

Our reference: FOI 24-475

The FOI People

By email: [foi+request-11499-076986de@righttoknow.org.au](mailto:foi+request-11499-076986de@righttoknow.org.au)

To whom it may concern

## Decision on your Freedom of Information Request

I refer to your request of 11 June 2024, to the Minister for the Arts (the Minister), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

### 1 Your request

You requested access to:

All public speeches made by the Minister for the Arts 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

### 2 Authority to make decision

I am authorised to make decisions in relation to Freedom of Information requests on behalf of the Minister.

### 3 Decision

A 'document' that may be requested under the FOI Act does not include material maintained for reference purposes that is otherwise publicly available (section 4 of the FOI Act refers).

Minister Burke rarely relies on written notes when delivering speeches in his capacity as Minister for the Arts. Of the speeches he does give, few are formally transcribed. The speeches that are formally transcribed can be found here: [Speeches | Ministers for the Department of Infrastructure](#)

I am satisfied that the documents which would be relevant to your request consist of material maintained for reference purposes that is otherwise publicly available.

#### **4 Material taken into consideration**

In making my decision, I had regard to the following:

- the terms of your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

#### **5 Legislative provisions**

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: [www.legislation.gov.au/Series/C2004A02562](http://www.legislation.gov.au/Series/C2004A02562).

#### **6 Your review rights**

If you are dissatisfied with my decision, you may apply for a review of it.

##### **6.1 Information Commissioner review or complaint**

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

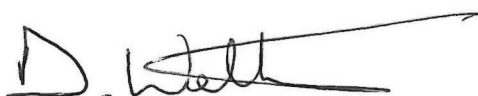
If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: [www.oaic.gov.au/freedom-of-information/foi-review-process](http://www.oaic.gov.au/freedom-of-information/foi-review-process).

#### **Further information**

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts provides administrative assistance to the Minister's Office in relation to FOI matters. If you require further information regarding this decision, please contact the Department's FOI Section at [FOI@infrastructure.gov.au](mailto:FOI@infrastructure.gov.au).

Yours sincerely



**Darryl Watkins**  
Chief of Staff

Date: 10 July 2024