



**Australian Government**

**Department of Foreign Affairs and Trade**

18 May 2015

Evelyn Doyle [foi+request-941-da9791a8@righttoknow.org.au](mailto:foi+request-941-da9791a8@righttoknow.org.au)

Dear Ms Doyle

**Re: Freedom of Information (FOI) Internal Review**

I refer to your e-mail of 20 April seeking an internal review of a decision by acting Director, Freedom of Information & Privacy Law section, Dr Ada Cheung, in relation to your request under the *Freedom of Information Act 1982* (FOI Act). Your request under the FOI Act was for access to documents relating to:

*A list of all business representatives, industry association representatives or lobbyists that accompanied the Minister for Trade, the Hon Andrew Robb MP to ministerial negotiations related to the Trans-Pacific Partnership (TPP) since September 2013 when Mr Robb was appointed to the Trade portfolio Please take the request to mean those who were invited to attend and/or who attended, even if they did not specifically accompany the Minister.*

I am authorised under section 23 of the FOI Act to conduct a review of Dr Cheung's decision and have been appointed to be the decision-maker on your request as required by departmental procedures. I had no part in the original decision making process.

**Decision**

Dr Cheung's decision was that the Department holds no documents relevant to your request, as described above. I uphold Dr Cheung's decision that DFAT holds no documents relevant to your original request.

I note the following views were included in your email of 20 April, you: were "surprised that the department or the Minister's Office would have no official record, list or documents that would outline those industry representatives who are assisting (of their own accord) in these important negotiations"; requested "the department review the decision that there are no relevant documents to be found about industry representatives' involvement in TPP negotiations"; and "would also be happy for the department just to note who these industry representatives are in your review response, similar to your earlier response in which you indicated their participation on the sidelines without the need to supply a document."

The issue which you raised in your 20 April email is significantly different from the scope of your original request. I note that the internal review process is not the appropriate opportunity for re-scoping an FOI request.

### **Your review rights**

#### *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 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 directed to:

GPO Box 2999, Canberra ACT 2601  
Telephone: 1300 363 992  
Fax: (02) 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

#### *Complaints to the Commonwealth Ombudsman*

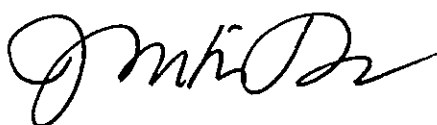
You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

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

Commonwealth Ombudsman  
GPO Box 442  
Canberra ACT 2601  
Telephone: 1300 362 072  
Fax: (02) 6249 7829

Should you have any queries regarding this matter please contact the FOI case officer, Ms Claudia Hernandez, on (02) 6261 3135 or by e-mail to [foi@dfat.gov.au](mailto:foi@dfat.gov.au).

Yours sincerely



Justin Brown  
First Assistant Secretary  
Office of Trade Negotiations