



Australian Government
Department of Foreign Affairs and Trade

FOI Reference: LEX 9739
File Reference: 23/31598

December 2023

MBV
Right to Know

By email: foi+request-10962-e11ab395@righttoknow.org.au

Dear MBV

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:

All emails, briefs, correspondence, submissions, decision records, record of calls, Skype messages, text, Signal or WhatsApp messages relating to the cancellation of the Australia Day Gala at Australia House in London.

I seek all documents created on or after 01 October 2023.

Further, I seek any text, Signal, Telegram or WhatsApp messages received by the High Commissioner from the Foreign Minister or her office on or after 05 December 2023.

On 14 December 2023, the department emailed you seeking to clarify the scope of your request.

The department did not receive a response to our correspondence.

I am writing to provide you with a decision about your request.

Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests and have been appointed to be the decision-maker on your request.

You are seeking documents in relation to the **cancellation** of the Australian Foundation Gala, which was last held at the Australian High Commission in the United Kingdom (**London Post**) on Saturday 21 January 2023.

London Post has advised that the Gala will not be held on the same weekend in 2024 as it has been **postponed**. As such, the Gala has not been cancelled.

Given that your request is for documents regarding the cancellation of the Gala, I am satisfied that no documents exist. I therefore refuse your request in accordance with section 24A(1) of the FOI Act.

Sections of the FOI Act referenced in my decision can be found online at www.legislation.gov.au.

Future requests

As you did not respond to the department's email about the scope of the request, we were unable to reach agreement with you regarding whether you would have been interested in amending it.

This decision does not prevent you from making a new FOI request in the future.

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

Brooke King
A/g Director
Freedom of Information Section

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.