



FOI Reference: LEX 9870
File Reference: 24/2290

15 February 2024

CR
Right to Know
By email: foi+request-11005-fe5d0d38@righttoknow.org.au

Dear CR

Re: Freedom of Information Request

I am writing to provide you with a decision about your request under the *Freedom of Information Act 1982* (the FOI Act).

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 material removed.

Request

On 7 January 2024 you requested access to:

- 1. A list of all FOI requests received by the department relating to the 2023 Hamas-Israel Conflict. The list should include the reference number and date of receipt for each request.*
- 2. All correspondence between the department and FOI applicants regarding the above-mentioned requests.*
- 3. All internal correspondence exchanged within the department regarding the above-mentioned requests.*
- 4. All correspondence between the department and any external parties regarding the above-mentioned requests.*
- 5. All correspondence between FOI applicants and any external parties regarding the above-mentioned requests. For example, communications with the OAIC or the AAT, if applicable.*

Please include any email attachments as they form part of the scope of this request.

Please exclude the following information:

- i. Personal information of FOI applicants.*
- ii. Personal information of departmental staff.*
- iii. Personal information of any third parties.*
- iv. Duplicate content.*

Following further exchange of emails between yourself and the department, on 9 January 2024, you revised the scope of your request to:

- 1. All correspondence between the department's FOI team and FOI applicants regarding FOI requests relating to the 2023 Hamas-Israel Conflict*
- 2. All internal correspondence sent to/from the department's FOI team regarding the above-mentioned requests.*
- 3. All correspondence between the department's FOI team and any external parties regarding the above-mentioned requests.*
- 4. All correspondence between FOI applicants and any external parties regarding the above-mentioned requests. For example, if applicable, correspondence between FOI applicants and third parties, where the department's FOI team was copied.*

Please exclude early parts of email streams captured in later emails. I have also maintained my previous exclusions:

- i. Personal information of FOI applicants.*
- ii. Personal information of departmental staff.*
- iii. Personal information of any third parties.*
- iv. Duplicate content.*

On 16 January 2024 the department notified you of its intention to refuse your request on the basis that the work involved in processing the request as it currently stood would substantially and unreasonably divert the department's resources from its other operations.

The department and yourself then engaged in an extensive consultation process between 16 January 2024 to 29 January 2024, spanning over 20 email exchanges, with the department providing extensive assistance and additional information relating to the requests captured by your FOI request.

On 29 January 2024 you revised the scope of your request to:

"The date range for my request is 9 October 2023 to 7 January 2024 at 11.27 am.

- 1. Any outgoing letters from the department's FOI team to FOI applicants regarding FOI requests relating to the 2023 Hamas-Israel Conflict.*
 - Including any letter attachments sent from the department's FOI team to applicants (such as 24AB consultation letters, decision letters, etc).*

- *Excluding correspondence exchanged between the department and applicants, except where attached that correspondence is captured by documents in part 3.*

2. *[removed]*

3. *All correspondence between the department's FOI team and any external parties regarding the above-mentioned requests.*

- *This includes other agencies, Minister's Offices and the OAIC.*
- *o With regard to the OAIC:*
 - *Exclude correspondence with the OAIC concerning section 15AA extensions of time.*
- *o With regard to the Minister's Offices:*
 - *Where documents that were subsequently disclosed to the applicant are attached these are out of scope (as they would be available on the disclosure log).*

4. *[removed]*

Exclusions:

- i. FOI request LEX 9321.*
- ii. Early parts of email streams captured in later emails.*
- iii. Any documents subsequently disclosed to the applicant (as they would be available on the disclosure log).*
- iv. Personal information of FOI applicants.*
- v. Personal information of departmental staff.*
- vi. Personal information of any third parties.*
- vii. Duplicate content."*

I note that your original request captured 30 previous FOI requests (cited in the [section 24AB](#) consultation letter sent to you on 16 January 2024). Of the 30 previous FOI requests, not all the requests contained documents relevant to the revised scope. For convenience I have included a schedule of documents which identifies which requests captured documents relevant to the revised scope (**Attachment A**).

Reasons

I am 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.

In making my decision I have taken into account:

- the terms of your request,
- the documents found to be 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.

Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au. Relevant sections of the FOI Guidelines can be found online at <https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines>.

Irrelevant 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 revised request. Specifically, I have considered the date range of your request and the exclusions being:

- i. FOI request LEX 9321.*
- ii. Early parts of email streams captured in later emails.*
- iii. Any documents subsequently disclosed to the applicant (as they would be available on the disclosure log).*
- iv. Personal information of FOI applicants.*
- v. Personal information of departmental staff.*
- vi. Personal information of any third parties.*
- vii. Duplicate content.*

As you have stated that you do not require this information, I have decided to remove this material from the documents being released to you.

Review rights

Information about your review rights is set out in **Attachment B** for your reference.

Contact

Should you have any queries regarding this matter please contact the FOI Section by email at foi@dfat.gov.au.

Yours sincerely

Warren Macilwain
Assistant Secretary
Department of Foreign Affairs and Trade

Attachment B

Number	LEX Reference	Date Received	Revised scope relevant pages and consultations
1.	LEX 9204	09.10.23	Pages 1 – 3
2.	LEX 9207	09.10.23	Pages 4 – 14
3.	LEX 9262	15.10.23	Pages 15 – 19
4.	LEX 9269	14.10.23	Pages 20 – 29
5.	LEX 9295	17.10.23	Pages 30 – 39
6.	LEX 9321	22.10.23	Nil relevant documents (out of scope)
7.	LEX 9322	21.10.23	Pages 40 – 48
8.	LEX 9326	20.10.23	Nil additional documents to those captured in LEX 9269 above
9.	LEX 9346	24.10.23	Nil additional documents to those captured in LEX 9269 above
10.	LEX 9358	25.10.23	Pages 49 – 57
11.	LEX 9365	26.10.23	Pages 58 – 63
12.	LEX 9366	26.10.23	Pages 64 – 72
13.	LEX 9368	27.10.23	Pages 73 – 76
14.	LEX 9373	27.10.23	Nil relevant documents
15.	LEX 9419	02.11.23	Nil additional documents to those captured in LEX 9269 above
16.	LEX 9427	03.11.23	Pages 77 to 81
17.	LEX 9428	03.11.23	Pages 82 – 90
18.	LEX 9582	21.11.23	Pages 91 – 104
19.	LEX 9614	22.11.23	Pages 105 – 106
20.	LEX 9615	22.11.23	Pages 107 – 108
21.	LEX 9662	21.12.23	Pages 109 – 111
22.	LEX 9703	08.12.23	Nil relevant documents
23.	LEX 9708	08.12.23	Nil relevant documents
24.	LEX 9712	11.12.23	Nil relevant documents
25.	LEX 9716	09.12.23	Nil relevant documents
26.	LEX 9726	11.12.23	Pages 112 – 127
27.	LEX 9788	17.12.23	Pages 129 - 131
28.	LEX 9820	21.12.23	Nil relevant documents
29.	LEX 9824	21.12.23	Nil relevant documents
30.	LEX 9836	22.12.23	Nil relevant documents

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 days of receipt of this letter.

Where possible, please attach reasons 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 within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (section 54L of the FOI Act). 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: <https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/freedom-of-information-reviews/internal-review-process>

Further information about how to make a complaint is available at: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>