



Mr Paul Swain
By email: foi+request-8339-d34b318c@righttoknow.org.au

Dear Mr Swain

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 (Cth)* (FOI Act).

I have identified one document relevant to the first part of your request. After careful consideration, I have decided to exempt the document in full.

Thorough searches by the department found no documents relevant to the second, third and fourth parts of your request.

Request

On 15 February 2022 you requested access to:

- “1. Could you please provide me with any documents that DFAT holds that shows that the Australian Government attempted to resolve the frozen UK State Pension issue with the UK Foreign Secretary Liz Truss and her staff during her recent visit.*
- 2. If the Australian Government DID NOT attempt to resolve the frozen UK State Pension issue with the UK Foreign Secretary Liz Truss and her staff during her recent visit, could you please provide me with any documents that DFAT holds that shows why the Australian Government did not attempt to resolve this issue on this occasion.*
- 3. If the Australian Government was once again ineffective in its attempt to resolve the frozen UK State Pension issue during this visit, could you please provide me with any documents that contain analyses that DFAT has done investigating the reason for the failure, and attempting to develop a more effective strategy for future attempts.*
- 4. If DFAT does not hold any documents that are covered by point 3, could you please provide me with any documents that DFAT holds that shows why it does not attempt to improve its performance in resolving the frozen UK State Pension issue by analysing its past performance.”*

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 document 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 www.oaic.gov.au/freedom-of-information/foi-guidelines/.

The reasons for my decision are set out below.

Damage to international relations

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

Paragraph 5.36 of the FOI Guidelines states the phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them.

Considering this meaning and consistent with paragraphs 5.16-5.18 and paragraph 5.25 of the FOI Guidelines, I have examined a document relevant to the first part of your request and assessed the likelihood of potential damage to international relations resulting from disclosure. I have determined that it is reasonable to expect that disclosure of the document would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth.

Documents do not exist

Thorough searches by the department found no documents relevant to the second, third or fourth parts of your request. In relation to these parts, I therefore refuse your request for access to documents under section 24A(1) of the FOI Act, because all reasonable steps have been taken to find the documents and I am satisfied the documents do not exist.

Review

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

Contact

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

Yours sincerely

Elizabeth Le Bas
A/g Assistant Secretary
United States, United Kingdom and Canada 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>