



OFFICE OF THE PRIME MINISTER

Reference: FOI/PMO/2022/007

Mr Paul Swain

By email: foi+request-8460-fe31d571@righttoknow.org.au

Dear Mr Swain

I refer to your email dated 18 February 2022, in which you made a request to the Office of the Prime Minister under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**), in the following terms:

On Thursday, you met virtually with UK Prime Minister Boris Johnson, e.g. see <https://www.sbs.com.au/news/scott-morrison-and-boris-johnson-have-held-talks-today-here-s-what-they-discussed/9b9157b2-eb1f-43dc-9823-a1bfb5758961> thus giving the Australian Government another chance to resolve the frozen UK State Pension issue. As we all know from much previous correspondence, most recently, in my case, Minister for Trade, Tourism and Investment Dan Tehan's 17 September 2021 letter to Senator Andrew Bragg, the Australian Government repeatedly assures us that it

"will continue to press the issue with our UK counterparts on behalf of UK pensioners in Australia"

so I feel confident that you will have made another attempt to resolve the issue on this occasion, even though the attempt appears to have been excluded from the joint statement available at <https://www.pm.gov.au/media/joint-statement-uk-australia-virtual-summit>

- 1. Could you please provide me with any documents that you or your office hold that shows that the you attempted to resolve the frozen UK State Pension issue with the UK Prime Minister Boris Johnson and his staff during the virtual meeting.*
- 2. If you DID NOT attempt to resolve the frozen UK State Pension issue with UK Prime Minister Boris Johnson and his staff during the virtual meeting, could you please provide me with any documents that you or your office hold 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 you or your office have done investigating the reason for the failure, and attempting to develop a more effective strategy for future attempts.

4. If you or your office do not hold any documents that are covered by point 3, could you please provide me with any documents that you or your office hold that shows why you and your office do not attempt to improve your performance in resolving the frozen UK State Pension issue by analysing your past performance.

Authorised decision-maker

I am authorised to make a decision in this matter on the Prime Minister's behalf.

Practical refusal reasons

Section 24(1) of the FOI Act provides that a request to a Minister may be refused if the decision maker is satisfied that a practical refusal reason exists in relation to the request.

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists if the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).

However, before a request can be refused in this manner, the FOI Act provides that the applicant must be provided with a notice advising of the decision maker's intention to refuse the request and inviting the applicant to consider revising it to make it more manageable.

Notice of intention to refuse your request

Subsection 15(2) of the FOI Act sets out the requirements for a FOI request, including that the request must 'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it' (paragraph 15(2)(b)).

I am of the view that your request does not satisfy the requirement in paragraph 15(2)(b) of the FOI Act. Your request, which is in four parts, imports cascading propositions or assertions that make it unreasonably difficult to identify the document you are seeking.

Therefore, I intend, at this stage, to refuse your request under section 24(1) of the FOI Act.

Opportunity to modify request

In accordance with the requirements of section 24AB of the FOI Act, I am therefore notifying you of my intention to refuse your request under section 24(1) of the FOI Act and inviting you to consider revising your request, for example, by referring to a discrete subject matter and a timeframe.

Actions required

Section 24AB of the FOI Act provides that you must do one of the following, in writing, within the next 14 days:

- revise your request;
- indicate that you do not wish to revise it; or
- withdraw the request.

If you were to revise your FOI request in a way that removes the practical refusal reason, then the processing period will recommence. If you do not do one of the above within the next 14 days, your FOI request will be taken to have been withdrawn.

Calculation of 30 day period

Please note that the time taken to consult with you regarding the scope of your FOI request is not taken into account for the purpose of calculating the 30 day processing period.

No guarantee of access

Please note that even if you revise your request and it is able to be processed, there is still no guarantee that any relevant documents (if such documents exist) will be released. That is a matter for my decision, in the usual manner. The issue at the moment is whether the request is able to be processed, not what the eventual outcome may be if it were processed.

Yours sincerely



John Harris
Senior Adviser

07 April 2022