



24 March 2016

Ref: FOI 1865

Mr Andrew Cullen
Right to Know
foi+request-1708-b3eb882f@righttoknow.org.au

Dear Mr Cullen

FREEDOM OF INFORMATION REQUEST

I refer to your request of 1 March 2016 (attached) seeking documents under the *Freedom of Information Act 1982* (the Act) in respect of:

'I wish to obtain documents and/or correspondence between Treasurer Scott Morrison and the Foreign Investment Review Board relating to new bids and reapplication by foreign investors to purchase S. Kidman and Co after the initial block in November 2015.'

I am an authorised decision maker under section 23 of the Act. This letter sets out my decision and reasons for the decision in relation to your application.

Materials relevant to making of decision

The materials, information and advice to which I have had reference in making this decision are:

- the terms of your request;
- advice provided by Treasury officers;
- the relevant provisions of the Act; and
- guidelines issued by the Australian Information Commissioner.

Decision

I have decided to refuse your request.

I have considered my obligation, under subsection 26(1) of the Act, to provide a notice setting out the material findings of fact and reasons for my decision. I am of the view that the provision of any further information regarding this decision will result in this document — my decision letter — being an exempt document within the meaning of the Act.

I note that subsection 26(2) of the Act provides that a notice under subsection 26(1) is not required to contain any matter that is of such a nature that its inclusion in a document of an agency would cause that document to be an exempt document.

Rights of review

Information on your rights of review is attached.

Yours sincerely



Adam McKissack
Principal Adviser
Foreign Investment & Trade Policy Division

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RIGHTS OF REVIEW — ACCESS REFUSED**INFORMATION ON RIGHTS OF REVIEW****1. APPLICATION FOR INTERNAL REVIEW OF DECISION**

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to foi@treasury.gov.au or to:

The Senior Adviser — Parliamentary and Legal Services Unit
The Treasury
Langton Crescent
PARKES ACT 2600

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.

