



**Australian Government**  
**Department of Foreign Affairs and Trade**

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File Reference: 24/7872

27 March 2024

Pep Jan  
Right to Know

By email: [foi+request-11167-21239e3c@righttoknow.org.au](mailto:foi+request-11167-21239e3c@righttoknow.org.au)

Dear Pep Jan

**RE: Freedom of Information Request**

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

On 26 February 2024, you requested for access to the following:

*I am writing to request information regarding grants provided through the Direct Aid Program (DAP) by the Embassy of Australia in Serbia over the past five years, specifically from 2020 to 2024. I am interested in obtaining the following information - a list of all grants provided through the DAP in Serbia during the specified time period, including the name of the recipient organization, name of the project, the amount of the grant and the length of implementation. I would also like to receive the number of applications received by the Embassy of Australia in Serbia through the Direct Aid Program (DAP).*

**Decision**

As the information requested did not exist in a discrete document, the department has created a document in accordance with [section 17 of the FOI Act](#) for the purpose of responding to your request. After careful consideration, I have decided to grant you access to an edited copy of the document, with exempt material removed.

**Reasons**

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

In making my decision I have taken into account:

- your request and accompanying documents;
- the document created under section 17 of the FOI Act to respond to 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). Sections of the FOI Guidelines referenced can be found online at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>

### **Damage to international relations (section 33(a)(iii) of the FOI Act)**

Under section 33(a)(iii) of the FOI Act, a document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth.

The phrase 'international relations' has been interpreted to mean the ability of the Australian Government to maintain good working relations with other governments and international organizations and to protect the flow of confidential information between them (FOI Guidelines, paragraph 5.36). As outlined in paragraph 5.38 of the FOI Guidelines, this applies to documents, the disclosure of which, could diminish the confidence which another country has in Australia as a reliable recipient of confidential information, making that country or its agencies less willing to cooperate with Australian agencies in future.

Furthermore, according to the FOI Guidelines (paragraph 5.28), the expression 'damage' could include intangible damage, including inhibiting future negotiations between the Australian Government and a foreign government, or the future flow of confidential information from a foreign government or in a diplomatic setting.

Considering these provisions, I am satisfied that the disclosure of the relevant material to which you seek access, would be reasonably likely to cause damage to Australia's foreign relationships and that that this material is exempt under section 33(a)(iii) of the FOI Act.

In coming to this view, I have had regard to the nature of the information, the circumstances in which it was communicated, and the likelihood and nature of the damage to international relations which could occur in the event of disclosure (FOI Guidelines, paragraph 5.37).

In addition to the above, I am of the view that even if this material was not exempted under section 33(a)(iii) of the FOI Act, it would be exempt from release under section 47G(1) of the FOI Act as some of the material would disclose information concerning businesses and organizations and I consider that disclosure of this material would, or could, unreasonably affect the organization in respect to its lawful business, commercial or financial affairs, or prejudice the future supply of information to the Commonwealth.

### **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

Sarah Goulding  
Assistant Secretary  
Department of Foreign Affairs and Trade

## 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](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  
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: <https://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: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints>.