

**Authority:**

Office of the Australian Information Commissioner

**Country/State:**

Australia

**Case title:**

Janet Rice and Department of Health and Aged Care — Community Sport Infrastructure Grants

**Official citation:**

Janet Rice and Department of Health and Aged Care (Freedom of information)\*  
[2024] AICmr 41 (27 February 2024)

**Date of decision:**

2024

**Relevant law:**

Freedom of Information Act 1982 (Cth), ss 11A(5), 47C

**Decision:**

The FOI Commissioner found that two documents prepared by ministerial advisers in relation to the Community Sport Infrastructure Grants program were not exempt from disclosure under s 47C of the [Freedom of Information Act 1982](#) (the FOI Act). The strong public interest in transparency around public funding allocation outweighed deliberative process concerns. On AAT review, the decision was varied by consent.

**Key words:**

Freedom of information, Principles of Right to Information , High profile case, deliberative process, conditional exemption, public interest, government grants, ministerial advisers

**Case Summary:**

## **1. Facts**

The applicant sought access to two documents relating to the Community Sport Infrastructure (CSI) Grants program, allegedly created by ministerial staff. The Department refused disclosure, claiming exemption under s 47C (deliberative process).

## **2. Decision**

The FOI Commissioner ruled that disclosure would not be contrary to the public interest. Transparency and accountability in the allocation of public funds outweighed the countervailing interest in protecting deliberative processes of ministers' advisers.

The Department sought review in the Administrative Appeals Tribunal, which resulted in a varied decision by consent.

### **Note (Optional):**

The case illustrates how the public interest test operates when transparency about public spending conflicts with ministerial deliberations.

### **Resources:**

<https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/AICmr/2024/41.html>