



January 2025

SMITH, Oliver (Right to Know)  
By email: [foi+request-12400-9537306d@righttoknow.org.au](mailto:foi+request-12400-9537306d@righttoknow.org.au)

Dear Oliver SMITH (Right to Know)

**Re: Freedom of Information Request**

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 28 November 2024 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 and exempt material removed.

**Your request**

On 28 November 2024, you made the following request:

*...all documents created since 2 September, 2024 in relation to hiring and/or using and/or payment to and/or booking of a didgeridoo player to perform at an Australia Day performance in Singapore from the Australian High Commission in Singapore and/or DFAT.*

On 24 December 2024, the department notified you that it had determined that third party consultation was required and that the processing period for your FOI request had been automatically extended by 30-calendar days.

**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;
- 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](http://www.legislation.gov.au). Where I refer to parts of the FOI Guidelines, these are available at [OAIC | FOI Guidelines](#).

***Substantial adverse effect on an agency's proper and efficient conduct of operations (section 47E(d) of the FOI Act)***

Under section 47E(d) of the FOI Act, a document is conditionally exempt if disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the department's operations. A substantial adverse effect may be an indirect effect (FOI Guidelines, paragraph 6.82).

The predicted effect must bear on the department's proper and efficient operations, that is for section 47E(d) to apply the department must be undertaking its operations in an expected manner (FOI Guidelines, paragraph 6.115).

The documents in scope include content which relates to the department's internal procedures for the procurement of contracting services.

The documents include material which relates to the department's confidential procurement processes. The disclosure of confidential procurement-related information would prejudice the department's ability to obtain similar information in future and this, together with the disclosure of confidential procurement-related information would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the department's operations.

For these reasons, I have decided that the information marked up in the documents is conditionally exempt under section 47E(d) of the FOI Act.

***Unreasonable disclosure of personal information (section 47F(1) of the FOI Act)***

Under section 47F(1) of the FOI Act, a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person.

Personal information refers to information or opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and
- whether the information or opinion is recorded in a material form or not.

The test of unreasonableness implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals (FOI Guidelines, paragraph 6.133).

I have had regard to the following matters in considering whether disclosure of some information would involve an unreasonable disclosure of personal information:

- the extent to which the information is well-known;
- whether the individuals to whom the information relates are known to be (or to have been) associated with the matters in the documents;
- the availability of the information from publicly accessible sources; and
- any other matters that the agency considers relevant (section 47F(2) of the FOI Act).

Having regard to the nature of the information, and the implications for the identified individuals if disclosed, I am satisfied that the disclosure of the personal information in this case would be unreasonable. I am not satisfied that the information is well known or publicly available, or that the disclosure of the relevant information would achieve a public purpose.

For these reasons, I have decided that the information marked up in the documents is conditionally exempt under section 47F(1) of the FOI Act.

***Documents disclosing business information (section 47G(1)(a) of the FOI Act)***

Under section 47G(1)(a) of the FOI Act, a document is conditionally exempt if disclosure would disclose information concerning the business, commercial or financial affairs of an organisation or undertaking, where disclosure of the information would, or could unreasonably affect the organisation or undertaking adversely in respect of its lawful business, commercial or financial affairs, or prejudice the future supply of information to the Commonwealth.

I have considered the material to which you seek access and am of the view that the disclosure of the relevant material could reasonably be expected to unreasonably affect the relevant entities in respect of their lawful business affairs (section 47G(1)(a) of the FOI Act).

I am satisfied that the relevant information relates to the business and commercial affairs of the prospective contracting parties and that disclosure could unreasonably affect the relevant businesses in respect of their lawful business and commercial affairs.

For these reasons, I have decided that the information marked up in the documents is conditionally exempt under section 47G(1)(a) of the FOI Act.

***Conditional exemptions - public interest considerations (section 11A(5) of the FOI Act)***

As sections 47E(d), 47F(1) and 47G(1) of the FOI Act are conditional exemptions, I must grant you access to this material unless providing access would, on balance, be contrary to the public interest (section 11A(5) of the FOI Act).

In assessing the public interest, I have considered the FOI Guidelines referred to above and the public interest factors listed in section 11B of the FOI Act as favouring access, including whether granting access to the documents would:

- promote the objects of the FOI Act; and
- promote effective oversight of public expenditure.

I have also considered public interest factors against disclosure, including that disclosure may reasonably be expected to:

- prejudice certain individuals' right to privacy; and
- prejudice the proper and efficient operations of the department.

On balance, I am of the view that the public interest is weighted against the disclosure of the conditionally exempt material. In forming this view, I have not taken into account any of the irrelevant factors specified in section 11B(4) of the FOI Act.

***Irrelevant and excluded 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).

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 9 December 2025, 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](mailto:foi@dfat.gov.au)).

Yours sincerely

Bernard Unkles  
Assistant Secretary  
Department of Foreign Affairs and Trade

## **REVIEW AND COMPLAINT OPTIONS**

If you consider the department made the wrong decision, please request a review.

If you are dissatisfied with the way your request was processed, please make a complaint.

### **REVIEW**

#### ***How to seek a review of this decision***

##### *Internal review by the department*

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.

A new decision maker, who was not involved in the initial decision, will review your request, and make a new decision within 30 calendar days.

Any request for internal review should be directed via email to [foi@dfat.gov.au](mailto: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

##### *External review by the Information Commissioner (IC)*

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

Further information on applying for an IC review is available on Office of the Australian Information Commissioner (OAIC) website.<sup>i</sup>

##### *Third party review rights*

Third parties who were consulted by the department are entitled to seek an internal review of the department's decision to grant access to a document.

Further information about third party review rights is available on OAIC's website.<sup>ii</sup>

You may also apply for an external review by the IC (section 54L of the FOI Act). To do this, you must make your application within 30 calendar days from the day you receive this notice.

### **COMPLAINT**

#### ***How to make a complaint about process***

##### *Complaint to the department*

If you wish to make a complaint about how your FOI request was processed by the department, we welcome you sending an email with the details of your complaint to the department in the first instance via [foi@dfat.gov.au](mailto:foi@dfat.gov.au).

##### *Complaint to the IC*

You may also make a complaint to the IC about the Department's actions in relation to this decision (section 70 of the FOI Act).

Further information about how to make a complaint is available on OAIC's website.<sup>iii</sup>