



OFFICIAL

**FREEDOM OF INFORMATION ACT 1982**

**REQUEST BY:** Thomas

**REFERENCE:** FOI/2324/024

**NOTICE OF DECISION**

Dear Thomas,

**Freedom of information request ref. FOI/2324/024**

1. The purpose of this letter is to give you a decision about access to documents that you requested from the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982 (FOI Act)*.
2. I am an officer authorised by the NIAA’s Chief Executive Officer under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

**Summary**

Total number of documents that fall within the scope of your request	12
Number of documents to be released to you in full	1
Number of documents to be released to you in part	11
Number of documents exempt from release in full	0

**Time frames**

3. On 31 August 2023, you requested access to the following:

*“I seek any records showing communication between the CEO of the agency, Ms Broun, or her office (eg: a chief of staff, executive officer, executive assistant or secretary); and any of the following:*

- the Prime Minister
- the Prime Minister’s Office
- the Minister for Indigenous Australians
- the Office of the Minister for Indigenous Australians.

*I only seek records of communications from 7 August 2023 to 9 August 2023 (inclusive). However, I seek all documents within that period, including:*

- phone call history
- file notes
- emails
- physical documents

OFFICIAL

.....

- text messages (whether sent by SMS, WhatsApp, Signal or otherwise).

*I do not seek the name or details of any person in a Ministerial Office below the level of Chief of Staff, or any non-SES officer."*

4. On 14 September 2023, the NIAA acknowledged your request.
5. On 25 September 2023, you were advised of a requirement to consult with third parties under section 26A of the FOI Act.
6. A decision in relation to your request is due on 30 October 2023.

#### Document searches

7. The NIAA has undertaken system-wide relevant searches for any records within the scope of your request. This includes searching for relevant records of communication via email and Microsoft teams instant messages. NIAA officers undertook searches of mobile devices to identify communication.
8. To support the search and retrieval process the searchable email addresses from Ms Broun and her office (e.g: a chief of staff, executive officer, executive assistant or secretary) were used. Correspondence includes communication sent to, from and carbon copy (cc) between the email accounts of Ms Broun and her office, and email accounts of staff of the Prime Minister and the Minister for Indigenous Australians.

#### Material taken into account

9. I have taken the following material into account in making my decision:
  - the terms of your request
  - the acknowledgement sent to you
  - document searches undertaken by NIAA advisers
  - the content of the documents identified as within scope of your request
  - consultation with affected third parties
  - consultation with NIAA advisers
  - the FOI Act, and
  - Guidelines made by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

#### Decision

10. I have identified twelve (12) documents which I consider to be within the scope of your request. I have decided to refuse access to some of those documents in part.
11. Your **rights to seek review** under the FOI Act or submit a complaint are set out in **Attachment A** to this notice.
12. The **Schedule of Documents** at **Attachment B** sets out brief information about each document within the scope of your request and the decision made on each document.
13. The **Statement of Reasons** at **Attachment C** sets out the reasons for my decision to refuse access to some of the documents.

#### Access to documents

14. The documents released to you are attached.



**Questions about this decision**

15. If you have any questions about this notice or NIAA's FOI process, please contact the NIAA's FOI Coordinator at:

Email: [foi@niaa.gov.au](mailto:foi@niaa.gov.au)

Post: Freedom of Information Coordinator  
National Indigenous Australians Agency  
GPO Box 2191  
Canberra ACT 2601

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachel'.

Rachel Kerrigan  
Branch Manager  
Land & Native Title Branch

29 October 2023