



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1402-F769

File No: 14/5767

25 March 2014

Ben Fairless
foi+request-527-2af45874@righttoknow.org.au

Dear Mr Fairless

Re: Freedom of Information (FOI) Request

I refer to your e-mail of 23 February in which you seek access under the provisions of the *Freedom of Information Act 1982* (FOI Act) to:

documents (including, but not limited to, emails, letters or other notes to which the department has access) which reference requests, decisions or opinions by the current minister of the Department on how the department should handle Freedom of Information (FOI) requests.

I am authorised under section 23 of the FOI Act to make decisions, and have been appointed to be the decision-maker on your request in line with departmental procedures.

I have to advise that a thorough search of the Department's file records has failed to identify any document relevant to the scope of your request. As you are aware, the Department and the Minister's Office are separate entities under the FOI Act. While the Department provides practical assistance to the Minister's Office in processing FOI requests which it receives (OAIC Guideline 2.22 refers), the Department neither seeks nor receives guidance from the Minister regarding the processing of requests received by the Department.

I therefore am unable to meet your request in accordance with the provisions of section 24A(1)(b)(ii) as DFAT holds no documents relevant to your request.

Please find your rights of review outlined below.

Internal review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my access refusal decision. Your request should be made in writing and sent within 30 days of receipt of this letter addressed to:

Director
Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
BARTON ACT 0221

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are entitled to request a review by the Australian Information Commissioner of my access refusal decision. You may also make a complaint to the Australian Information Commissioner under section 70 on the Department's performance of its functions or the exercise of power under the FOI Act.

Your request for review or complaint should be addressed to:

Office of the Australian Information Commissioner
GPO Box 2999
CANBERRA ACT 2601
Email: enquiries@oaic.gov.au

Complaints to the Commonwealth Ombudsman

You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

You may complain to the Ombudsman by calling or writing to:

Commonwealth Ombudsman
Level 5, Childers Square,
14 Childers Street
Canberra City ACT 2601
ombudsman@ombudsman.gov.au

Should you have any queries regarding this matter please contact your FOI case officer, Ada Cheung, on (02) 6261 3470 or by email to foi@dfat.gov.au

Yours sincerely



Indra McCormick
Director
Freedom of Information and Privacy Law Section
Corporate Legal Branch
Legal Division