



**Office of Senator the Hon Penny Wong**  
**Minister for Foreign Affairs**

FOI Reference:  
LEX 10932

The FOI People (via Right to Know)  
By email: [foi+request-11439-e9a7d1bf@righttoknow.org.au](mailto:foi+request-11439-e9a7d1bf@righttoknow.org.au)

Dear The FOI People

**Re: Freedom of Information Request**

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 22 May 2024, for access under the Freedom of Information Act 1982 (the FOI Act) to:

*All public speeches made by the Minister of Foreign Affairs that contain a condemnation about the killing of children in the occupied Palestinian Territories, specifically in East Jerusalem, the West Bank and the Gaza Strip since the 7th October 2023. I require all draft and final versions of these speeches.*

Your request was transferred to the office of the Minister for Foreign Affairs (FMO) on 23 May 2024.

**Decision**

I am authorised to make decisions on behalf of the Foreign Minister in relation to requests under the FOI Act.<sup>1</sup>

I have made inquiries with relevant staff who have knowledge of the matters related to your request, and who would have access to relevant records. These staff were asked to search for any documents which came within the terms of your request.

I have identified documents relevant to your request. After careful consideration, I have decided to grant you access in full to some documents and to grant you access to an edited copy of some documents with exempt material removed.

**Reasons**

In making my decision I have taken into account:

- the terms of your request;

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<sup>1</sup> FOI Guidelines [2 26]

- the documents that fall within the scope of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

The reasons for my decision and for the application of exemptions under the FOI Act to the document are set out below. Where I refer to sections of the FOI Act, these are available at [www.legislation.gov.au](http://www.legislation.gov.au). Parts of the FOI Guidelines referenced can be found online at [www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines](http://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines).

The reasons for my decision are set out below.

***Documents affecting international relations (section 33(a)(iii) of the FOI Act)***

Section 33(a)(iii) of the FOI Act further provides that a document is exempt if its disclosure would cause damage to the international relations of the Commonwealth.

According to the FOI Guidelines, the phrase ‘international relations’ has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them (paragraph 5.36 of the FOI Guidelines).

I have decided that the documents contain some information which is exempt by the above provision. This material has been removed.

***Documents subject to deliberative processes (section 47C(1) of the FOI Act)***

Under section 47C(1) of the FOI Act, a document is conditionally exempt if it contains deliberative matter. Deliberative matter is content that is in the nature of, or relates to:

- (a) an opinion, advice or recommendation that has been obtained, prepared or recorded, or
- (b) a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or minister (section 47C(1) of the FOI Act).

The conditionally exempt material includes content which is in the nature of advice that has been obtained and prepared in the context of a deliberative process of the government or the agency.

I am satisfied that the material in question is not operational information (as defined by section 8A of the FOI Act) or purely factual material (section 47C(2) of the FOI Act). To the extent that the conditionally exempt material might be considered factual, it is inextricably intertwined with deliberative material and cannot be practically excised.

**Review rights**

Information about your review rights is set out in the **Attachment** for your reference.

**Contact**

Should you have any queries regarding this matter please contact the Foreign Minister’s

Office via [foi.fmo@dfat.gov.au](mailto:foi.fmo@dfat.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'T Mooney', followed by a long horizontal flourish.

Thomas Mooney  
Chief of Staff  
Senator the Hon Penny Wong  
Minister for Foreign Affairs

17/06/24

## **Attachment**

### **Your review rights**

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review this decision (section 54L of the FOI Act).

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>