



Australian Government
Department of Foreign Affairs and Trade

FOI Reference: LEX 11663
File Reference: 24/39467

November 2024

Tyler

By email: foi+request-12183-32d7f2cd@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 a document relevant to your request. After careful consideration, I have decided to grant you access to the document in full.

Your request

On 18 October 2024, you made the following request:

- full powers for Australia's representative to sign the Treaty between Australia and the Kingdom of the Netherlands on the Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17 (signed on 1 August 2014),

- Memorandum of Understanding between the Australian Federal Police and the National Police of the Netherlands on Combating Transnational Crime and Developing Police Cooperation (came into effect on 2 June 2014, as mentioned in the above Treaty).

On 18 October 2024, you amended your request to the following:

- full powers for Australia's representative to sign the Treaty between Australia and the Kingdom of the Netherlands on the Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17 (signed on 1 August 2014)?"

...

What "full powers" refers to is a document that a head of state, a head of government, or the foreign minister, authorises someone else to conclude a treaty on the state's behalf.

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 amended request;
- the document that falls within 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).

Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au.

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



Katy Lin
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.