:</p> <p>(A) Valerie Upson;</p> <p>(B) Edith Taylor; and</p> <p>(C) Two unnamed individuals,</p> <p>(i) contained in Document No. 1;</p> <p>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 1.14, on balance, it is contrary to the public interest to give access to Document No. 1 and</p> <p>(v) it is both possible and practicable to prepare an edited version of Document No. 1 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 1; and</p> <p>(b) <b>decide</b> to refuse access to Document No. 1 and to <b>offer in lieu access to an edited copy</b> of Document No. 1 from which exempt material, namely facsimiles of the signature of certain individuals are redacted.</p>		
2	Trust deed for National Free Enterprise Foundation Trust deed National Free Enterprise	11/02/1982	

Document No.	Description	Date	Recommendation/decision
	Foundation.pdf		<b>Approved.</b>
	<p>2.1 Document No. 2 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) Jennifer Ann Gardiner;</li> <li>(b) Comserv (No. 1425) Pty Limited.</li> </ul> <p>2.2 Document No. 2 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Jennifer Ann Gardiner</li> <li>(b) John Forsyth</li> <li>(c) John B Fisher</li> </ul> <p>2.3 No submission was received from any third party who was consulted about giving access to Document No. 2 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>2.4 Subsection 47G(1) of the FOI Act applies to Document No. 2 where giving access to it:</p> <ul style="list-style-type: none"> <li>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</li> <li>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</li> </ul> <p>2.5 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 2 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>2.6 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 2 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) Jennifer Ann Gardiner’s business information is no longer current, in as much as her act as settlor of the trust was done 34 years ago; and</li> </ul>		

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	<p>(b) The beneficiaries are described as a class of unnamed persons which class is ephemeral.</p> <p>2.7 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 2 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>2.8 Subsection 47F(1) of the FOI Act applies to Document No. 2 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>2.9 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 2 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>2.10 Document No. 2 contains the following personal information:</p> <p>(a) the names and facsimiles of the signatures or manual initialing of Jennifer Ann Gardiner as settlor of the deed;</p> <p>(b) John B Fuller and as a directors of Comserv (No. 1425) Pty Limited appointed as the trustee of the trust;</p> <p>(c) the facsimile of the signature of an unnamed officer of Comserv (No. 1425) Pty Limited;</p> <p>(d) the facsimile of the signature of an unnamed witness to the execution of the deed by Ms Gardiner.</p> <p>2.11 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p>2.12 Aside from concerns about publishing facsimiles of signatures and manuscript initialing, there is nothing unreasonable in publishing an individual's name in the context of the execution of Document No. 2.</p> <p><b>Balancing public interest</b></p> <p>2.13 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects</p>		

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	<p>of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>2.14 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 2 are outweighed by the possibility of harm to Jennifer Ann Gardiner and John B Fuller and two unnamed individuals occasioned by facilitating theft of their identities by giving access to a facsimile of their signatures.</p> <p><b><i>Edited Copy</i></b></p> <p>2.15 If you decide that access to Document No. 2 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 2 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 2.</p> <p>2.16 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>2.17 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 2 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 2.</p> <p><b><i>Recommendation</i></b></p> <p>2.18 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) paragraph 47G(1)(a) of the FOI Act does not apply to Document No. 2 for the reason given at paragraph 2.5;</p> <p>(ii) paragraph 47G(1)(b) of the FOI Act does not apply to Document No. 2 for the reason given at paragraph 2.7;</p> <p>(iii) it is unreasonable for the reason given at paragraph 6.21 to give access to a facsimile of the signatures of:</p> <p>(A) Valerie Upson;</p> <p>(B) Edith Taylor; and</p> <p>(C) Two unnamed individuals,</p> <p>(ii) contained in Document No. 2;</p>		

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	<ul style="list-style-type: none"> <li>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 2.14, on balance, it is contrary to the public interest to give access to Document No. 2; and</li> <li>(v) it is both possible and practicable to prepare an edited version of Document No. 2 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 2; and</li> <li>(b) <b>decide</b> to refuse access to Document No. 2 and to <b>offer in lieu access to an edited copy</b> of Document No. 2 from which exempt material, namely facsimiles of the signature of certain individuals are redacted.</li> </ul>		
3	<p>Trust deed for National Party Foundation</p> <p>Trust deed for National Party Foundation (Pilliwinks).pdf</p>	31/01/1984	<b>Approved.</b>
	<p>3.1 Document No. 3 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) Valerie Upson as donor of the deed of settlement establishing the National Party foundation;</li> <li>(b) Pilliwinks Pty Ltd;</li> <li>(c) National Party of Australia – Victoria</li> <li>(d) Doogary Pty Ltd as trustee for the N. P. A. – Vic. Settlement;</li> <li>(e) National Party of Australia – Queensland;</li> <li>(f) The Bjelke Petersen Foundation;</li> <li>(g) National Party of Australia – New South Wales;</li> <li>(h) National Free Enterprise Foundation;</li> <li>(i) Natpar Pty Ltd</li> <li>(j) National Country Party of Australia (W. A.) Inc;</li> <li>(k) Northern Territory Country Liberal Party; and</li> <li>(l) A class of unnamed beneficiaries.</li> </ul>		



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	<p>3.2 Document No. 3 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Valerie Upson;</li> <li>(b) an unnamed witness to the execution of the deed by Valerie Upson;</li> <li>(c) Shirley N M Kerrow; and</li> <li>(d) James Elwind.</li> </ul> <p>3.3 No submission was received from any third party who was consulted about giving access to Document No. 3 that objected to giving that access</p> <p><b><i>Business Information</i></b></p> <p>3.4 Document No. 3 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) Valerie Upson, namely her being the settlor of the National Party Foundation settlement;</li> <li>(b) The National Party Foundation, namely the settlement by which it was established and operates; and</li> <li>(c) the beneficiaries of the settlement, namely: <ul style="list-style-type: none"> <li>(i) Pilliwinks Pty Ltd;</li> <li>(ii) National Party of Australia – Victoria</li> <li>(iii) Doogary Pty Ltd as trustee for the N. P. A. – Vic. Settlement;</li> <li>(iv) National Party of Australia – Queensland;</li> <li>(v) The Bjelke Petersen Foundation;</li> <li>(vi) National Party of Australia – New South Wales;</li> <li>(vii) National Free Enterprise Foundation;</li> <li>(viii) Natpar Pty Ltd</li> <li>(ix) National Country Party of Australia (W. A.) Inc;</li> </ul> </li> </ul>		

Document No.	Description	Date	Recommendation/decision
	<p>(x) Northern Territory Country Liberal Party</p> <p>(xi) A class of unnamed beneficiaries being persons who on 30 June of an Accounting Period are:</p> <p>(A) A commonwealth State or Territory parliamentarian representing the National Party of Australia;</p> <p>(B) A candidate for election to the Commonwealth or a State or Territory parliament representing the National Party of Australia; and</p> <p>(C) The spouse of a beneficiary under paragraph 3.4(c)(xi)(A) or 3.4(c)(xi)(B); and</p> <p>(D) Any association incorporated under the Associations Incorporation Act (1981) (Vic).</p> <p>3.5 Subsection 47G(1) of the FOI Act applies to Document No. 3 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>3.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 3 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>3.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 3 for the following reasons:</p> <p>(a) Valerie Upson’s business information is no longer current, in as much as her act as settlor of the trust was done 32 years ago;</p> <p>(b) The beneficiaries named in paragraphs 3.1(b) - 3.1(k) are entities that have disclosure obligations under Part XX of the Electoral Act; and</p> <p>(c) The remaining beneficiaries are described as a class of unnamed persons which class is ephemeral.</p> <p>3.8 I doubt that paragraph 47G (1) (b) of the FOI Act applies to Document No. 3 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p>		

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	<p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>3.9 Subsection 47F(1) of the FOI Act applies to Document No. 3 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>3.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 3 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>3.11 Document No. 3 contains personal information about:</p> <p>(a) Valerie Upson being her name and a facsimile of her signature;</p> <p>(b) the facsimile of the signature of an unnamed witness to the execution of the deed by Valerie Upson;</p> <p>(c) Shirley N M Ker row being her name and a facsimile of her signature in attesting the execution of the deed by Pilliwinks Pty Ltd; and</p> <p>(d) James Enwind being his name and a facsimile of his signature in attesting the execution of the deed by Pilliwinks Pty Ltd.</p> <p>3.12 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p>3.13 Aside from concerns about publishing facsimiles of signatures and manuscript initialing, there is nothing unreasonable in publishing an individual's name in the context of the execution of Document No. 3.</p> <p><b>Balancing public interest</b></p> <p>3.14 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>3.15 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 3 are outweighed by the possibility of harm to Jennifer Ann</p>		

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	<p>Gardiner and John B Fuller and two unnamed individuals occasioned by facilitating theft of their identities by giving access to a facsimile of their signatures.</p> <p><b><i>Edited Copy</i></b></p> <p>3.16 If you decide that access to Document No. 3 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 3 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 3.</p> <p>3.17 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>3.18 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 3 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 3.</p> <p><b><i>Recommendation</i></b></p> <p>3.19 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) Paragraph 47G (1) (a) of the FOI Act does not apply to Document No. 3 for the reason given at paragraph 3.5;</p> <p>(ii) Paragraph 47G (1) (b) of the FOI Act does not apply to Document No. 3 for the reason given at paragraph 3.6;</p> <p>(iii) it is unreasonable for the reason given at paragraph 3.9 to give access to a facsimile of the signatures of:</p> <p>(A) Valerie Upson;</p> <p>(B) Shirley N M Ker row;</p> <p>(C) James Enwind; and</p> <p>(D) an unnamed individual,</p> <p>(iii) Contained in Document No. 3;</p> <p>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 3.15, on balance, it is contrary to the public interest to give access to Document No. 3; and</p>		

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	<p>(v) It is both possible and practicable to prepare an edited version of Document No. 3 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 3; and</p> <p>(b) <b>Decide</b> to refuse access to Document No. 3 and to <b>offer in lieu access to an edited copy</b> of Document No. 3 from which exempt material, namely facsimiles of the signature of certain individuals named in paragraph 3.19(a)(iii) are redacted.</p>		
4	<p>Trust deed for Green and Gold Foundation</p> <p>Trust deed for Green and Gold Foundation.pdf</p>	31/07/1997	<b>Approved.</b>
	<p>4.1 Document No. 4 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) Ross Walter Dock Forsyth; and</li> <li>(b) Helen Dickie;</li> <li>(c) The Green and Gold Foundation;</li> <li>(d) Comserv (No.2092) Pty Limited; and</li> <li>(e) A class of unnamed beneficiaries being persons who at any particular time are members of the National Party of Australia.</li> </ul> <p>4.2 Document No. 4 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Ross Walter Dymock Forsyth;</li> <li>(b) Helen Dickie; and</li> <li>(c) P Orphan,</li> </ul> <p>being their names and facsimiles of their signatures and manuscript initialings.</p> <p>4.3 No submission was received from any third party who was consulted about giving access to Document No. 4 that objected to giving that access</p> <p><b>Business Information</b></p> <p>4.4 Document No. 4 contains business information about:</p>		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(a) Ross Walter Dymock Forsyth, namely his acting as: <ul style="list-style-type: none"> <li>(i) the settlor of the trust for the Green and Gold Foundation; and</li> <li>(ii) a director of Comserv (No.2092) Pty Limited as at 31 July 1997;</li> </ul> </li> <li>(b) Helen Dickie, namely her acting as a director of Comserv (No.2092) Pty Limited as at 31 July 1997;</li> <li>(c) The Green and Gold Foundation, namely its constitution as a trust;</li> <li>(d) Comserv (No.2092) Pty Limited, namely its appointment as trustee of the Green and Gold Foundation;</li> <li>(e) A class of unnamed beneficiaries being persons who at any particular time are members of the National Party of Australia namely their entitlements under the trust.</li> </ul>		
4.5	Subsection 47G(1) of the FOI Act applies to Document No. 4 where giving access to it:		
	<ul style="list-style-type: none"> <li>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</li> <li>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</li> </ul>		
4.6	In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 4 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.		
4.7	I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 4 for the following reasons:		
	<ul style="list-style-type: none"> <li>(a) Ross Walter Dymock Forsyth's business information is no longer current, in as much as his act as settlor of the trust and tenure as a director of Comserv (No.2092) Pty Limited was done 19 years ago;</li> <li>(b) Helen Dickie, business information is no longer current, in as much as his act as settlor of the trust and tenure as a director of Comserv (No.2092) Pty Limited was done 19 years ago;</li> <li>(c) Tenure of a person as a director of a company is a matter of public record published in the registers of the Australian Investment and Securities Commission</li> </ul>		

Document No.	Description	Date	Recommendation/decision
4.8	<p>(d) The beneficiaries named in paragraph 4.4(e) are described as a class of unnamed persons which class is ephemeral.</p> <p>I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 4 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p>		
4.9	Subsection 47F(1) of the FOI Act applies to Document No. 4 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).		
4.10	In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 4 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.		
4.11	Document No. 4 contains personal information about:		
	(a) Ross Walter Dymock Forsyth, being his name and a facsimile of his signature		
	(b) Helen Dickie being her name and a facsimile of her signature;		
	(c) the facsimile of the signature of P Orphin in attesting the execution of the deed by Ross Walter Dymock Forsyth;		
4.12	Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.		
4.13	Aside from concerns about publishing facsimiles of signatures and manuscript initialing, there is nothing unreasonable in publishing an individual's name in the context of the execution of Document No. 4.		
	<b>Balancing public interest</b>		
4.14	In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines		

Document No.	Description	Date	Recommendation/decision
	<p>4.15 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 4 are outweighed by the possibility of harm to Ross Walter Dymock Forsyth, Helen Dickie and P Orphin occasioned by facilitating theft of their identities by giving access to a facsimile of their signatures.</p> <p><b>Edited Copy</b></p> <p>4.16 If you decide that access to Document No. 4 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 4 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 4.</p> <p>4.17 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>4.18 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 3 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 4.</p> <p><b>Recommendation</b></p> <p>4.19 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <ul style="list-style-type: none"> <li>(i) paragraph 47G(1)(a) of the FOI Act does not apply to Document No. 3 for the reason given at paragraph 4.5;</li> <li>(ii) paragraph 47G(1)(b) of the FOI Act does not apply to Document No. 3 for the reason given at paragraph 4.6;</li> <li>(iii) it is unreasonable for the reason given at paragraph 4.15 to give access to a facsimile of the signatures of Ross Walter Dymock Forsyth, Helen Dickie and P Orphin contained in Document No. 4;</li> <li>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 4.15, on balance, it is contrary to the public interest to give access to Document No. 4; and</li> <li>(v) it is both possible and practicable to prepare an edited version of Document No. 3 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 4; and</li> </ul> <p><b>decide</b> to refuse access to Document No. 4 and to <b>offer in lieu access to an edited copy</b> of Document No. 4 from which exempt</p>		



Document No.	Description	Date	Recommendation/decision
	material, namely facsimiles of the signature of Ross Walter Dymock Forsyth, Helen Dickie and P Orphin are redacted.		
5	Certificate of Incorporation with a thread including the Memorandum and Articles of Association – Comserv (No 2092) Pty Ltd  Memo and Articles - Comserv (No 2092) Pty Ltd.pdf	28/10/1988	<b>Approved.</b>
	<p>5.1 Document No. 5 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) Fay Edith Caddy</li> <li>(b) Carlyle Amos Sinclair.</li> </ul> <p>5.2 Document No. 5 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Fay Edith Caddy</li> <li>(b) Carlyle Amos Sinclair.</li> <li>(c) Danielle Coates.</li> </ul> <p><b><i>Inclusion in a Public Register</i></b></p> <p>5.3 Paragraph 12(1)(b) of the FOI Act provides that a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge is out of scope of that which may be requested under Part II of the FOI Act as a FOI Request.</p> <p>5.4 Document No. 5 is a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge, namely the register kept under section 1274 of the Corporations Act.</p> <p>5.5 A charge for accessing the register is imposed by the Corporations (Fees) Regulations 2001: see item 29 of Schedule 1 of those regulations.</p> <p>5.6 In deciding whether to section 12 applies to Document No. 5, you should have regard to paragraphs 2.52 of the FOI Guidelines.</p> <p>5.7 It is open to you to find that paragraph 12(1)(b) of the FOI Act applies to Document No. with the consequence that the applicant is</p>		

Document No.	Description	Date	Recommendation/decision
	<p>not entitled to Document No. 5 under an FOI Request.</p> <p>5.8 I <b>recommend</b> that you refuse access to Document No. 5.</p> <hr/> <p>5.9 I have decided to <b>refuse access</b> to Document No. 5.</p>		
6	<p>Letter from Gary Hall, Funding and Disclosure, AEC to Malcom A Fearn, Party Agent, National Party of Australia, Victoria</p> <ul style="list-style-type: none"> <li>• Attachment A <i>Party Units</i> <ul style="list-style-type: none"> <li>Compliance audit of 1997-98 return for National Party of Australia (Victoria).pdf</li> </ul> </li> </ul>	2/09/1999	<b>Approved.</b>
	<p>6.1 Document No. 6 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) National Party of Australia, Victoria;</li> <li>(b) Doogary Proprietary Limited ACN 005838606</li> <li>(c) Pilliwinks Proprietary Limited ACN 005398381</li> <li>(d) Presidents Trust for the NPA Vic Settlement; and</li> <li>(e) Triple A Luncheon Trust;</li> <li>(f) National Party of Australia, Horsham Branch;</li> <li>(g) National Party of Australia, Moe Branch;</li> <li>(h) National Party of Australia, Stawell Branch; and</li> <li>(i) National Party of Australia, Stawell Branch (State Conference);</li> </ul> <p>6.2 Document No. 6 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Malcolm A Fearn;</li> <li>(b) Colin Hall;</li> </ul>		

Document No.	Description	Date	Recommendation/decision
	<p>(c) Lorna Hounsall;</p> <p>(d) Melva T Thorson</p> <p>(e) Gary Hall.</p> <p>6.3 No submission was received from any third party who was consulted about giving access to Document No. 6 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>6.4 Document No. 6 contains business information about:</p> <p>(a) National Party of Australia, Victoria Branch;</p> <p>(b) Doogary Proprietary Limited ACN 005838606</p> <p>(c) Pilliwinks Proprietary Limited ACN 005398381</p> <p>(d) Presidents Trust for the NPA Vic Settlement; and</p> <p>(e) Triple A Luncheon Trust,</p> <p>1.2 namely their relationship to each other as associated entities and a political party.</p> <p>6.5 Document No. 6 contains business information about:</p> <p>(a) National Party of Australia, Horsham Branch;</p> <p>(b) National Party of Australia, Moe Branch;</p> <p>(c) National Party of Australia, Stawell Branch; and</p> <p>(d) National Party of Australia, Stawell Branch (State Conference),</p> <p>1.3 namely their compliance with their disclosure obligations under Part XX of the Electoral Act.</p> <p>6.6 Subsection 47G(1) of the FOI Act applies to Document No. 6 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs</p>		

Document No.	Description	Date	Recommendation/decision
	<p>(paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p>		
6.7	In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 6 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.		
6.8	<p>I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 6 for the following reasons:</p> <p>(a) There is nothing controversial in the public knowing of the relationship that each entity named in paragraph 6.4 has with the others named there;</p> <p>(b) There is nothing controversial in the public knowing that the branches of the National Party, Victoria named in paragraph 6.5 have complied with their disclosure obligations under Part XX of the FOI Act.</p> <p>(c) The information was provided voluntarily and not on a confidential basis;</p> <p>(d) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding,</p> <p>1.4 with the consequence that disclosure of Document No. 6 is not unreasonable.</p>		
6.9	<p>I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 6 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p>		
6.10	Subsection 47F(1) of the FOI Act applies to Document No. 6 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).		
6.11	In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 6 you should have regard to paragraphs		

Document No.	Description	Date	Recommendation/decision
	<p>6.113 – 6.156 of the FOI Guidelines.</p> <p>6.12 Document No. 6 contains personal information about:</p> <p>(a) Malcolm A Fearn;</p> <p>(b) Gary Hall,</p> <p>1.5 being their names and business addresses.</p> <p>6.13 Document No. 6 contains personal information about Gary Hall being a facsimile of his signature.</p> <p>6.14 Document No. 6 contains personal information about:</p> <p>(a) [name redacted];</p> <p>(b) [Name redacted]; and</p> <p>(c) [name redacted],</p> <p>1.6 being their names and residential addresses.</p> <p>6.15 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>6.16 As regards to giving access to the names of Mr Gary Hall and his business address there is no special circumstance that militates against disclosure.</p> <p>6.17 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to a public official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>6.18 As regards to giving access to the names of Mr Fearn and his business address, there is no special circumstance that militates against disclosure.</p> <p>6.19 However, as regards giving access to the names and residential addresses of the persons named in paragraph 6.13 there is a special circumstance. It cannot be said that by reason that each holds an office in a branch of the National Party, Victoria that their association with the party is a matter of public knowledge. During election period, there is a polarisation of Australian society that heightens the risk that some form of reprisal may be taken against persons associated with a political party. That risk is augmented</p>		

Document No.	Description	Date	Recommendation/decision
	<p>by any disclosure of the persons' residential addresses.</p> <p>6.20 As regards to giving access to a facsimile of the signature of Gary Hall, there is a special circumstance that militates against disclosure of the signature.</p> <p>6.21 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b>Balancing public interest</b></p> <p>6.22 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>6.23 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 6 are outweighed by the possibility of harm to:</p> <p>(a) harm to Gary Hall occasioned by facilitating theft of his identity by giving access to a facsimile of his signature; and</p> <p>(b) the persons named in paragraph 6.14 occasioned by any reprisals for their association with the National Party, Victoria facilitated by disclosure of their names and residential addresses.</p> <p><b>Edited Copy</b></p> <p>6.24 If you decide that access to Document No. 6 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 6 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 6.</p> <p>6.25 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>6.26 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 6 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 6.</p> <p>6.27 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p>		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(i) disclosure of Document No. 6: <ul style="list-style-type: none"> <li>(A) would not unreasonably affect persons and organisations named in paragraph 6.4 in respect of their lawful business, commercial or financial affairs; and</li> <li>(B) could not reasonably be expected to affect persons and organisations named in paragraph 6.4 in respect of their lawful business, commercial or financial affairs, <ul style="list-style-type: none"> <li>(i) with the consequence that the application to Document No. 6 of subsection 47G(1) of the FOI Act is not triggered.</li> </ul> </li> </ul> </li> <li>(ii) there is no special circumstance that militates against disclosure of the names and business addresses of Mr Malcolm A Fearn and Gary Hall;</li> <li>(iii) there is a special circumstance that militates against the disclosure of: <ul style="list-style-type: none"> <li>(A) names and residential addresses of the individuals named in paragraph 6.13 , namely the circumstance mentioned in paragraph 6.19; and</li> <li>(B) a facsimile of the signature of Gary Hall, namely the risk of identity theft, <ul style="list-style-type: none"> <li>(ii) with the consequence that the application to Document No. 6 of subsection 47F(1) of the FOI Act is triggered; and</li> </ul> </li> </ul> </li> <li>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 6.23, on balance, it is contrary to the public interest to give access to Document No. 6; and</li> <li>(v) it is both possible and practicable to prepare an edited version of Document No. 6 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 6; and</li> </ul>		<ul style="list-style-type: none"> <li>(b) <b>decide</b> to refuse access to Document No. 6 and to <b>offer in lieu access to an edited copy</b> of Document No. 6 from which exempt material, namely: <ul style="list-style-type: none"> <li>(i) the facsimile of the signature of Gary Hall; and</li> <li>(ii) the names and residential addresses of the individuals named in paragraph 6.14, <ul style="list-style-type: none"> <li>(b) are redacted.</li> </ul> </li> </ul> </li> </ul>

Document No.	Description	Date	Recommendation/decision
7	Exit Interview between Monash Sahadeo and Gary Hall, AEC and Malcom A Fearn, Party Agent, National Party of Australia, Victoria Fad724 compliance.pdf	2/09/1999	<b>Approved.</b>
	<p>7.1 Document No. 7 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) National Party of Australia, Victoria Branch;</li> <li>(b) Doogary Proprietary Limited ACN 005838606</li> <li>(c) Pilliwinks Proprietary Limited ACN 005398381</li> <li>(d) Presidents Trust for the NPA Vic Settlement; and</li> <li>(e) Triple A Luncheon Trust;</li> </ul> <p>7.2 Document No. 7 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Malcolm A Fearn;</li> <li>(b) Monash Sahadeo; and</li> <li>(c) Gary Hall.</li> </ul> <p>7.3 No submission was received from any third party who was consulted about giving access to Document No. 7 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>7.4 Document No. 7 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) National Party of Australia, Victoria Branch;</li> <li>(b) Doogary Proprietary Limited ACN 005838606</li> <li>(c) Pilliwinks Proprietary Limited ACN 005398381</li> </ul>		



Document No.	Description	Date	Recommendation/decision
	<p>(d) Presidents Trust for the NPA Vic Settlement; and</p> <p>(e) Triple A Luncheon Trust,</p> <p>1.7 namely their relationship to each other.</p> <p>7.5 Subsection 47G(1) of the FOI Act applies to Document No. 7 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>7.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 7 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>7.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 7 for the following reasons:</p> <p>(a) There is nothing controversial in the public knowing of the relationship that each entity named in paragraph 7.4 has with the others named there;</p> <p>(b) The information was provided voluntarily and not on a confidential basis;</p> <p>(c) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding,</p> <p>1.8 with the consequence that disclosure of Document No. 7 is not unreasonable.</p> <p>7.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 7 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the</p>		

Document No.	Description	Date	Recommendation/decision
	<p data-bbox="555 244 1800 272">Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p data-bbox="479 292 748 320"><b>Personal Information</b></p> <p data-bbox="367 363 2029 432">7.9 Subsection 47F(1) of the FOI Act applies to Document No. 7 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p data-bbox="367 459 2029 528">7.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 7 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p data-bbox="367 555 1111 584">7.11 Document No. 7 contains personal information about:</p> <ul style="list-style-type: none"> <li data-bbox="479 611 763 639">(a) Malcolm A Fearn;</li> <li data-bbox="479 667 763 695">(b) Monash Sahadeo</li> <li data-bbox="479 722 674 751">(c) Gary Hall,</li> </ul> <p data-bbox="479 778 779 807">1.9 being their names.</p> <p data-bbox="367 850 1973 919">7.12 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p data-bbox="367 946 1984 1015">7.13 As regards to giving access to the names of Messrs Sahadeo and Mr Hall there is no special circumstance that militates against disclosure.</p> <p data-bbox="367 1042 1995 1110">7.14 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p data-bbox="367 1137 1883 1166">7.15 As regards to giving access to the names of Mr Fearn, there is no special circumstance that militates against disclosure.</p> <p data-bbox="367 1193 757 1222">7.16 I <b>recommend</b> that you:</p> <ul style="list-style-type: none"> <li data-bbox="479 1249 663 1278">(a) <b>find</b> that: <ul style="list-style-type: none"> <li data-bbox="539 1305 965 1334">(i) disclosure of Document No. 7: <ul style="list-style-type: none"> <li data-bbox="629 1361 1951 1430">(A) would not unreasonably affect persons and organisations named in paragraph 7.4 in respect of their lawful business, commercial or financial affairs; and</li> </ul> </li> </ul> </li> </ul>		

Document No.	Description	Date	Recommendation/decision
	<p>(B) could not reasonably be expected to affect persons and organisations named in paragraph 7.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(ii) there is no special circumstance that militates against disclosure of the names of Messrs Fearn, Sahadeo and Hall; and</p> <p>(b) <b>decide</b> to give access to Document No. 7.</p>		
8	Letter from Phil Orphin, Accountant, National Party, New South Wales to Mr B Edgman, Director, Funding and Disclosure, AEC	1/11/1999	<b>Approved.</b>
	<p>8.1 Document No. 8 contains business information about the National Party, New South Wales.</p> <p>8.2 Document No. 8 contains personal information about:</p> <p>(a) Phil Orphin and</p> <p>(b) Brad Edgman.</p> <p>8.3 No submission was received from any third party who was consulted about giving access to Document No. 9 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>8.4 Document No. 8 contains business information about the National Party, Victoria and a class of unnamed persons Subsection 47G(1) of the FOI Act applies to Document No. 8 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>8.5 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 8 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p>		

Document No.	Description	Date	Recommendation/decision
	<p>8.6 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 8 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) As regards the National Party, New South Wales it is not unreasonable to disclose information about its relationship with the unnamed associated entities;</li> <li>(b) As regards the unnamed associated entities, it is not unreasonable to disclose information about their relationship to the National Party, New South Wales;</li> <li>(c) The information was provided voluntarily and not on a confidential basis;</li> <li>(d) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.10 with the consequence that disclosure of Document No. 8 is not unreasonable.</li> </ul> <p>8.7 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 8 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</li> <li>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</li> </ul> <p><b>Personal Information</b></p> <p>8.8 Subsection 47F(1) of the FOI Act applies to Document No. 8 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>8.9 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 8 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>8.10 Document No. 8 contains personal information, namely:</p> <ul style="list-style-type: none"> <li>(a) the names, business address and a facsimile of the signature of Phil Orphin, Accountant of the National Party, New South Wales; and</li> <li>(b) the name and business address of Brad Edgman, Director, Funding and Disclosure.</li> </ul>		

Document No.	Description	Date	Recommendation/decision
8.11	The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.		
8.12	It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.		
8.13	As regards to giving access to the names and business addresses of Mr Orphin and Mr Edgman, there is no special circumstance that militates against disclosure.		
8.14	As regards to giving access to a facsimile of the signature of Mr Orphin, there is a special circumstance that militates against disclosure of the signature.		
8.15	<p>Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b><i>Balancing public interest</i></b></p>		
8.16	In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines		
8.17	<p>The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 8 are outweighed by the possibility of harm to John Tanner occasioned by facilitating theft of his identity by giving access to a facsimile of his signature.</p> <p><b><i>Edited Copy</i></b></p>		
8.18	If you decide that access to Document No. 8 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 8 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 8.		
8.19	In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.		
8.20	It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 8 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 8.		

Document No.	Description	Date	Recommendation/decision
	<p>8.21 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) disclosure of Document No. 8:</p> <p>(A) would not unreasonably affect persons and organisations identified in paragraph 8.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(B) could not reasonably be expected to affect persons and organisations identified in paragraph 8.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(ii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of Phil Orphin, namely the risk of identity theft, with the consequence that the application to Document No. 10 of subsection 47F(1) of the FOI Act is triggered; and</p> <p>(iii) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 8.17, on balance, it is contrary to the public interest to give access to Document No. 8; and</p> <p>(iv) it is both possible and practicable to prepare an edited version of Document No. 8 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 8; and</p> <p>(b) <b>decide</b> to refuse access to Document No. 8 and to <b>offer in lieu access to an edited copy</b> of Document No. 10 from which exempt material, namely the facsimile of the signature of Phil Orphin is redacted.</p>		
9	<p>Letter from TJ Mulvaney &amp; Co to Mr G Hall/Mr M Sahadeo, Funding and Disclosure, AEC re <i>Malcolm A Fearn, Party Agent, National Party of Australia – Victoria 1997/98 Annual Return – Compliance Audit</i></p> <p>Letter from TJ Mulvaney &amp; Co.pdf</p>	9/12/1999	<b>Approved.</b>
	<p>9.1 Document No. 9 contains business information about:</p> <p>(a) Malcolm A Fearn;</p> <p>(b) Doogary Pty Ltd;</p> <p>(c) Pilliwinks Pty Ltd;</p>		

Document No.	Description	Date	Recommendation/decision
	<p>(d) Presidents Trust for NPA Vic Settlement;</p> <p>(e) Triple A Luncheon Trust</p> <p>9.2 Document No. 9 contains personal information, namely:</p> <p>(a) The name of Malcolm A Fearn;</p> <p>(b) the name and a facsimile of the signature of P J Tiernan;</p> <p>(c) the names of G Hall and M Sahedeo of Funding and Disclosure, AEC.</p> <p>9.3 No submission was received from any third party who was consulted about giving access to Document No. 9 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>9.4 Document No. 9 contains business information about:</p> <p>(a) National Party of Australia, Victoria Branch;</p> <p>(b) Doogary Proprietary Limited ACN 005838606</p> <p>(c) Pilliwinks Proprietary Limited ACN 005398381</p> <p>(d) Presidents Trust for the NPA Vic Settlement; and</p> <p>(e) Triple A Luncheon Trust,</p> <p>1.11 namely their relationship to each other.</p> <p>9.5 Subsection 47G(1) of the FOI Act applies to Document No. 9 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an</p>		

Document No.	Description	Date	Recommendation/decision
	<p>agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>9.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 9 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>9.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 9 for the following reasons:</p> <p>(a) There is nothing controversial in the public knowing of the relationship that each entity named in paragraph 9.4 has with the others named there;</p> <p>(b) The information was provided voluntarily and not on a confidential basis;</p> <p>(c) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.12 with the consequence that disclosure of Document No. 9 is not unreasonable.</p> <p>9.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 9 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>9.9 Subsection 47F(1) of the FOI Act applies to Document No. 9 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>9.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 9 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>9.11 Document No. 9 contains personal information, namely:</p> <p>(a) The name of Malcolm A Fearn;</p> <p>(b) the name and a facsimile of the signature of P J Tiernan;</p>		



Document No.	Description	Date	Recommendation/decision
	<p>(c) the names of G Hall and M Sahadeo of Funding and Disclosure, AEC.</p> <p>9.12 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>9.13 As regards to giving access to the names of Messrs Sahadeo and Mr Hall there is no special circumstance that militates against disclosure.</p> <p>9.14 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>9.15 As regards to giving access to the names of Mr Fearn, there is no special circumstance that militates against disclosure.</p> <p>9.16 As regards to giving access to a facsimile of the signature of P J Tiernan, there is a special circumstance that militates against disclosure of the signature.</p> <p>9.17 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b><i>Balancing public interest</i></b></p> <p>9.18 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>9.19 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 9 are outweighed by the possibility of harm to P J Tiernan occasioned by facilitating theft of his identity by giving access to a facsimile of his signature.</p> <p><b><i>Edited Copy</i></b></p> <p>9.20 If you decide that access to Document No. 9 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 9 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 9.</p> <p>9.21 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of</p>		

Document No.	Description	Date	Recommendation/decision
	<p>the FOI Guidelines.</p> <p>9.22 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 9 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 9.</p> <p>9.23 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) disclosure of Document No. 9:</p> <p>(A) would not unreasonably affect persons and organisations named in paragraph 9.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(B) could not reasonably be expected to affect persons and organisations named in paragraph 9.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(ii) there is no special circumstance that militates against disclosure of the names of Messrs Fearn, Sahadeo and Hall; and</p> <p>(iii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of P J Tiernan, namely the risk of identity theft, with the consequence that the application to Document No. 6 of subsection 47F(1) of the FOI Act is triggered;</p> <p>(iv) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 9.19, on balance, it is contrary to the public interest to give access to Document No. 9; and</p> <p>(v) it is both possible and practicable to prepare an edited version of Document No. 9 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 9; and</p> <p>(b) <b>decide</b> to refuse access to Document No. 9 and to <b>offer in lieu access to an edited copy</b> of Document No. 6 from which exempt material, namely the facsimile of the signature of P J Tiernan is redacted.</p>		
10	<p>Form Letter from National Party of Australia Victoria to members dated July 2002 about a distribution by the trustee of the N. P. A. Vic Settlement trust</p> <p>Letter from Nationals to members - July 2002.pdf</p>	?/07/2002	<b>Approved.</b>

Document No.	Description	Date	Recommendation/decision
	<p>10.1 Document No. 10 contains business information about the National Party, Victoria and a class of unnamed persons.</p> <p>10.2 Document No. 10 contains personal information about John Tanner, namely his names and a facsimile of his signature.</p> <p>10.3 No submission was received from any third party who was consulted about giving access to Document No. 10 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>10.4 Document No. 10 contains business information about the National Party, Victoria and a class of unnamed persons Subsection 47G(1) of the FOI Act applies to Document No. 10 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>10.5 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 10 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>10.6 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 10 for the following reasons:</p> <p>(a) As regards the National Party, Victoria it is not unreasonable to disclose information about one of its arrangements for fund raising by donations from members;</p> <p>(b) As regards the unnamed class of persons, it is not unreasonable to disclose information about an arrangement for making donations to the National Part, Victoria;</p> <p>(c) The information was provided voluntarily and not on a confidential basis;</p> <p>(d) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.13 with the consequence that disclosure of Document No. 10 is not unreasonable.</p>		

Document No.	Description	Date	Recommendation/decision
10.7	<p>I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 10 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b><i>Personal Information</i></b></p>		
10.8	<p>Subsection 47F(1) of the FOI Act applies to Document No. 10 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p>		
10.9	<p>In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 10 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p>		
10.10	<p>Document No. 10 contains personal information, namely the names and a facsimile of the signature of John Tanner.</p>		
10.11	<p>The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p>		
10.12	<p>It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p>		
10.13	<p>As regards to giving access to the names of Mr Tanner, there is no special circumstance that militates against disclosure.</p>		
10.14	<p>As regards to giving access to a facsimile of the signature of Mr Tanner, there is a special circumstance that militates against disclosure of the signature.</p>		
10.15	<p>Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b><i>Balancing public interest</i></b></p>		
10.16	<p>In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects</p>		

Document No.	Description	Date	Recommendation/decision
	<p>of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>10.17 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 10 are outweighed by the possibility of harm to John Tanner occasioned by facilitating theft of his identity by giving access to a facsimile of his signature.</p> <p><b>Edited Copy</b></p> <p>10.18 If you decide that access to Document No. 10 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 10 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 10.</p> <p>10.19 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>10.20 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 10 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 10.</p> <p>10.21 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) disclosure of Document No. 10:</p> <p>(A) would not unreasonably affect persons and organisations identified in paragraph 10.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(B) could not reasonably be expected to affect persons and organisations identified in paragraph 10.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(ii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of John Tanner, namely the risk of identity theft, with the consequence that the application to Document No. 10 of subsection 47F(1) of the FOI Act is triggered; and</p> <p>(iii) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 10.17, on balance, it is contrary to the public interest to give access to Document No. 10; and</p> <p>(iv) it is both possible and practicable to prepare an edited version of Document No. 10 from which exempt material is</p>		

Document No.	Description	Date	Recommendation/decision
	<p style="text-align: center;">redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 10; and</p> <p>(b) <b>decide</b> to refuse access to Document No. 10 and to <b>offer in lieu access to an edited copy</b> of Document No. 10 from which exempt material, namely the facsimile of the signature of John Tanner is redacted.</p>		
11	<p>ASIC search Doogary Pty Ltd</p> <ul style="list-style-type: none"> <li>• Annual Return dated 27/02/2003.</li> <li>ASIC search Doogary Pty Ltd.pdf</li> </ul> <p>11.1 Document No. 11 is a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge, namely the register kept under section 1274 of the Corporations Act.</p> <p><b><i>Inclusion in a Public Register</i></b></p> <p>11.2 Paragraph 12(1)(b) of the FOI Act provides that a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge is out of scope of that which may be requested under Part II of the FOI Act as a FOI Request.</p> <p>11.3 A charge for accessing the register is imposed by the Corporations (Fees) Regulations 2001: see item 29 of Schedule 1 of those regulations.</p> <p>11.4 In deciding whether section 12 applies to Document No. 11, you should have regard to paragraphs 2.52 of the FOI Guidelines.</p> <p>11.5 It is open to you to find that paragraph 12(1)(b) of the FOI Act applies to Document No. 11 with the consequence that the applicant is not entitled to Document No. 11 under an FOI Request.</p> <p>11.6 I <b>recommend</b> that you refuse access to Document No. 11.</p> <hr/> <p>11.7 I have decided to <b>refuse access</b> to Document No. 11.</p>	1/07/2003	<b>Approved.</b>
12	<p>ASIC search Pilliwinks Pty Ltd</p> <ul style="list-style-type: none"> <li>• Annual Return dated 27/02/2003</li> </ul>	1/07/2003	<b>Approved.</b>

Document No.	Description	Date	Recommendation/decision
	ASIC search Pilliwinks Pty Ltd.pdf		
	<b><i>Inclusion in a Public Register</i></b>		
	12.1 Paragraph 12(1)(b) of the FOI Act provides that a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge is out of scope of that which may be requested under Part II of the FOI Act as a FOI Request.		
	12.2 Document No. 12 is a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge, namely the register kept under section 1274 of the Corporations Act.		
	12.3 A charge for accessing the register is imposed by the Corporations (Fees) Regulations 2001: see item 29 of Schedule 1 of those regulations.		
	12.4 In deciding whether section 12 applies to Document No. 12, you should have regard to paragraphs 2.52 of the FOI Guidelines.		
	12.5 It is open to you to find that paragraph 12(1)(b) of the FOI Act applies to Document No. 12 with the consequence that the applicant is not entitled to Document No. 12 under an FOI Request.		
	12.6 I <b>recommend</b> that you refuse access to Document No. 12.		
	<hr/>		
	12.7 I have decided to <b>refuse access</b> to Document No. 12.		
13	File note with the heading <i>National Party of Australia – NSW Possible Associated Entities</i>  File note re associated entity analysis.pdf	undated	<b>Approved.</b>
	13.1 Document No.13 contains information about the business affairs of:  (a) National Party, New South Wales  (b) Green and Gold Foundation;		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(c) National Building Foundation;</li> <li>(d) National Free Enterprise Foundation;</li> <li>(e) Ralph Hunt Foundation</li> <li>(f) Supporters Foundation</li> <li>(g) Australian Country &amp; Rural Party Services</li> <li>(h) Conserv (No. 2092) Pty Ltd</li> <li>(i) Country First Pty Ltd</li> <li>(j) Natpar Pty Ltd (formerly known as Conserv (No. 1425) Pty Ltd);</li> <li>(k) Robert Walter Dymock Forsyth.</li> </ul>		
13.2	Document No. 13 contains personal information about Ross Walter Dymock Forsyth being his name and his role as the Treasurer of the National Party, New South Wales and as a company director.		
13.3	<p>No submission was received from any third party who was consulted about giving access to Document No. 13 that objected to giving that access.</p> <p><b><i>Business information</i></b></p>		
13.4	Document No. 10 contains business information about the persons and entities listed in paragraph 13.1, namely the financial arrangements that operate between them		
13.5	<p>Subsection 47G(1) of the FOI Act applies to Document No. 13 where giving access to it:</p> <ul style="list-style-type: none"> <li>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</li> <li>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an</li> </ul>		



Document No.	Description	Date	Recommendation/decision
	<p style="text-align: center;">agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>13.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 13 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>13.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 13 for the following reasons:</p> <p>(a) As regards the National Party, New South it is not unreasonable to disclose information about:</p> <p>(i) its arrangements for fund raising by donations from members; and</p> <p>(ii) its financial affairs as no commercially sensitive information is involved;</p> <p>(b) As regards the entities listed in paragraphs 13.1(b) to (j), it is not unreasonable to disclose information about their relationship to the National Part, New South Wales as no commercially sensitive information is involved;</p> <p>(c) As regards Robert Walter Dymock Forsyth it is not unreasonable to disclose information about his role as the Treasurer of the National Party, New South Wales and as a company director of companies connected with the National Party, New South Wales listed in paragraphs 13.1(h) - (j).</p> <p>(d) The information was provided voluntarily and not on a confidential basis;</p> <p>(e) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.14 with the consequence that disclosure of Document No. 7 is not unreasonable it is not unreasonable to disclose information about the activities of the persons and entities listed in paragraph 13.1.</p> <p>13.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 13 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>13.9 Subsection 47F(1) of the FOI Act applies to Document No. 13 where its disclosure under the FOI Act would involve the</p>		

Document No.	Description	Date	Recommendation/decision
	<p>unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>13.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 13 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>13.11 Document No. 13 contains personal information, namely the names of Ross Walter Dymock Forsyth and his his role as the Treasurer of the National Party, New South Wales and as a company director of companies connected with the National Party, New South Wales listed in paragraphs 13.1(h) - (j).</p> <p>13.12 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>13.13 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>13.14 As regards to giving access to the names of Mr Forsyth, there is no special circumstance that militates against disclosure.</p> <p>I <b>recommend</b> that you give access to Document No. 13.</p> <hr/> <p>13.15 I have decided to <b>give access</b> to Document No. 13.</p>		
14	<p>Minutes of meeting with Ross Forsyth about certain entities</p> <p>Minutes of meeting with Ross Forsyth - 4 Mar 2004.pdf</p> <p>14.1 Document No. 14 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) National Party of Australia, New South Wales;</li> <li>(b) Green and Gold Foundation;</li> <li>(c) Conserv (2092) Pty Ltd;</li> <li>(d) National Building Foundation,</li> <li>(e) Supporters Foundation; and</li> </ul>	4/03/2004	<b>Approved.</b>

Document No.	Description	Date	Recommendation/decision
	<p>(f) Natpar Pty Ltd.</p> <p>14.2 Document No. 14 contains personal information about Ross Walter Dymock Forsyth;</p> <p>(a) Phil Orphin;</p> <p>(b) Monash Sahadeo;</p> <p>(c) Bob Wagg.</p> <p>14.3 No submission was received from any third party who was consulted about giving access to Document No. 14 that objected to giving that access.</p> <p><b><i>Business information</i></b></p> <p>14.4 Document No. 14 contains business information about:</p> <p>(a) National Party of Australia, New South Wales;</p> <p>(b) Green and Gold Foundation;</p> <p>(c) Conserv (2092) Pty Ltd;</p> <p>(d) National Building Foundation,</p> <p>(e) Supporters Foundation; and</p> <p>(f) Natpar Pty Ltd;</p> <p>(g) Ross Forsyth,</p> <p>1.15 namely the relationship each as with the others.</p> <p>14.5 Subsection 47G(1) of the FOI Act applies to Document No. 14 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC)</p>		

Document No.	Description	Date	Recommendation/decision
	<p>for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p> <p>14.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 14 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>14.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 14 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) As regards the National Party, New South Wales it is not unreasonable to disclose information about its arrangements for fund raising;</li> <li>(b) As regards the trusts and companies listed in paragraphs 14.1(b) - (f) and Mr Forsyth, it is not unreasonable to disclose information about the nature of their relationship to the National Party, New South Wales;</li> <li>(c) The information was provided voluntarily and not on a confidential basis;</li> <li>(d) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.16 with the consequence that disclosure of Document No. 14 is not unreasonable.</li> </ul> <p>14.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 14 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</li> <li>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</li> </ul> <p><b>Personal Information</b></p> <p>14.9 Subsection 47F(1) of the FOI Act applies to Document No. 14 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>14.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 14 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p>		

Document No.	Description	Date	Recommendation/decision
	<p>14.11 Document No. 14 contains personal information, namely:</p> <ul style="list-style-type: none"> <li>(a) The name of Phil Orphin</li> <li>(b) the name and occupation of Mr Ross Forsyth.</li> <li>(c) the names of Mr Monash Sahadeo;</li> <li>(d) the names and a facsimile of the signature of Mr Bob Wagg;</li> </ul> <p>14.12 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>14.13 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>14.14 As regards to giving access to:</p> <ul style="list-style-type: none"> <li>(a) the names of Mr Orphin;</li> <li>(b) the names and occupation of Mr Forsyth, a company director,</li> <li>(c) the names of Mr Sahadeo; and</li> <li>(d) the names of Mr Wagg</li> </ul> <p>1.17 there is no special circumstance that militates against disclosure.</p> <p>14.15 As regards to giving access to a facsimile of the signature of Mr Wagg, there is a special circumstance that militates against disclosure of the signature.</p> <p>14.16 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b><i>Balancing public interest</i></b></p> <p>14.17 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p>		

Document No.	Description	Date	Recommendation/decision
	<p>14.18 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 14 are outweighed by the possibility of harm to harm to Bob Wagg occasioned by facilitating theft of his identity by giving access to a facsimile of his signature.</p> <p><b><i>Edited Copy</i></b></p> <p>14.19 If you decide that access to Document No. 14 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 14 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 14.</p> <p>14.20 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 2.85 – 3.90 of the FOI Guidelines.</p> <p>14.21 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 14 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 14.</p> <p>14.22 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) disclosure of Document No. 14:</p> <p>(A) would not unreasonably affect persons and organisations identified in paragraph 14.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(B) could not reasonably be expected to affect persons and organisations identified in paragraph 14.4 in respect of their lawful business, commercial or financial affairs; and</p> <p>(ii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of Bob Wagg, namely the risk of identity theft, with the consequence that the application to Document No. 14 of subsection 47F(1) of the FOI Act is triggered; and</p> <p>(iii) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 14.18, on balance, it is contrary to the public interest to give access to Document No. 14; and</p> <p>(iv) it is both possible and practicable to prepare an edited version of Document No. 14 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 14; and</p>		

Document No.	Description	Date	Recommendation/decision
	(b) <b>decide</b> to refuse access to Document No. 14 and to <b>offer in lieu access to an edited copy</b> of Document No. 14 from which exempt material, namely the facsimile of the signature of Bob Wagg is redacted.		
15	Letter from National Party of Australia New South Wales Branch to AEC re  Letter from Nationals to AEC 16 Nov 2004.pdf	16/11/2004	<b>Approved.</b>
	<p>15.1 Document No. 15 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) The National Party of Australia, New South Wales Branch</li> <li>(b) National Building Foundation;</li> <li>(c) Green and Gold Foundation;</li> <li>(d) The National Free Enterprise Foundation</li> <li>(e) Centralised Deposits Foundation;</li> <li>(f) Natpar Pty Ltd;</li> <li>(g) Ross Forsyth.</li> </ul> <p>15.2 Document No. 15 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Ross Forsyth;</li> <li>(b) Phil Orphin; and</li> <li>(c) D Gruber.</li> </ul> <p>15.3 No submission was received from any third party who was consulted about giving access to Document No. 15 that objected to giving that access. <b>Business information</b></p> <p>15.4 Document No. 15 contains business information about:</p>		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(a) The National Party of Australia, New South Wales Branch</li> <li>(b) National Building Foundation;</li> <li>(c) Green and Gold Foundation;</li> <li>(d) The National Free Enterprise Foundation</li> <li>(e) Centralised Deposits Foundation;</li> <li>(f) Natpar Pty Ltd;</li> <li>(g) Ross Forsyth,</li> </ul> <p>1.18 namely the relationship each as with the others.</p>		
15.5	Subsection 47G(1) of the FOI Act applies to Document No. 15 where giving access to it:		
	<ul style="list-style-type: none"> <li>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</li> <li>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</li> </ul>		
15.6	In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 15 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.		
15.7	I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 15 for the following reasons:		
	<ul style="list-style-type: none"> <li>(a) As regards the National Party, New South Wales it is not unreasonable to disclose information about one of its arrangements for fund raising;</li> <li>(b) As regards the trusts and companies listed in paragraphs 15.1(b) - (f) and Mr Forsyth, it is not unreasonable to disclose information about the nature of their relationship to the National Part, New South Wales;</li> <li>(c) The information was provided voluntarily and not on a confidential basis;</li> </ul>		



Document No.	Description	Date	Recommendation/decision
	<p>(d) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.19 with the consequence that disclosure of Document No. 15 is not unreasonable.</p> <p>15.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 15 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>15.9 Subsection 47F(1) of the FOI Act applies to Document No. 15 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>15.10 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 15 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>15.11 Document No. 15 contains personal information, namely:</p> <p>(a) the names, business address and a facsimile of the signature of Phil Orphin;</p> <p>(b) the names and business address of Mr D Gruber;</p> <p>(c) the name and occupation of Mr Ross Forsyth.</p> <p>15.12 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>15.13 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>15.14 As regards to giving access to:</p> <p>(a) the names and business address of Mr Orphin;</p>		

Document No.	Description	Date	Recommendation/decision
	<p>(b) the name and initial and business address of Mr Gruber; and</p> <p>(c) the names and occupation of Mr Forsyth, a solicitor,</p> <p>1.20 there is no special circumstance that militates against disclosure.</p>		
15.15	As regards to giving access to a facsimile of the signature of Mr Orphin, there is a special circumstance that militates against disclosure of the signature.		
15.16	<p>Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b>Balancing public interest</b></p>		
15.17	In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines		
15.18	<p>The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 15 are outweighed by the possibility of harm to Phil Orphin occasioned by facilitating theft of his identity by giving access to a facsimile of his signature.</p> <p><b>Edited Copy</b></p>		
15.19	If you decide that access to Document No. 15 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 15 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 15.		
15.20	In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.		
15.21	It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 15 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 15.		
15.22	<p>I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p>		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(i) disclosure of Document No. 15: <ul style="list-style-type: none"> <li>(A) would not unreasonably affect persons and organisations identified in paragraph 15 in respect of their lawful business, commercial or financial affairs; and</li> <li>(B) could not reasonably be expected to affect persons and organisations identified in paragraph 15 in respect of their lawful business, commercial or financial affairs; and</li> </ul> </li> <li>(ii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of Phil Orphin, namely the risk of identity theft, with the consequence that the application to Document No. 15 of subsection 47F(1) of the FOI Act is triggered; and</li> <li>(iii) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 15.18, on balance, it is contrary to the public interest to give access to Document No. 15; and</li> <li>(iv) it is both possible and practicable to prepare an edited version of Document No. 15 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 15; and</li> </ul> <p>(b) <b>decide</b> to refuse access to Document No. 15 and to <b>offer in lieu access to an edited copy</b> of Document No. 15 from which exempt material, namely the facsimile of the signature of Phil Orphin is redacted.</p>		
16	<p>Letter from National Party of Australia Victoria Branch to AEC re <i>Commonwealth Electoral Act Possible Associated Entities Doogary Pty. Ltd. &amp; Pilliwinks Pty Ltd</i></p> <p>Letter from Nationals to AEC 15 Dec 2004.pdf</p>	15/12/2004	<b>Approved.</b>
	<p>16.1 Document No. 16 contains information about the business affairs of :</p> <ul style="list-style-type: none"> <li>(a) National Party of Australia, Victoria Branch;</li> <li>(b) NPA (Vic) Settlement</li> <li>(c) National Party Foundation; and</li> <li>(d) Pilliwinks Pty Ltd.</li> </ul>		

Document No.	Description	Date	Recommendation/decision
	<p>16.2 Document No. 16 contains personal information about:</p> <ul style="list-style-type: none"> <li>(a) Meredith Dickie; and</li> <li>(b) D Gruber.</li> </ul> <p>16.3 No submission was received from any third party who was consulted about giving access to Document No. 16 that objected to giving that access</p> <p><b><i>Business information</i></b></p> <p>16.4 Document No. 16 contains business information about the National Party, Victoria and a class of unnamed persons.</p> <p>16.5 Subsection 47G(1) of the FOI Act applies to Document No. 16 where giving access to it:</p> <ul style="list-style-type: none"> <li>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</li> <li>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</li> </ul> <p>16.6 In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 16 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p> <p>16.7 I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 16 for the following reasons:</p> <ul style="list-style-type: none"> <li>(a) As regards the National Party, Victoria it is not unreasonable to disclose information about one of its arrangements with organisations that may be associated entities;</li> <li>(b) The information was provided voluntarily and not on a confidential basis;</li> <li>(c) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding, 1.21 with the consequence that disclosure of Document No. 16 is not unreasonable.</li> </ul> <p>16.8 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 16 for the following reasons:</p>		

Document No.	Description	Date	Recommendation/decision
	<p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p>		
16.9	Subsection 47F(1) of the FOI Act applies to Document No. 16 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).		
16.10	In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 16 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.		
16.11	<p>Document No. 16 contains personal information, namely the:</p> <p>(a) names, business address and a facsimile of the signature of Meredith Dickie; and</p> <p>(b) the names and business address of Mr D Gruber, Assistant Director, Funding and Disclosure AEC..</p>		
16.12	The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.		
16.13	It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.		
16.14	As regards to giving access to the names of Ms Dickie and Mr Gruder, there is no special circumstance that militates against disclosure.		
16.15	As regards to giving access to a facsimile of the signature of Ms Dickie, there is a special circumstance that militates against disclosure of the signature.		
16.16	Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.		

Document No.	Description	Date	Recommendation/decision
	<p data-bbox="481 236 801 261"><b><i>Balancing public interest</i></b></p> <p data-bbox="369 309 2040 373">16.17 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p data-bbox="369 405 1984 517">16.18 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 16 are outweighed by the possibility of harm to harm to Meredith Dickie occasioned by facilitating theft of his identity by giving access to a facsimile of her signature.</p> <p data-bbox="481 533 640 558"><b><i>Edited Copy</i></b></p> <p data-bbox="369 606 2033 708">16.19 If you decide that access to Document No. 16 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 16 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 16.</p> <p data-bbox="369 740 2018 804">16.20 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p data-bbox="369 836 2018 900">16.21 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 16 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 16.</p> <p data-bbox="369 932 757 957">16.22 I <b>recommend</b> that you:</p> <p data-bbox="481 989 667 1015">(a) <b>find</b> that:</p> <p data-bbox="539 1046 987 1072">(i) disclosure of Document No. 16:</p> <p data-bbox="629 1104 2000 1168">(A) would not unreasonably affect persons and organisations identified in paragraph 10.4 in respect of their lawful business, commercial or financial affairs; and</p> <p data-bbox="629 1200 2011 1264">(B) could not reasonably be expected to affect persons and organisations identified in paragraph 16.4 in respect of their lawful business, commercial or financial affairs; and</p> <p data-bbox="539 1295 2000 1398">(ii) there is a special circumstance that militates against the disclosure of a facsimile of the signature of Meredith Dickie, namely the risk of identity theft, with the consequence that the application to Document No. 16 of subsection 47F(1) of the FOI Act is triggered; and</p>		

Document No.	Description	Date	Recommendation/decision
	<ul style="list-style-type: none"> <li>(iii) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 16.4, on balance, it is contrary to the public interest to give access to Document No. 16; and</li> <li>(iv) it is both possible and practicable to prepare an edited version of Document No. 16 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 16; and</li> <li>(b) <b>decide</b> to refuse access to Document No. 16 and to <b>offer in lieu access to an edited copy</b> of Document No. 16 from which exempt material, namely the facsimile of the signature of Meredith Dickie is redacted.</li> </ul>		
17	<p>Minute to Deputy Electoral Commissioner from Don Gruber, Assistant Director, Funding and Disclosure re <i>FAD 'Special Matters' Possible Associated Entitites</i></p> <p>Minute to Deputy Commissioner 11 Feb 2005.pdf</p>	11/02/2005	<b>Approved.</b>
	<p>17.1 Document No. 17 contains:</p> <ul style="list-style-type: none"> <li>(a) Legal advice obtained by the AEC;</li> <li>(b) contains business information about: <ul style="list-style-type: none"> <li>(i) National Party New South Wales</li> <li>(ii) National Party Victoria.</li> <li>(iii) Comserv (No 2092) Pty Ltd;</li> <li>(iv) National Building Foundation;</li> <li>(v) Green and Gold Foundation;</li> <li>(vi) Supporters Foundation;</li> <li>(vii) Natpar Pty Ltd;</li> <li>(viii) National Free Enterprise Foundation</li> <li>(ix) Centralised Trustee Foundation</li> </ul> </li> </ul>		

Document No.	Description	Date	Recommendation/decision
	<p>(c) personal information about:</p> <ul style="list-style-type: none"> <li>(i) Paul Dacey, Deputy Electoral Commissioner</li> <li>(ii) Kathy Mitchell, Director Funding and Disclosure</li> <li>(iii) Tim Pickering, First Assistant Commissioner Electoral Operations.</li> </ul> <p><b>Legal Advice</b></p> <p>17.2 Document No. 17 contains legal advice at paragraphs 8-11 and 13.</p> <p>17.3 In considering the application of Subsection 42(1) of the FOI Act applies to Document No. 17 you should have regard to paragraphs 5.115 – 5.138 of the FOI Guidelines.</p> <p>17.4</p> <p>17.5 Document No. 17 has the nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege of the AEC.</p> <p>17.6 The statement:</p> <p style="padding-left: 40px;">The AEC took legal advice as to whether the trustee companies and trusts are associated entities for the purposes of the Act.</p> <p style="padding-left: 40px;">published at <a href="http://www.aec.gov.au/Parties_and_Representatives/compliance/AEC_Advice/national.htm">http://www.aec.gov.au/Parties_and_Representatives/compliance/AEC_Advice/national.htm</a> does not disclose the nature of the legal advice that the AEC obtained.</p> <p>17.7 I am unaware of the AEC having waived that legal professional privilege.</p> <p>17.8 Accordingly subsection 42(1) of the FOI Act applies to exempt from disclosure the information contained paragraphs 8-11 and 13 of Document No. 17.</p> <p><b>Business Information</b></p> <p>17.9 Document No. 17 contains business information about:</p> <ul style="list-style-type: none"> <li>(a) National Party New South Wales</li> <li>(b) National Party Victoria.</li> </ul>		



Document No.	Description	Date	Recommendation/decision
	<p>(c) Comserv (No 2092) Pty Ltd;</p> <p>(d) National Building Foundation;</p> <p>(e) Green and Gold Foundation;</p> <p>(f) Supporters Foundation;</p> <p>(g) Natpar Pty Ltd;</p> <p>(h) National Free Enterprise Foundation</p> <p>(i) Centralised Trustee Foundation,</p> <p>1.22 being information about their relationship to each other being such that they are associated entities for the purposes of Part XX of the Electoral Act.</p>		
17.10	<p>Subsection 47G(1) of the FOI Act applies to Document No. 17 where giving access to it:</p> <p>(a) would, or could reasonably be expected to, unreasonably affect a person adversely in respect of his or her lawful business or professional affairs of an organisation or undertaking in respect of its lawful business, commercial or financial affairs (paragraph 47G(1)(a) of the FOI Act); or</p> <p>(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency (i.e. the AEC) for the purpose of the administration of a law of the Commonwealth or the administration of matters administered by an agency (paragraph 47G(1)(b) of the FOI Act).</p>		
17.11	<p>In considering the application of Subsection 47G(1) of the FOI Act applies to Document No. 17 you should have regard to paragraphs 6.157 – 6.187 of the FOI Guidelines.</p>		
17.12	<p>I doubt that paragraph 47G(1)(a) of the FOI Act applies to Document No. 17 for the following reasons:</p> <p>(a) As regards the National Party, Victoria it is not unreasonable to disclose information about one of its arrangements with organisations that may be associated entities;</p> <p>(b) The information was provided voluntarily and not on a confidential basis;</p> <p>(c) The policy expressed in Part XX of the FOI Act favours disclosure of matters relating to electoral funding,</p>		

Document No.	Description	Date	Recommendation/decision
	<p>1.23 with the consequence that disclosure of Document No. 17 is not unreasonable.</p> <p>17.13 I doubt that paragraph 47G(1)(b) of the FOI Act applies to Document No. 17 for the following reasons:</p> <p>(a) There is a practice of voluntary disclosure by organisations and individuals of inquiries relating to the accuracy of disclosures made for the purposes of Part XX of the Electoral Act;</p> <p>(b) Subsection 316(3) of the Electoral Act enables an authorized officer investigating a contravention, or possible contravention, of section 315, or relating to matters that are set out in, or are required to be set out in, a claim or return under Part XX of the Electoral Act to issue a notice requiring the recipient to give evidence or produce documents to the officer.</p> <p><b>Personal Information</b></p> <p>17.14 Subsection 47F(1) of the FOI Act applies to Document No. 17 where its disclosure under the FOI Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>17.15 In considering the application of Subsection 47F(1) of the FOI Act applies to Document No. 17 you should have regard to paragraphs 6.113 – 6.156 of the FOI Guidelines.</p> <p>17.16 Document No. 17 contains personal information, namely the name and a facsimile of the signature or manuscript initialing of:</p> <p>(a) Paul Dacey, Deputy Electoral Commissioner</p> <p>(b) Kathy Mitchell, Director Funding and Disclosure</p> <p>(c) Tim Pickering, First Assistant Commissioner Electoral Operations.</p> <p>17.17 The FOI Guidelines at paragraphs 6.139 to 6.142 give guidance about when it is appropriate to give out personal information of officials. Generally it is appropriate to give out an official's name, unless special circumstances exist.</p> <p>17.18 It seems appropriate to apply the guidance in paragraphs 6.139 to 6.142 of the FOI Act to an official of an associated entity given that their functions regarding their entity is analogous to the functions of a Commonwealth official regarding the employment.</p> <p>17.19 As regards to giving access to the names of Ms Dickie and Mr Gruder, there is no special circumstance that militates against disclosure.</p> <p>17.20 As regards to giving access to a facsimile of the signature of Ms Dickie, there is a special circumstance that militates against</p>		

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	<p>disclosure of the signature.</p> <p>17.21 Considerations of the risk of identity theft being facilitated by the publication of facsimiles of the signatures or manual initialing of individuals militate against it being reasonable for the purposes of subsection 47F(1) of the FOI Act to give access to a facsimile of an individual's signature or manual initialing.</p> <p><b>Balancing public interest</b></p> <p>17.22 In considering competing public interests for the purposes of subsection 11A(5) of the FOI Act you should have regard to the objects of and section 11C the FOI Act and the guidance in paragraphs 6.15 – 6.33 of the FOI Guidelines</p> <p>17.23 The balance of competing public interest after considering the objects of the FOI Act and the disclosure regime in Part XX of the <i>Commonwealth Electoral Act 1918</i> in giving access to Document No. 17 are outweighed by the possibility of harm to harm to Meredith Dickie occasioned by facilitating theft of his identity by giving access to a facsimile of her signature.</p> <p><b>Edited Copy</b></p> <p>17.24 If you decide that access to Document No. 17 should be refused because it contains exempt material, you are required by section 22 of the FOI Act to decide whether it is both possible and practicable to prepare an edited copy of Document No. 17 from which the exempt is redacted and ascertain whether the applicant would accept that edited copy in lieu of Document No. 17.</p> <p>17.25 In deciding whether to prepare an edited copy for the purposes of section 22, you should have regard to paragraphs 3.85 – 3.90 of the FOI Guidelines.</p> <p>17.26 It is open to you to find that it is both possible and practicable to prepare an edited version of Document No. 17 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. .</p> <p>17.27 I <b>recommend</b> that you:</p> <p>(a) <b>find</b> that:</p> <p>(i) Document No. 17 has the nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege of the AEC;</p> <p>(ii) the AEC has not waived its legal professional privilege in respect of the legal advice that it contains;</p> <p>(iii) subsection 42(1) of the FOI Act applies to exempt from disclosure the information contained paragraphs 8-11 and 13 of</p>		

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	<p>Document No. 17;</p> <p>(iv) disclosure of Document No. 17:</p> <p>(A) would not unreasonably affect persons and organisations identified in paragraph 17.9 in respect of their lawful business, commercial or financial affairs; and</p> <p>(B) could not reasonably be expected to affect persons and organisations identified in paragraph 17.9 in respect of their lawful business, commercial or financial affairs; and</p> <p>(v) there is a special circumstance that militates against the disclosure of a facsimile of the signatures of the individuals listed in paragraph 17.14, namely the risk of identity theft, with the consequence that the application to Document No. 16 of subsection 47F(1) of the FOI Act is triggered; and</p> <p>(vi) for the purposes of subsection 11A(5) of the FOI Act for the reasons given at paragraph 16.4, on balance, it is contrary to the public interest to give access to Document No. 17; and</p> <p>(vii) it is both possible and practicable to prepare an edited version of Document No. 17 from which exempt material is redacted and appropriate to offer to give access that edited version in lieu of access to Document No. 17; and</p> <p>(b) <b>decide</b> to refuse access to Document No. 16 and to <b>offer in lieu access to an edited copy</b> of Document No. 16 from which exempt material, namely paragraphs 8-11 and 13 of Document No. 17 and the facsimile of the signature and manuscript initialing by the individuals listed in paragraph 17.14 are redacted.</p>		
18	<p>Schematic diagram of Pilliwinks Pty Ltd and Doogary Pty Ltd</p> <p>Schematic diagram Pilliwinks &amp; Doogary.pdf</p>	undated	<p><b>Approved.</b></p>
	18.1	Document No. 18 is an extract of Document No. 7.	
	18.2	A decision about access to Document No. 18 should be subsumed into the decision with respect to access to Document No. 7 and not considered separately.	
	18.3	I have decided to subsume access to Document No. 18 in my decision about access to Document No. 7.	

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End.