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Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2025/146

To Elizabeth Hart
By email: elizmhart@gmail.com

Dear Ms Hart

I refer to your request of 27 June 2025 to the Department of the Prime Minister and Cabinet (the Department), for access to documents under the Freedom of Information Act 1982 (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You set out your request in the following terms (extract):

Under the Freedom of Information Act 1982, I seek public access to a report prepared in 2021 by the Behavioural Economics Team of the Australian Government, Department of Prime Minister and Cabinet (BETA), which recommended:

"Providing vaccinated people with personal freedoms, and restricting the freedoms of those who aren't, is likely to drive vaccine uptake." (My emphasis.)

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Material taken into account

In reaching my decision I referred to the following:

- the terms of your request
- the document relevant to your request

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- the FOI Act
- the Guidelines issued by the Information Commissioner¹ (the FOI Guidelines).

Documents in scope of request

The Department has identified one document that falls within the scope of your request, that being the report which you specified.

Decision

I have decided to refuse access on grounds the document is exempt under section 34 of the FOI Act.

Reason for decision

My findings of fact and reasons for deciding the document is exempt are set out below.

1. Section 34 Cabinet documents

A decision to refuse access on grounds section 34 applies requires me to have regard to the Cabinet exemption in the FOI Act where a document must meet specific criteria to be exempt.

Cabinet documents:

- (1) *A document is an exempt document if:*
 - (a) *both of the following are satisfied:*
 - (i) *it has been submitted to the Cabinet for its consideration, or is or was proposed by a Minister to be so submitted;*
 - (ii) *it was brought into existence for the dominant purpose of submission for consideration by the Cabinet; or*
 - (b) *it is an official record of the Cabinet; or*
 - (c) *it was brought into existence for the dominant purpose of briefing a Minister on a document to which paragraph (a) applies; or*
 - (d) *it is a draft of a document to which paragraph (a), (b) or (c) applies.*
- (2) *A document is an exempt document to the extent that it is a copy or part of, or contains an extract from, a document to which subsection (1) applies.*

¹ Section 93A of the FOI Act

(3) A document is an exempt document to the extent that it contains information the disclosure of which would reveal a Cabinet deliberation or decision, unless the existence of the deliberation or decision has been officially disclosed.

The FOI Guidelines explain the design of the Cabinet exemption is to protect the confidentiality of Cabinet process and ensure the principle of collective ministerial responsibility is not undermined.²

As the authorised decision maker and in my role as acting Managing Director, Behavioural Economics Team of the Australian Government, I am satisfied the document was prepared for the dominant purpose of being considered by Cabinet.

Further, I have consulted with Cabinet Division who confirmed the document was submitted to the Cabinet.

I have considered the exception of section 34(5) and (6) in line with the discussion provided in the FOI Guidelines and find that the material within the briefs is not subject to an official publication of a decision by the Cabinet, and the material is not of a kind to be purely factual material³.

Taking into consideration the documents, their purpose for creation, and their connection to Cabinet, I am satisfied that the document is exempt under section 34(1)(a) of the FOI Act.

Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter. Please attach the reasons why you disagree with the decision.

Applications for review should be sent to foi@pmc.gov.au.

² Paragraph 5.63 of the FOI Guidelines (Part 5: Exemptions)

³ Paragraph 5.93 of the FOI Guidelines (Part 5: Exemptions)

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter. You can apply using the [OAIC Web Form](#).⁴

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can make a complaint using the [OAIC Web Form](#).⁵

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely



Madelaine Magi-Prowse
A/g Managing Director
Behavioural Economics Team of the Australian Government

Department of the Prime Minister and Cabinet

28 July 2025

⁴ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

⁵ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>