



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: 1502-F1092
File No: 15/11251
Date: 27 March 2015

Culley Palmer
<foi+request-983-45a18114@righttoknow.org.au>

Dear Mr Palmer

Re: Freedom of Information Request

I refer to your current request for access under the *Freedom of Information Act 1982* (FOI Act) to:

The current Memorandum of Understanding or Status of Forces Agreement between Australia and Iraq which contains the legal framework for the ongoing Australian military operations in Iraq.

I am authorised under section 23 of the FOI Act to make access decisions, and have been appointed to be the decision-maker on your request as required by departmental procedures. I have been provided with the documents identified in searches within the Department as relevant to your request.

Decision

After careful consideration of the material and the terms and context of your request, I have identified one document as being relevant to your request. I have decided to exempt that document in full.

Section 26 of the FOI Act provides that where access to a document has been denied in full or in part, a statement must be provided to the applicant setting out findings on material questions of fact, the material on which those findings were based, and the reasons for the decision. Please find this information below.

Material considered

The material on which my decision is based includes:

- the request and the documents within the scope of the request;
- the FOI Act; and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act.

Reasons for my decision, including any material findings of fact

The reasons for my decision are set out below.

The Iraqi Government has requested that the relevant document not be released.

The document is exempt from release under section 33(b) of the FOI Act, which provides that:

"A document is an exempt document if disclosure of the document under this Act would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth."

This document is also exempt from disclosure under section 33(a)(iii) of the Act, which provides as follows:

"A document is an exempt document if disclosure of the document under this Act would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth".

Your review rights

Internal review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my access decision. Your request in writing within 30 days of the date of this letter should be directed 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 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

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 your FOI case officer,
Elizabeth Toohey, on (02) 6261 3880.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MIB', with a long horizontal flourish extending to the right.

Marc Ines-Brown
Assistant Secretary
Middle East Branch