



Australian Government
Department of Foreign Affairs and Trade

FOI Reference: LEX 11622
File Reference: 24/36621

1 November 2024

CR
via Right to Know
By email: foi+request-12117-15fd90a4@righttoknow.org.au

Dear CR

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

Your request

On 1 October 2024, you sought access to:

- 1. The most recent 30 notices of charges issued to FOI applicants.*

For each of these 30 requests, if applicable, please also provide:

- Any subsequent decisions regarding charges following applicant contention.*
- Any subsequent decisions regarding charges following internal or external review.*

Please exclude the following information:

- Personal information of FOI applicants.*

On 2 October 2024, the department acknowledged your request and provided you with a link to our quarterly reporting statistics that are provided to the Office of the Australian Information Commissioner (OAIC), who subsequently publish that data. The latest available report is for the 2022-23 financial year.

On the same day, the department had an email exchange with you, with the relevant information extracted below:

You

To clarify, I seek to review the documents related to your charges decisions, not just the publicly available information. Therefore, I would like to proceed with my request for the documents.

However, I am open to refining the scope of my request. Could you please inform me how many charge notices the department has issued between 1 July 2023 and 1 October 2024?

Department

In relation to your question, in the period 1 July 2023 to 1 October 2024 (inclusive), we have issued 4 charges notices, with no notices issued in 2024.

Would you like to amended your request to only include those 4 matters, proceed with your original request (last 30), or some other amended scope?

You

Would it be feasible for your department to process a reduced scope of 14 letters—comprising the 10 identified in the 2022-23 FOI statistics dataset, along with the 4 charge notices issued since then?

Department

[C]an you please confirm that the below amended scope accurately reflects the documents that you are seeking (or otherwise please amend):

1. The most recent 14 notices of charges issued to FOI applicants.

For each of these 14 requests, if applicable, please also provide:

2. Any subsequent decisions regarding charges following applicant contention.

3. Any subsequent decisions regarding charges following internal or external review.

Please exclude the following information:

- i) Personal information of FOI applicants, including any reasons they have provided for contesting the charges/decision.*
- ii) Emails that attached the charges notices/decision letters*

You

Unless further clarification is needed, I confirm the revised scope as follows:

1. The most recent 14 notices of charges issued to FOI applicants.

For each of these 14 requests, if applicable, please also provide:

- 2. Any subsequent decisions regarding charges following applicant contention.*
- 3. Any subsequent decisions regarding charges following internal or external review.*

Please exclude the following information:

- i) Personal information of FOI applicants, including supporting evidence or details of personal circumstances in a financial hardship contention.*
- ii) Emails that attached the charges notices/decision letters.*

During the processing of your request, it was identified that for the period 1 July 2022 to 1 October 2024 there had been 16 charges notices issued, and not the 14 initially indicated to you. The error related to the search parameters, with the original parameters based upon the date of the FOI request received, and not the date the charges notice was issued.

As such, we subsequently interpreted the scope of your request to include the 16 charges notices.

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 terms of your request and amended request;
- 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.

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

In your request you expressly excluded the following information/documents from the scope of your request:

- i) Personal information of FOI applicants, including supporting evidence or details of personal circumstances in a financial hardship contention.*
- ii) Emails that attached the charges notices/decision letters.*

Some of other 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](#)).

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 2 October 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.

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

Sarah Roberts
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.