



Australian Government
Department of Foreign Affairs and Trade

FOI Reference: LEX 11537
File Reference: 24/33856

October 2024

Tyler
Via Right to Know
By email: foi+request-11952-35eaae9a@righttoknow.org.au

Dear Tyler,

Re: Freedom of Information Request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to provide you with a decision about your request.

I have identified documents relevant to part two your request. After careful consideration, I have decided to grant you access to an edited copy of the documents, with only irrelevant material removed.

In relation to parts one and three of your request, thorough searches conducted by the relevant line areas found no documents matching the description of the documents you requested. In accordance with section 24A(1) of the FOI Act, your request for access to documents relevant to part one and three is refused as all reasonable steps have been taken to find the documents and I am satisfied that the documents do not exist.

Your request

On 27 August 2024, you made the following request:

About the Arrangement between the Government of Australia and the International Committee of the Red Cross (“ICRC”) on a regional headquarters in Australia signed in 2005, is it possible to provide any of the 3 items in the following?

- (1) A copy of the Arrangement as signed in 2005*
- (2) Written confirmation of any assurances or other representations from the State of New South Wales or other States in Australia to accord ICRC with certain exemptions or immunities or privileges or the like.*
- (3) Documents in writing, including any electronic or paper/physical documents, within DFAT or between DFAT and other Australian government entities (such as*

Department of Prime Minister and Cabinet, or Federal Executive Council), on the conclusion of the Arrangement between the Australian Government and ICRC.

On 17 September 2024, the department requested a 14-calendar day extension of time to process your request (section 15AA of the FOI Act). On the same date, you consented to the extension of time. The department subsequently notified the Office of the Australian Information Commissioner (OAIC) of the extension of time in accordance with our reporting obligations.

On 9 October 2024, the department requested a further 15-calendar day extension of time to process your request (section 15AA of the FOI Act). On the same date, you consented to the extension of time. The department subsequently notified the Office of the Australian Information Commissioner (OAIC) of the further extension of time in accordance with our reporting obligations.

Authority

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

Reasons

In making my decision I have taken into account:

- the documents 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.

Parts One and Three

Thorough searches undertaken by the Development Procurement, Agreements and Systems Branch, the Transnational Crime Section, the Protocol and Events Branch, International Law Branch I, Humanitarian Preparedness and Response Branch, Protracted Crises, Resilience and Partnerships Branch, the Financial Services Section and the Information Management Section found no documents matching the description of the documents you requested.

Part Two

Irrelevant material (section 22(1)(a)(ii) of the FOI Act)

Some of the material excluded from the documents released to you is outside the scope or could reasonably be regarded as irrelevant to your request (section 22(1)(a)(ii) of the

FOI Act). The material removed under this section is fax transmission numbers, reference numbers, barcodes and then name and phone number of a contact person.

In determining what is relevant to your request, I have taken into account the terms of your request and the email which you received from the department on 28 August 2024 in which you were invited to respond if you required the personal information of junior staff from ministerial offices and government officials not in the Senior Executive Service (SES) or equivalent, including their email addresses and contact numbers, together with all signatures, mobile phone numbers, departmental inboxes and technical transmission details including reference numbers.

As you have not stated that you require this information, I have decided to remove it from the documents being released to you.

Additional information

The following additional information did not inform my decision but is provided as context for my decision.

The document requested in part one of your request is already publicly available online at [Parliament of Australia document](#).

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 Freedom of Information Section by email (foi@dfat.gov.au).

Yours sincerely

David Lawrence
Assistant Secretary
Department of Foreign Affairs and Trade

Your review rights

Internal review

You may apply for internal review of the decision ([section 54 of the FOI Act](#)). The internal review application must be made within 30 calendar days from the day you receive this notice.

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply to the Australian Information Commissioner to review my decision ([section 54L of the FOI Act](#)). To do this, you must contact the Australian Information Commissioner within 60 calendar days from the day you receive this notice.

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision ([section 70 of the FOI Act](#)). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews.

Further information about how to make a complaint is available at: www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints.

Third party review rights

Further information about third party review rights are available on the Office of the Australian Information Commissioner's (OAIC) website at www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/freedom-of-information-reviews/personal-and-business-information-third-party-review-rights.