



Australian Government

Department of Foreign Affairs and Trade

FOI Reference: LEX1066

File No: 19/35715

17 January 2020

Mr Christopher Wilson
Right to Know
By email: foi+request-5980-8e23c7b5@righttoknow.org.au

Dear Mr Wilson

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 10 December 2019 you requested:

"... a copy of the report and findings of the internal investigation of the gas explosion that accrued on the 26/April/2012 in which 2 female embassy staff where injured.

To narrow down my request, could you provide the follow please?

*a, A copy of the report
without the annexes or attachments*

b, A summary of or the titles of the annexes."

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests. I have identified documents relevant to your request and, after careful consideration of them, I have decided to exempt the documents in full.

In making my decision I have taken into account your request and the documents that fall within its scope, the FOI Act, and the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act. The reasons for my decision are set out below. Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au.

The material is exempt as it contains deliberative matter (section 47C of the FOI Act) obtained or created in the course of, and for the purposes of, drafting an incident report relative to the functions of the Department. Access to government deliberations should be

restricted because they need to be held frankly, without risk that different opinions are aired publicly.

Some material is exempt as its release would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of this Department (section 47E(d) of the FOI Act), including the department's management of personnel and overseas presence.

Section 11A of the FOI Act requires that access to conditionally exempt material must be provided unless that access would, on balance, be contrary to the public interest. The FOI Guidelines provide a set of public interest factors favouring disclosure and factors against disclosure in such circumstances. In this particular case, the public interest factors in favour of release are outweighed by the operational requirements of the Department. In assessing the public interest I have considered these guidelines and the public interest factors favouring disclosure (for example, promoting the objects of the FOI Act and informing debate on matters of public importance).

I have concluded that release of the material in question is contrary to the public interest. In making this decision I have considered the impacts on the Department's ability to undertake deliberations and exercise its core functions. I find that this is the case for the conditional exemptions set out in both section 47C and subsection 47E(d) of the FOI Act.

Your review rights are set out in the Attachment for your reference.

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

Yours sincerely



Fiona Leonard
A/g Assistant Secretary
People Performance and Support Branch

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 days of the date of this letter.

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 and Privacy Law 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/foi-review-process>

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