



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2024/318

To Tyler

Email: foi+request-12088-5c76e8b6@righttoknow.org.au

Dear Tyler,

I refer to your request of 26 September 2024 to the Department of the Department of Foreign Affairs and Trade seeking access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The Department of Prime Minister and Cabinet (the Department) accepted the transfer of the request on 1 October 2024.¹

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:

...provide the following for the International Organisations (Privileges and Immunities—Asian Infrastructure Investment Bank) Regulation 2015 (Select Legislative Instrument No. 172, 2015)...

- *A copy of the Regulation as made with signature of the Governor-General/Administrator and relevant ministers.*
- *Documents that were submitted to the Governor-General/Administrator for the Governor-General's/Administrator's signature of the Regulation (e.g. notes, certificates etc.).*

¹ The transfer was accepted under section 16 of the FOI Act.

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 documents relevant to your request
- the FOI Act
- the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines)

Documents in scope of request

The Department has identified 3 documents that fall within the scope of your request. These documents are set out in the Schedule of Documents at **Attachment A**.

Decision

I have decided to grant access in full, with irrelevant material deleted, to the documents identified within the scope of your request.

The documents are enclosed.

Reasons for decision

My findings of fact and reasons for deciding that certain information is irrelevant are set out below.

1. Deletion of irrelevant matter

Section 22 of the FOI Act authorises the Department to give access to an edited copy of a document if giving access to a document would disclose information that would be reasonably regarded as irrelevant to the request, and it is possible for the Department to prepare an edited copy, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

On 2 October 2024, the Department advised you of its policy to exclude, among other things, any person's signature, which are contained in documents that fall within the terms of an FOI request. This category of information is identified as irrelevant.

Accordingly I am satisfied that parts of the documents are irrelevant under section 22(1)(a)(ii) of the FOI Act. The remaining parts of the documents have been released to you.

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. 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 from the date it is received.

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

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](#).²

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](#).³

² <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

³ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

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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,

A handwritten signature in blue ink, appearing to read 'Branko Ananijevski', written in a cursive style.

Branko Ananijevski
Assistant Secretary
Cabinet Information and Governance Branch
Department of the Prime Minister and Cabinet

13 November 2024

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