

OFFICIAL



Partial

**OFFICE OF THE HON STEPHEN JONES MP**  
**ASSISTANT TREASURER AND MINISTER FOR FINANCIAL SERVICES**

FOI ref: 3159

Friday 4 November 2022

Senator Andrew Bragg  
Liberal Senator for New South Wales  
Parliament House  
CANBERRA ACT 2600

[Senator.bragg@aph.gov.au](mailto:Senator.bragg@aph.gov.au)

Dear Senator Bragg

I refer to your request received on 24 August 2022, refined on 5 October 2022, under the Freedom of Information Act 1982 (**FOI Act**). The refined scope of your request is made out in the following terms:

*Any correspondence received by the Assistant Treasurer and Minister for Financial Services, the Hon. Stephen Jones MP, between 22 May 2022 and 24 August 2022 relating to the Superannuation Annual Members' Meeting Notices reforms from Industry Super Australia, the Association of Super Funds of Australia, Industry Funds Management, Australian Super, and Construction and Building Unions Superannuation.*

I am an authorised decision maker under the FOI Act.

**Decision**

I have identified two documents within scope of your request. I have decided to release one document (document 1) in part with information exempt under section 47F of the FOI Act (personal privacy). I have decided to refuse access to the other document (document 2) in full under section 47G(1) of the FOI Act (business) and 47F of the FOI Act (personal privacy). Irrelevant information in the documents has been deleted under section 22 of the FOI Act.

**Material Considered**

The material to which I have had regard in making this decision includes:

- the scope of the FOI request
- the content of the documents subject to your request;
- the relevant provisions in the FOI Act and the Guidelines issued by the Australian Information Commissioner under section 93A of the Freedom of Information Act 1982 (**FOI Guidelines**), and
- third party consultation responses.

### *Reasons for decision*

#### Personal privacy – Section 47F

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person. It also provides that, in determining whether the disclosure of a document would involve the unreasonable disclosure of such personal information, an agency must have regard to:

- a) the extent to which the information is well known;
- b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- c) the availability of the information from publicly accessible sources; and
- d) any other matters that the agency or Minister considers relevant.

Documents 1 and 2 contain the direct contact details of individuals working in the private sector. I am satisfied this information is personal information for the purposes of section 47F of the FOI Act. I am also satisfied that the personal information is not well-known and that release would, in the circumstances, be an unreasonable disclosure. I therefore find that documents 1 and 2 are conditionally exempt in part under section 47F of the FOI Act.

Section 11A(5) of the FOI Act provides that conditionally exempt material must be released unless its disclosure would, on balance, be contrary to the public interest. My considerations of the public interest in release of this conditionally exempt material are set out below.

#### Business – Section 47G

Section 47G(1)(a) of the FOI Act provides that a document is conditionally exempt if its disclosure would or could reasonably be expected to adversely and unreasonably affect an organisation's business, commercial or financial affairs.

Section 47G(1)(b) of the FOI Act provides that a document is conditionally exempt if its disclosure would disclose information concerning the lawful business, commercial or financial affairs of an organisation or undertaking in a way that could reasonably be expected to prejudice the future supply of information to the Commonwealth.

Document 2 sets out a consultation response to the Treasury by Industry Super Australia (ISA) on Annual Member's Meetings. After considering ISA's FOI third party consultation response, I am satisfied parts of document 2 contain ISA's business information that is commercial-in-confidence. That information is not publicly available, and if released, could reasonably be expected to damage the ISA's business interests. As such, I consider the relevant parts of document 2 are conditionally exempt under section 47G(1)(a) of the FOI Act.

I also find release of the relevant parts of document 2 would result in a real risk of third parties being reluctant or unwilling to provide the Treasury with open and frank information relating to their business. Uninhibited stakeholder consultation responses of this nature are essential for the Treasury's efficient and appropriate administration of government programs. As such, I am therefore satisfied that document 2 is also conditionally exempt under section 47G(1)(b) of the FOI Act.

As sections 47G(1)(a) and (b) are also public interest conditional exemptions, my considerations of the public interest in release of this conditionally exempt material are set out below.

*Public Interest*

Section 11A(5) of the FOI Act provides that conditionally exempt material must be released unless its disclosure would, on balance, be contrary to the public interest. Section 11B(3) sets out public interest factors favouring release, and section 11B(4) sets out factors that must not be taken into account. I have not taken into account any irrelevant factors set out in section 11B(4) of the Act in making this decision. The FOI Guidelines also set out factors in favour of, and against, releasing conditionally exempt material.

Public interest factors favouring release of the material include promotion of the objects of the FOI Act and the increase of public participation in government decision-making.

Against release with respect to the conditionally exempt material under section 47F of the Act, I have considered the importance of the preservation of individuals' right to personal privacy. Further, I discern no particular public interest in the release of this information to enable an understanding of the documents.

Against release with respect to the conditionally exempt material under section 47G of the Act, I have considered the public interest importance of allowing business to go about their legitimate commercial affairs without undue government influence, and the public interest in ensuring the unimpeded flow of full and candid industry stakeholder consultation responses to underpin ministerial evidence-based decision making.

On balance, I find there is an overriding public interest against disclosure of the conditionally exempt material. I have decided that documents 1 and 2 are exempt in part under section 47F of the FOI Act and document 2 is exempt in full under sections 47G(1)(a) and 47G(1)(b) of the FOI Act.

*Rights of review*

A statement setting out your rights of review in this matter is attached.

*Disclosure Log*

The Assistant Treasurer and Minister for Financial Services publishes documents disclosed in response to FOI requests on the Treasury website on the same day that the decision is sent to an applicant. This is consistent with the arrangements established by section 11C of the FOI Act. In this case, I have decided that document 1, edited to remove exempt and irrelevant material, is appropriate for publication.

Yours sincerely

Tom Iggulden  
Senior Adviser

## INFORMATION ON RIGHTS OF REVIEW

### 1. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the FOI Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision. An application for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Further information can be found on the website of the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/>

### AND/OR

### 2. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the FOI Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner  
Office of the Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.

**From:** [Debi Bruce](#)  
**To:** [Jones Invitations](#)  
**Subject:** RE: ISA Meeting Request [SEC=OFFICIAL]  
**Date:** Friday, 12 August 2022 2:10:09 PM  
**Attachments:** [image001.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image003.png](#)

Hi s 22

Please see below completed information as requested.

Kind regards  
Debi

(office use only)

<b>Date</b>	16 August
<b>Time</b>	10:30AM
<b>Location</b>	APH – M1 27
<b>Meeting Title</b>	Industry Super
<b>Ministerial Attendees</b>	Minister Jones Julianne Merriman (COS)
<b>Briefing to be received by</b>	COB 12 August

(to complete)

<b>Contact name and number</b>	Bernie Dean s 47F
<b>Attendees</b>	Bernie Dean, Chief Executive, M: s 47F Matt Linden, Deputy Chief Executive M: s 47F James Gunn, Director of Advocacy M: s 47F
<b>Topics of conversation</b>	Government policy priorities: <ul style="list-style-type: none"> <li>• Objective of Super</li> <li>• YFYS post-implementation review</li> <li>• Annual Member Meeting regulations</li> <li>• Supercharging the economy</li> <li>• Unpaid super</li> </ul>

**From:** Jones Invitations <JonesInvitations@TREASURY.GOV.AU>  
**Sent:** Thursday, 11 August 2022 9:17 AM  
**To:** Jones Invitations <JonesInvitations@TREASURY.GOV.AU>; Debi Bruce <dbruce@industrysuper.com>  
**Subject:** RE: ISA Meeting Request [SEC=OFFICIAL]

Hi Debi,

Thanks for your time just now. Could you please fill and provide the below table back to me by COB 12 August.

(office use only)

<b>Date</b>	16 August
<b>Time</b>	10:30AM
<b>Location</b>	APH – M1 27
<b>Meeting Title</b>	Industry Super
<b>Ministerial Attendees</b>	Minister Jones Julianne Merriman (COS)
<b>Briefing to be received by</b>	COB 12 August

(to complete)

<b>Contact name and number</b>	
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Attendees	
Topics of conversation	

Many thanks,

s 22  
s 22



From: Debi Bruce <dbruce@industriysuper.com>  
Sent: Tuesday, 9 August 2022 4:08 PM  
To: s 22 @aph.gov.au  
Cc: Assistant Treasurer <AssistantTreasurer@TREASURY.GOV.AU>  
Subject: FW: ISA Meeting Request

Hi s 22  
s 22



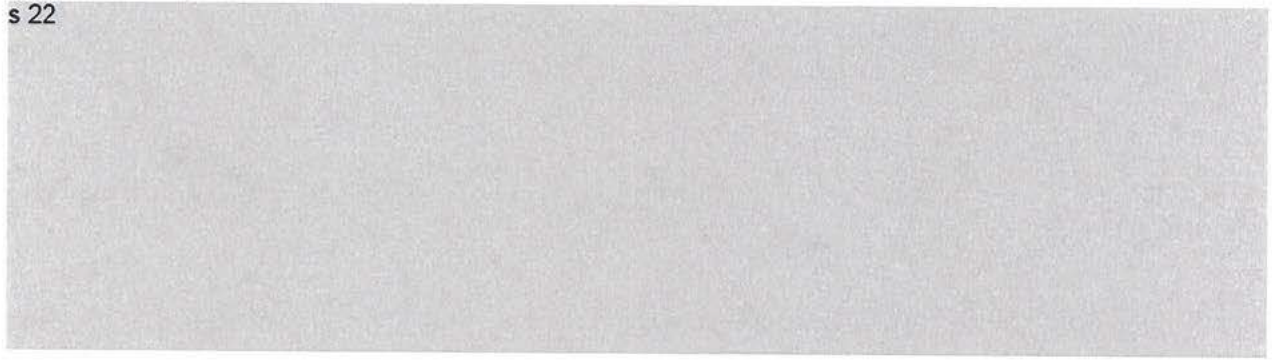
Secondly, we reached out (see emails below) for a more detailed meeting to include Greg Combet, Bernie Dean and Matt Linden in the coming weeks and prior to the next Parliament sitting period if possible to have a more lengthy discussion on many superannuation and investment issues.

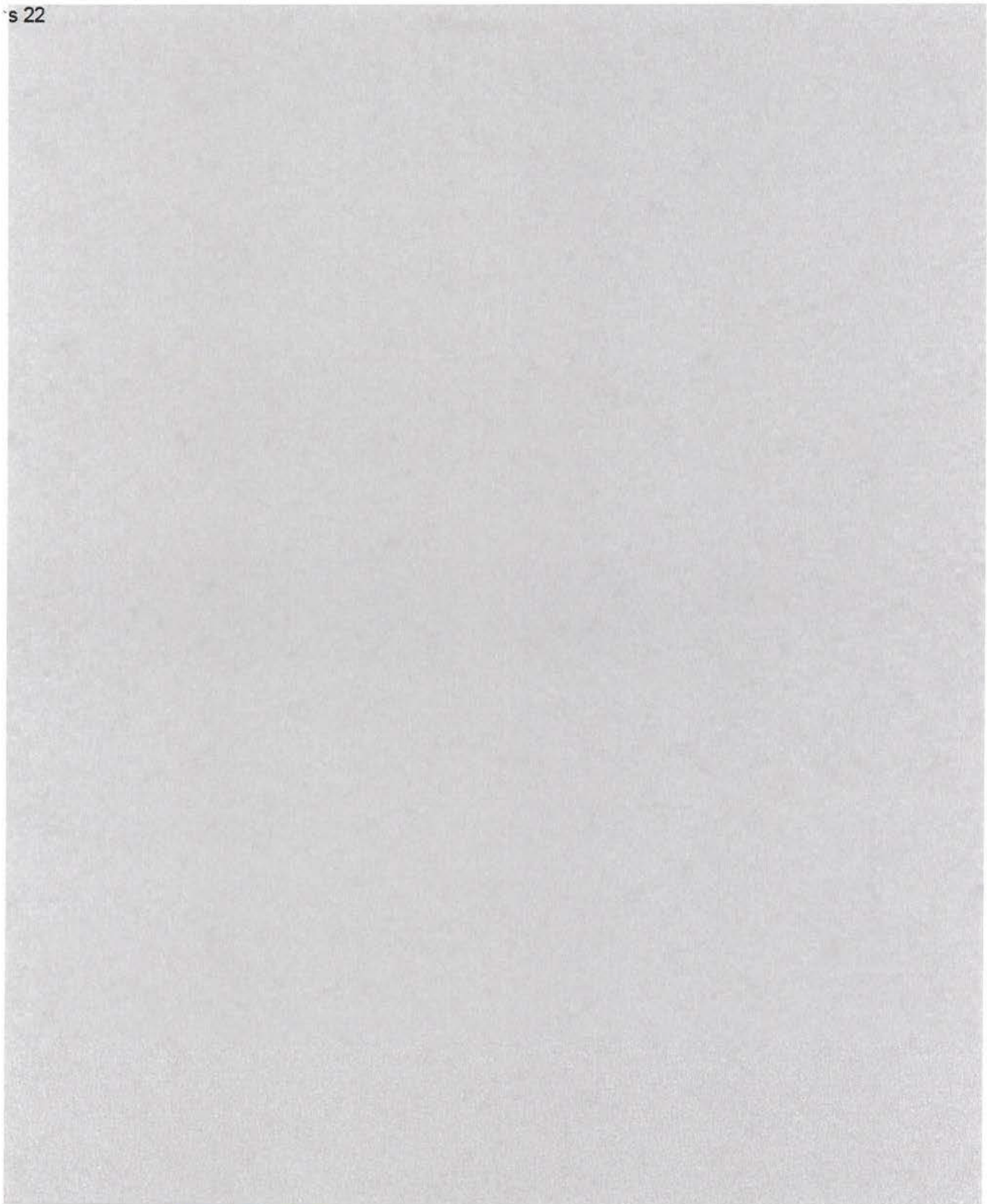
Happy for you to give me a call if you prefer and see whether we can land on a date for that to be held either in Sydney or Canberra.

s 22

Kind regards  
Debi

s 22





**From:** Dobi Bruce <dbruce@industrysuper.com>  
**Sent:** Monday, 25 July 2022 10:26 AM  
**To:** s 22 <[redacted]@aph.gov.au>  
**Subject:** ISA Meeting Request

Dear s [redacted]

Further to earlier correspondence and email dated 8<sup>th</sup> July 2022, it would be greatly appreciated if we could organise a meeting in Sydney in coming weeks. This meeting would include our Chair, Greg Combet, Bernie Dean, ISA's Chief Executive and Matt Linden, ISA's Deputy Chief Executive. We'd like to discuss how Industry SuperFunds can work with government to improve super balances for members, particularly in a fiscally constrained environment, and help generate crucial economic growth through their investments.

I look forward to hearing from you soon.

Kind regards  
Debi

Debi Bruce  
Manager – Office of the Chief Executive and Events  
Mobile **s 47F**  
Level 39 Casselden 2 Lonsdale Street Melbourne VIC 3000  
[www.industrysuperaustralia.com](http://www.industrysuperaustralia.com)  
IndustrySuperFunds website: [www.industrysuper.com](http://www.industrysuper.com)

**ISA supports flexible working hours and for me this means I do not work on Wednesdays.**



Industry Super Australia Pty Ltd ABN 72 158 565 270 Corporate Authorised Representative No. 426006 of Industry Fund Services Ltd ABN 54 007 016 195 AFSL 232514

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