



**Australian Government**  
**Department of Agriculture  
and Water Resources**

Ref: FOI 2017/18-10

Dr Sue Foster  
Spokesperson  
Vets Against Live Export

via email: [info@vale.org.au](mailto:info@vale.org.au)

Dear Dr Foster

**Your freedom of information request**

I refer to your request of 5 September 2017 for access under the *Freedom of Information Act 1982 (FOI Act)* to,

*'the End of Voyage Report, Masters Report, Daily Voyage Reports and AMSA's post voyage inspection report for the April 2017 voyage by South East Asian Livestock Services from Darwin to Bintulu/Maura with 7.79% mortality as tabled in the Parliamentary Report (mortalities Jan-Jun 2017), excluding from the scope of the request personal information regarding AAV and stockman names, signatures and contact information'.*

**Decision on access to documents**

I am authorised to make decisions under the FOI Act.

I have identified 12 documents, listed in the document schedule at **Attachment A**, that are relevant to your request. I have decided to grant full access to 10 documents and refuse access to two documents on the basis that they are exempt under s 47G(1)(b) of the FOI Act. My reasons for refusing access to the two documents are set out below. Copies of the documents I have decided to release are attached, modified by the deletion of irrelevant material.

I am also required to review the preliminary charges estimate to process your request. I consider the charge was reasonable and note that you have paid the amount in full.

*Section 47G(1)(b) – Prejudice to the future supply of information to the Commonwealth*

Section 47G(1)(b) of the FOI Act provides that a document containing information concerning an organisation's business affairs is conditionally exempt if disclosure of the information could reasonably be expected to prejudice the future supply of information to an agency for the purpose of the administration of a law of the Commonwealth.

The relevant legislation in this case concerns the department's regulatory obligations and responsibilities under the *Australian Meat and Live-stock Industry Act 1997 (AMLI Act)* regarding the export of live animals.

Two reports (documents 3 and 5) contain additional information beyond the minimum mortality reporting requirements of the AMLI Act that was provided to the department to assist the department's investigation of the mortality incident. The reports concern the professional affairs of the Australian Government Accredited Veterinarian (AAV) providing the report and the business affairs of the exporter.

In investigating incidents and reporting its findings, the department relies on the cooperation from relevant organisations and AAVs to provide information about the causes and circumstances surrounding mortality incidents. The exporter and AAV who provided the information have objected to the release of documents 3 and 5 and advised that disclosure would make them reluctant to provide information in future investigations. A reluctance by industry and individuals to provide information would prejudice the department's operations by reducing the amount and quality of information the department is able to obtain about the causes and circumstances surrounding mortality incidents.

Taking this into account, I am satisfied that disclosure of the reports would likely result in prejudice to the future supply of information to the department in similar circumstances. I have therefore decided documents 3 and 5 are conditionally exempt from disclosure under s 47G(1)(b).

Under s 11A(5) of the FOI Act, I must give access to a conditionally exempt document unless it would be contrary to the public interest.

#### *Public interest factors*

I have considered s 11B of the FOI Act and part 6 of the FOI Guidelines in weighing the public interest factors favouring and against disclosure.

I accept that there is a public interest in disclosure of information that would increase scrutiny, discussion, comment and review of the Government's activities in investigating livestock mortality incidents.

However, I weigh this against:

- the likely prejudice to the flow of information to the department for its future investigations into mortality incidents and
- the public interest in not disclosing information that could unreasonably affect business organisations in their business affairs.

In my view, the appropriate balance between these competing considerations is satisfied by the department's periodic publishing of its mortality investigation reports. I give much greater weight to the factors against release of these documents and have decided they are exempt under s47G(1)(b).

#### **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website at [http://www.agriculture.gov.au/about/accessing-information/foi/disclosure\\_log](http://www.agriculture.gov.au/about/accessing-information/foi/disclosure_log). I have decided that it would be reasonable to publish the documents released to you.

#### **Review rights**

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (OAIC) to review my decision. An application for review by the Information Commissioner must be made in

writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request. You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website [www.oaic.gov.au](http://www.oaic.gov.au) or phone the OAIC on 1300 363 992.

**Contact details**

Should you wish to discuss any issues arising from this letter, please contact FOI Officer, Stuart Plowman on (02) 6272 5051 or email [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Yours sincerely



Narelle Clegg  
Assistant Secretary  
Live Animal Exports Branch

23 November 2017

