



Office of Senator the Hon Penny Wong
Minister for Foreign Affairs

FOI Reference:
LEX 9735

Oliver Smith
By email: foi+request-10961-7eeb52cb@righttoknow.org.au

Dear Mr Smith

Re: Freedom of Information Request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 12 December 2023, for access under the Freedom of Information Act 1982 (the FOI Act) to:

Under the FOI Act 1982, I am seeking all communication sent from the office of the Minister for Foreign Affairs and Trade to His Excellency The Honourable Stephen Francis Smith Australian High Commissioner to the United Kingdom and his office in relation to the treatment of Australia Day by Mr Smith as High Commissioner.

Your request was transferred to the office of the Minister for Foreign Affairs (FMO) on 15 December 2023.

Decision

I am authorised to make decisions on behalf of the Foreign Minister in relation to requests under the FOI Act.¹

I have made inquiries with relevant staff who have knowledge of the matters related to your request, and who would have access to relevant records. These staff were asked to search for any documents which came within the terms of 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 exempt material removed.

Reasons

In making my decision I have taken into account:

- the terms of your request;
- the documents that fall within the scope of your request;
- the FOI Act; and

¹ FOI Guidelines [2.26].

- 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. Parts of the FOI Guidelines referenced can be found online at www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines.

The reasons for my decision are set out below.

Irrelevant material (section 22 of the FOI Act)

Some material is not relevant to the scope of your request and has therefore been removed.

Documents subject to deliberative processes (section 47C(1) of the FOI Act)

Under section 47C(1) of the FOI Act, a document is conditionally exempt if it contains deliberative matter. Deliberative matter is content that is in the nature of, or relates to:

- (a) an opinion, advice or recommendation that has been obtained, prepared or recorded, or
- (b) a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or minister (section 47C(1) of the FOI Act).

The conditionally exempt material includes content which is in the nature of advice that has been obtained and prepared in the context of a deliberative process of the government or the agency.

I am satisfied that the material in question is not operational information (as defined by section 8A of the FOI Act) or purely factual material (section 47C(2) of the FOI Act). To the extent that the conditionally exempt material might be considered factual, it is inextricably intertwined with deliberative material and cannot be practically excised.

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 Foreign Minister's Office via foi.fmo@dfat.gov.au.

Yours sincerely



Thomas Mooney
Chief of Staff
Senator the Hon Penny Wong
Minister for Foreign Affairs

11/01/24

Attachment

Your review rights

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review this decision (section 54L of the FOI Act).

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

5:16

5G 80



Stephen Smith

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Message



5:16

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Stephen Smith
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Message



5:16

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Stephen Smith

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3:18 pm

Mon, 11 Dec

s22

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s47C



Message





SS

Stephen Smith

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s22

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Attributable to a spokesperson for the High Commissioner, Stephen Smith:

Supporting the gala dinner in the past has cost the Australian High Commission. This year the estimate was \$55,000.

The High Commission determined that Australian taxpayers should no longer bear such a cost as it did not meet strategic objectives for the use of public funds.

The event was not 'cancelled' by the High Commission. The Australia Foundation (which has changed its name from the Australia Day Foundation) decided last week to not proceed with a gala dinner for 2024

It is the Government's view that



Message





SS

Stephen Smith

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Mon, 11 Dec

The High Commission determined that Australian taxpayers should no longer bear such a cost as it did not meet strategic objectives for the use of public funds.

The event was not 'cancelled' by the High Commission. The Australia Foundation (which has changed its name from the Australia Day Foundation) decided last week to not proceed with a gala dinner for 2024.

It is the Government's view that Australia Day should continue to be held on 26 January.

The High Commission has already planned and will host an appropriate event to mark Australia Day at Australia House, as embassies and consulates do around the world.

3:42 pm

s22



Message

