

**TB1149****Your ref - LEX 517 - Patrick and DFAT - our ref - MR20/00054 - response - 26/07/20 [DLM=For-Official-Use-Only]**

---

**From:** FOIDR <"/o=exchangelabs/ou=exchange administrative group (fydibohf23spdlt)/cn=recipients/cn=ce1b6fd81d7e4dbe86684c42dfe03114-[REDACTED]>  
**To:** [REDACTED]@dfat.gov.au  
**Date:** Thu, 11 Jun 2020 07:34:01 +1000

---

Our reference: MR20/00054  
Your reference: LEX 517

Dear [REDACTED]

Thank you for your email of 5 June 2020.

On the basis of the reasons provided, the OAIC is agreeable to an extension of time until **26 June 2020** to provide a response.

Kind regards

[REDACTED]

**Intake and Early Resolution Team**

Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
1300 363 992 | [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

[f](#) | [in](#) | [twitter](#) | [envelope](#) | [Subscribe to OAICnet newsletter](#)

---

**From:** [REDACTED]@dfat.gov.au  
**Sent:** Friday, 5 June 2020 2:44 PM  
**To:** FOIDR <foidr@oaic.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au  
**Subject:** IC Review - Patrick and DFAT - MR20/00054 [DLM=For-Official-Use-Only]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**For-Official-Use-Only**

Your reference – MR20/00054  
Our reference – LEX1708

Dear [REDACTED]

I refer to your email to [REDACTED] dated 20 April 2020 in respect of the above matter and note that a response to the notification of IC review was due to you last Friday, 29 May 2020.

I confirm that I have this week taken carriage of this matter and I am working to progress this response to you as quickly as I can. I propose to provide a more comprehensive update on the status and progress of the department's response to the notification of IC review by COB Friday, 26 June 2020.

In the interim, please let me know if you have any queries.

**TB1150**

Kind regards

---

Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade

T [REDACTED]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note I am in the office on Monday and Tuesday and work from home on Thursdays and Fridays. I do not work on Wednesday.*

***The Department of Foreign Affairs and Trade is currently mobilising significant resources to support the government's management of the impact of coronavirus COVID-19. As this situation evolves, delays may occur to the usual processing times of freedom of information requests. We will continue to process all FOI requests as efficiently as possible but may seek your agreement, or agreement by the Office of the Australian Information Commissioner (OAIC) to an extension of time. Thank you for your patience.***

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

**TB1151****RE: MR20/00054 - IC Review - Senator Patrick and DFAT  
[SEC=OFFICIAL]**

**From:** [REDACTED]@oaic.gov.au>  
**To:** [REDACTED]@dfat.gov.au>, [REDACTED]@oaic.gov.au>, [REDACTED]@oaic.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au>, [REDACTED]@dfat.gov.au>  
**Date:** Thu, 19 Nov 2020 18:25:00 +1100

Dear [REDACTED]

Thank you for your email and for proposing a form of words that you consent to the OAIC conveying to Senator Patrick.

We will pass on the update to Senator Patrick. However we would usually also provide a proposed timeframe for finalisation of the s 55G decision in such matters. Without a proposed date, it leaves uncertainty about the status of the decision making process.

I anticipate that providing the information DFAT has consented to being provided will result in a request for an indicative timeframe for the decision to be made. Given that this is not exempt matter, and will not reveal exempt matter, I would be inclined to provide that information on request.

Kind regards

 [REDACTED] Director (A/g)  
 Freedom of Information  
 Office of the Australian Information Commissioner  
 GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
 + [REDACTED] | [REDACTED]@oaic.gov.au  
 f | in | t |  [Subscribe to Information Matters](#)

**From:** [REDACTED]@dfat.gov.au>  
**Sent:** Thursday, November 19, 2020 2:07 PM  
**To:** [REDACTED]@oaic.gov.au>; [REDACTED]@oaic.gov.au>; [REDACTED]@oaic.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au>; [REDACTED]@dfat.gov.au>  
**Subject:** MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Your reference MR20/00054

Dear [REDACTED], [REDACTED] and [REDACTED]

Further to our recent discussions with you, I am writing in respect of the department's undertaking to provide you with an update on the status of Senator Patrick's IC Review in MR20/00054

In our most recent discussions with you, we indicated that the department was still considering its proposed next steps in relation to this review. We are pleased to indicate that the department's proposed next steps have now been agreed.

Based on consultations across the relevant areas of the department, the decision maker has indicated a willingness to revise its decision in respect of Senator Patrick's FOI request under section 55G of the *Freedom of Information Act 1982*.

The department has commenced processing this revised decision. Noting the complexity of this matter and the extensive consultations that are required with the relevant business areas, overseas posts and other departments, we anticipate that the department's decision maker will be able to finalise the revised decision in January 2021.

## TB1152

Thank you for your patience while we work to progress this complex matter. We trust a revised decision will assist with an effective resolution to this matter.

Finally, you have sought the department's consent to a form of words to provide to Senator Patrick to update him on the status of this review. We consent to OAIC providing the following information to Senator Patrick:

*The Department of Foreign Affairs and Trade has indicated that it is revising its decision in this matter under section 55G of the Freedom of Information Act 1982. It is intended that this revised decision will assist to resolve the matters raised by the Senator in his request for review of the department's decision dated 18 December 2019.*

*The Department of Foreign Affairs and Trade thanks Senator Patrick for his patience in this matter.*

Kind regards

---

Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade

T [REDACTED]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

**TB1153**

**Re: Overdue DFAT matters [SEC=OFFICIAL]**

**From:** Rocelle Ago <rocelle.ago@oaic.gov.au>  
**To:** [REDACTED]@oaic.gov.au  
**Cc:** [REDACTED]@oaic.gov.au, [REDACTED]@oaic.gov.au  
**Date:** Wed, 02 Dec 2020 07:57:26 +1100  
**Attachments:** Unnamed Attachment (68 bytes); Unnamed Attachment (68 bytes); Unnamed Attachment (68 bytes); Unnamed Attachment (68 bytes); Unnamed Attachment (68 bytes)

Hi [REDACTED]

Thank you for following those up.

It may assist if the 55U matters are within the Significant and Systemic team - [REDACTED] and [REDACTED], can we discuss at our stand up today?

Thanks  
Rocelle

**From:** [REDACTED]@oaic.gov.au  
**Sent:** Wednesday, December 2, 2020 7:54:32 AM  
**To:** Rocelle Ago <rocelle.ago@oaic.gov.au>  
**Subject:** RE: Overdue DFAT matters [SEC=OFFICIAL]  
 Thanks Rocelle  
 [REDACTED] has followed up with the applicant in MR19/[REDACTED] and is waiting for a response. I have asked [REDACTED] for advice on the security issue and will advise when I have heard back from her. Would you like I&ER to progress the 55U notices or would you prefer that S&S draft them. Let me know if these matters should be moved to the S&S queue for management as previously proposed.  
 Thanks  
 [REDACTED]

**From:** Rocelle Ago <rocelle.ago@oaic.gov.au>  
**Sent:** Tuesday, 1 December 2020 11:04 AM  
**To:** [REDACTED]@oaic.gov.au; [REDACTED]@oaic.gov.au  
**Cc:** [REDACTED]@oaic.gov.au  
**Subject:** RE: Overdue DFAT matters [SEC=OFFICIAL]  
 Good morning  
 Thank you for your time this morning.  
 Please see action items below.

1. [REDACTED]
2. MR20/00054 – issue a direction/55U notice to provide the relevant documents and submissions by 15 January.
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

Please also reallocate any resolve actions accordingly based on the instructions below.  
Kind regards  
Rocelle

**From:** [REDACTED]@oaic.gov.au  
**Sent:** Thursday, 26 November 2020 4:57 PM  
**To:** [REDACTED]@oaic.gov.au  
**Cc:** [REDACTED]@oaic.gov.au  
**Subject:** Overdue DFAT matters [SEC=OFFICIAL]

Hi [REDACTED]  
 In the table below we have outlined several matters where we have experienced ongoing delays from DFAT in obtaining 54Z responses/documents. These 54Z notices were issued between January and May 2020. Multiple extensions of time have been granted, yet DFAT's recent responses indicate that these delays will continue into the New Year. We have already notified DFAT of our intention to issue a 55R notice to its Chief Operating Officer (COO) in relation to MR19/[REDACTED] ([REDACTED]), which has been drafted (awaiting clearance). However given that DFAT has pushed back its anticipated response date in [REDACTED] and [REDACTED] to 23 December 2020; does not intend to issue a revised decision in MR20/00054 (Sen Patrick) until January 2021; and requires OAIC officers to attend a 'Charlie briefing' prior to provision of documents requested several months ago in [REDACTED], we may like to consider exercising this regulatory power under s 55R in relation to each of these matters. Particularly given that the anticipated due dates are still uncertain, and we note that DFAT did not wish to commit to a date for its revised decision in the update we provided to the applicant recently in MR20/00054 (Sen Patrick). If we consider this approach appropriate, our Deputy Commissioner (who I understand would be signing the 55Rs to the COO) may consider it appropriate to contact DFAT's COO in advance to highlight our concerns around the systemic nature of these issues and delays (which may be beneficial in any event), and provide notice of the forthcoming 55Rs, which could be issued together. This approach would provide certainty around when to expect the documents and revised decision, and would help demonstrate to DFAT our willingness to take a more stringent approach to matters where it has not complied with allocated timeframes. However we will await your advice on how best we can progress these matters before we confirm next steps with DFAT. If you wish to discuss these matters further in the meantime, please let us know.

OAIC reference	Agency reference	Applicant Name	Due date	History of Extensions
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

[REDACTED]

S 54Z response due 1/04/2020  
Two EOT's granted to 26/06/2020  
On 7/07/2020 R advised that Clayton Utz are preparing submissions on behalf of R which are likely to be completed by the end of July 2020.  
On 27/08/2020 R advised that there have been delays due to ongoing consultations with P&MC and the line area reviewing draft documents prepared by Clayton Utz. R advised that it expects to be in a position to provide a further update on the status of the submissions by late September 2020.  
21/10/20- Following discussion with OAIC on 13/10/20, R advises it only agreed to provide OAIC with an update on how it will proceed by the end of October 2020, and not a response, as was the OAIC's understanding.  
19/11/20- R advises it will issue a revised decision, expected January 2021.  
**Next steps: OAIC to decide appropriate timeframe for 55G and respond to R. Consider requiring decision from R under 55R notice to provide due date certainty.**

MR20/00054  
(Cat 5.3: 22(1)(a)(ii),  
33, 47E(d), 47G(1)  
(b))

LEX 517

Senator Rex Patrick

26/06/20

[REDACTED]

[REDACTED]

TB1155

				[REDACTED]
M [REDACTED]				[REDACTED]

Kind regards



[REDACTED] | Review Advisor (Legal)  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED] [@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)



[Subscribe to Information Matters](#)

**TB1156****RE: MR20/00054 - IC Review - Senator Patrick and DFAT  
[SEC=OFFICIAL]**

---

**From:** [REDACTED]@dfat.gov.au>  
**To:** [REDACTED]@oaic.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au>, [REDACTED]@dfat.gov.au>  
**Date:** Mon, 06 Sep 2021 14:35:41 +1000

---

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Dear [REDACTED]

Thank you for your email.

I confirm that the department is working to progress a revised decision in this matter.

To date the department has undertaken additional searches, identified and collated over 300 pages of relevant material and provided that material to our external lawyers, Clayton Utz for advice and assistance to prepare the documents. Due to the classification of some of the documents, they had to be provided to Clayton Utz by safe hand to for their review and analysis.

Clayton Utz has conducted its review and provided the department with initial advice for the department's consideration.

The department was in the process of arranging for copies to be made and circulated internally for consultation and comment when the ACT lockdown was called.

We currently anticipate the steps progress the revised decision are as follows:

- \* circulate the draft documents to the relevant business areas for review and comment;
- \* collate comments and provide instructions to Clayton Utz; and
- \* finalise the material for consideration by the decision-maker.

As you are aware, the ACT is under stay at home orders until at least 16 September 2021. The department is implementing business continuity measures with the majority of the workforce working remotely. Due to the security classification of the documents they can only be accessed within the office work environment. This means that until we can return to the office under closer to normal business arrangements, our ability to set firm dates for the completion of the revised decision is complicated because the systems and resources required to enable these tasks cannot be completed remotely. However, between now and the week commencing 20 September, we will liaise with our business areas to obtain their assessment of the likely timeframe they will need to consider and comment on the documents at which time we will provide you a further update on the timeframe of our next steps.

We appreciate your patience.

Kind regards

---

[REDACTED]  
Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade

T [REDACTED]  
W [DFAT.GOV.AU](https://www.dfat.gov.au) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note that I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

---

**From:** [REDACTED]  
**Sent:** Thursday, 2 September 2021 2:15 PM

**TB1157**

To: [REDACTED]@oaic.gov.au>  
Cc: FOI <foi@dfat.gov.au>  
Subject: RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon [REDACTED]

Thank you for your email.

I am preparing an update in this matter and will respond substantively on the progress of the Revised decision and the steps and timetable for completion or before COB Monday, 6 September.

Thank you for your patience.

Kind regards  
[REDACTED]

---

From: [REDACTED]@oaic.gov.au>  
Sent: Tuesday, 17 August 2021 12:46 PM  
To: [REDACTED]@dfat.gov.au>  
Cc: FOI <foi@dfat.gov.au>  
Subject: [EXTERNAL] RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender.

Dear [REDACTED]

I refer to the above IC review applicant.

The OAIC has not received the Department's revised decision which was anticipated to be finalised in January 2021.

Noting that some time has passed since our last correspondence in this matter, I would be grateful if the Department could provide the OAIC with an update on the status of the proposed revised decision.

If the Department is no longer in a position to issue a revised decision under s 55G of the FOI Act, further case management steps may be taken by the OAIC to progress this IC review.

A response is requested by **31 August 2021**.

Regards  
[REDACTED]



[REDACTED] | Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED]@oaic.gov.au

f | in | t | [Subscribe to Information Matters](#)

---

From: [REDACTED]@dfat.gov.au>  
Sent: Thursday, 19 November 2020 2:07 PM  
To: [REDACTED]@oaic.gov.au>; [REDACTED]@oaic.gov.au>; [REDACTED]  
Cc: [REDACTED]@dfat.gov.au>; [REDACTED]@dfat.gov.au>  
Subject: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Your reference MR20/00054

Dear [REDACTED], [REDACTED] and [REDACTED]

Further to our recent discussions with you, I am writing in respect of the department’s undertaking to provide you with an update on the status of Senator Patrick’s IC Review in MR20/00054

In our most recent discussions with you, we indicated that the department was still considering its proposed next steps in relation to this review. We are pleased to indicate that the department’s proposed next steps have now been agreed.

Based on consultations across the relevant areas of the department, the decision maker has indicated a willingness to revise its decision in respect of Senator Patrick’s FOI request under section 55G of the *Freedom of Information Act 1982*.

The department has commenced processing this revised decision. Noting the complexity of this matter and the extensive consultations that are required with the relevant business areas, overseas posts and other departments, we anticipate that the department’s decision maker will be able to finalise the revised decision in January 2021.

Thank you for your patience while we work to progress this complex matter. We trust a revised decision will assist with an effective resolution to this matter.

Finally, you have sought the department’s consent to a form of words to provide to Senator Patrick to update him on the status of this review. We consent to OAIC providing the following information to Senator Patrick:

*The Department of Foreign Affairs and Trade has indicated that it is revising its decision in this matter under section 55G of the Freedom of Information Act 1982. It is intended that this revised decision will assist to resolve the matters raised by the Senator in his request for review of the department’s decision dated 18 December 2019.*

*The Department of Foreign Affairs and Trade thanks Senator Patrick for his patience in this matter.*

Kind regards

---

[REDACTED]  
Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade  
T [REDACTED]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

\*\*\*\*\*  
WARNING: The information contained in this email may be confidential.  
If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.  
\*\*\*\*\*

**TB1159****RE: MR20/00054 - IC Review - Senator Patrick and DFAT  
[SEC=OFFICIAL]**

---

**From:** [REDACTED]@oaic.gov.au>  
**To:** [REDACTED]@dfat.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au>, [REDACTED]@dfat.gov.au>  
**Date:** Wed, 15 Sep 2021 08:44:17 +1000

---

Dear [REDACTED]

Thank you for your email. We appreciate that many government agencies in the ACT are experiencing delays as a consequence of the stay at home orders.

In light of the anticipated delays in finalising the proposed s 55G notice, the OAIC will provide the IC review applicant with an update on the progress of the matter.

Before the OAIC contacts the applicant, I would be grateful if DFAT could provide a short explanation for the delays.

As the OAIC provided the applicant with an update in November 2020 indicating that DFAT were in the process of finalising a revised decision under s 55G of the FOI Act, I would be grateful if the short explanation could address the following matters:

- (a) the reasons for the delays experienced between November 2020 and September 2021, and
- b. an estimated timeframe to complete the following next steps in finalising a revised decision under s 55G:
  - I. circulate the draft documents to the relevant business areas for review and comment
  - II. collate comments and provide instructions to Clayton Utz
  - III. finalise the material for consideration by the decision-maker, and
  - IV. finalise revised decision

The OAIC will provide the applicant with an update in the matter, including the short explanation provided by DFAT.

A response is requested by **22 September 2021**.

Regards  
[REDACTED]

 [REDACTED] | Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of Information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
+ [REDACTED] | [\[REDACTED\]@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)

 [Subscribe to Information Matters](#)

**28 SEPTEMBER 2021**

International Access to Information Day

[oaic.gov.au/iaid](http://oaic.gov.au/iaid)

**TB1160**

**From:** [REDACTED]@dfat.gov.au>  
**Sent:** Monday, 6 September 2021 2:36 PM  
**To:** [REDACTED]@oaic.gov.au>  
**Cc:** [REDACTED]@dfat.gov.au>; [REDACTED]@dfat.gov.au>  
**Subject:** RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Dear [REDACTED]

Thank you for your email.

I confirm that the department is working to progress a revised decision in this matter.

To date the department has undertaken additional searches, identified and collated over 300 pages of relevant material and provided that material to our external lawyers, Clayton Utz for advice and assistance to prepare the documents. Due to the classification of some of the documents, they had to be provided to Clayton Utz by safe hand to for their review and analysis.

Clayton Utz has conducted its review and provided the department with initial advice for the department's consideration.

The department was in the process of arranging for copies to be made and circulated internally for consultation and comment when the ACT lockdown was called.

We currently anticipate the steps progress the revised decision are as follows:

- \* circulate the draft documents to the relevant business areas for review and comment;
- \* collate comments and provide instructions to Clayton Utz; and
- \* finalise the material for consideration by the decision-maker.

As you are aware, the ACT is under stay at home orders until at least 16 September 2021. The department is implementing business continuity measures with the majority of the workforce working remotely. Due to the security classification of the documents they can only be accessed within the office work environment. This means that until we can return to the office under closer to normal business arrangements, our ability to set firm dates for the completion of the revised decision is complicated because the systems and resources required to enable these tasks cannot be completed remotely. However, between now and the week commencing 20 September, we will liaise with our business areas to obtain their assessment of the likely timeframe they will need to consider and comment on the documents at which time we will provide you a further update on the timeframe of our next steps.

We appreciate your patience.

Kind regards

---

[REDACTED]  
Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade  
T [REDACTED]  
W [DFAT.GOV.AU](https://dfat.gov.au) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note that I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

---

**From:** [REDACTED]  
**Sent:** Thursday, 2 September 2021 2:15 PM  
**To:** [REDACTED]@oaic.gov.au>  
**Cc:** FOI <[foi@dfat.gov.au](mailto:foi@dfat.gov.au)>  
**Subject:** RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**OFFICIAL**

**TB1161**

Good afternoon [REDACTED]

Thank you for your email.

I am preparing an update in this matter and will respond substantively on the progress of the Revised decision and the steps and timetable for completion or before COB Monday, 6 September.

Thank you for your patience.

Kind regards  
[REDACTED]

---

**From:** [REDACTED] <[REDACTED]@oaic.gov.au>  
**Sent:** Tuesday, 17 August 2021 12:46 PM  
**To:** [REDACTED] <[REDACTED]@dfat.gov.au>  
**Cc:** FOI <foi@dfat.gov.au>  
**Subject:** [EXTERNAL] RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender.

Dear [REDACTED]

I refer to the above IC review applicant.

The OAIC has not received the Department's revised decision which was anticipated to be finalised in January 2021.

Noting that some time has passed since our last correspondence in this matter, I would be grateful if the Department could provide the OAIC with an update on the status of the proposed revised decision.

If the Department is no longer in a position to issue a revised decision under s 55G of the FOI Act, further case management steps may be taken by the OAIC to progress this IC review.

A response is requested by **31 August 2021**.

Regards  
[REDACTED]



[REDACTED] | Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED]@oaic.gov.au

[f](#) | [in](#) | [t](#) | [✉](#) [Subscribe to Information Matters](#)

---

**From:** [REDACTED] <[REDACTED]@dfat.gov.au>  
**Sent:** Thursday, 19 November 2020 2:07 PM  
**To:** [REDACTED] <[REDACTED]@oaic.gov.au>; [REDACTED] <[REDACTED]@oaic.gov.au>; [REDACTED] <[REDACTED]@oaic.gov.au>  
**Cc:** [REDACTED] <[REDACTED]@dfat.gov.au>; [REDACTED] <[REDACTED]@dfat.gov.au>  
**Subject:** MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Your reference MR20/00054

TB1162

Dear [redacted], [redacted] and [redacted]

Further to our recent discussions with you, I am writing in respect of the department's undertaking to provide you with an update on the status of Senator Patrick's IC Review in MR20/00054

In our most recent discussions with you, we indicated that the department was still considering its proposed next steps in relation to this review. We are pleased to indicate that the department's proposed next steps have now been agreed.

Based on consultations across the relevant areas of the department, the decision maker has indicated a willingness to revise its decision in respect of Senator Patrick's FOI request under section 55G of the *Freedom of Information Act 1982*.

The department has commenced processing this revised decision. Noting the complexity of this matter and the extensive consultations that are required with the relevant business areas, overseas posts and other departments, we anticipate that the department's decision maker will be able to finalise the revised decision in January 2021.

Thank you for your patience while we work to progress this complex matter. We trust a revised decision will assist with an effective resolution to this matter.

Finally, you have sought the department's consent to a form of words to provide to Senator Patrick to update him on the status of this review. We consent to OAIC providing the following information to Senator Patrick:

*The Department of Foreign Affairs and Trade has indicated that it is revising its decision in this matter under section 55G of the Freedom of Information Act 1982. It is intended that this revised decision will assist to resolve the matters raised by the Senator in his request for review of the department's decision dated 18 December 2019.*

*The Department of Foreign Affairs and Trade thanks Senator Patrick for his patience in this matter.*

Kind regards



Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade

T [redacted]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

\*\*\*\*\*  
WARNING: The information contained in this email may be confidential.  
If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.  
\*\*\*\*\*

**RE: MR20/00054 - IC Review - Senator Patrick and DFAT  
[SEC=OFFICIAL]**

---

**From:** [REDACTED] <[REDACTED]@oaic.gov.au>  
**To:** [REDACTED] <[REDACTED]@dfat.gov.au>  
**Cc:** FOI <foi@dfat.gov.au>  
**Date:** Fri, 24 Sep 2021 13:48:36 +1000

---

Dear [REDACTED]

I refer to the below correspondence and note the OAIC has not received a response to our request for further information.

I would be grateful if DFAT could provide a response to our correspondence by **1 October 2021**.

Regards  
[REDACTED]

 [REDACTED] | Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of Information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
[REDACTED] | [REDACTED] [@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)

f |  |  |  | [Subscribe to Information Matters](#)



---

**From:** [REDACTED]  
**Sent:** Wednesday, 15 September 2021 8:44 AM  
**To:** [REDACTED] <[REDACTED]@dfat.gov.au>  
**Cc:** [REDACTED] <[REDACTED]@dfat.gov.au>; [REDACTED] <[REDACTED]@dfat.gov.au>  
**Subject:** RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

Dear [REDACTED]

Thank you for your email. We appreciate that many government agencies in the ACT are experiencing delays as a consequence of the stay at home orders.

In light of the anticipated delays in finalising the proposed s 55G notice, the OAIC will provide the IC review applicant with an update on the progress of the matter.

Before the OAIC contacts the applicant, I would be grateful if DFAT could provide a short explanation for the delays.

As the OAIC provided the applicant with an update in November 2020 indicating that DFAT were in the process of finalising a revised decision under s 55G of the FOI Act, I would be grateful if the short explanation could address the following matters:

**TB1164**

- (a) the reasons for the delays experienced between November 2020 and September 2021, and
- b. an estimated timeframe to complete the following next steps in finalising a revised decision under s 55G:
  - I. I. circulate the draft documents to the relevant business areas for review and comment
  - II. II. collate comments and provide instructions to Clayton Utz
  - III. III. finalise the material for consideration by the decision-maker, and
  - IV. IV. finalise revised decision

The OAIC will provide the applicant with an update in the matter, including the short explanation provided by DFAT.

A response is requested by **22 September 2021**.

Regards



Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of Information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
+ [@oaic.gov.au](mailto:)

[f](#) | [in](#) | [twitter](#) | [envelope](#) [Subscribe to Information Matters](#)



**From:** [@dfat.gov.au](mailto:)  
**Sent:** Monday, 6 September 2021 2:36 PM  
**To:** [@oaic.gov.au](mailto:)  
**Cc:** [@dfat.gov.au](mailto:); [@dfat.gov.au](mailto:)  
**Subject:** RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Dear [\[redacted\]](#)

Thank you for your email.

I confirm that the department is working to progress a revised decision in this matter.

To date the department has undertaken additional searches, identified and collated over 300 pages of relevant material and provided that material to our external lawyers, Clayton Utz for advice and assistance to prepare the documents. Due to the classification of some of the documents, they had to be provided to Clayton Utz by safe hand to for their review and analysis.

Clayton Utz has conducted its review and provided the department with initial advice for the department's consideration.

## TB1165

The department was in the process of arranging for copies to be made and circulated internally for consultation and comment when the ACT lockdown was called.

We currently anticipate the steps progress the revised decision are as follows:

- \* circulate the draft documents to the relevant business areas for review and comment;
- \* collate comments and provide instructions to Clayton Utz; and
- \* finalise the material for consideration by the decision-maker.

As you are aware, the ACT is under stay at home orders until at least 16 September 2021. The department is implementing business continuity measures with the majority of the workforce working remotely. Due to the security classification of the documents they can only be accessed within the office work environment. This means that until we can return to the office under closer to normal business arrangements, our ability to set firm dates for the completion of the revised decision is complicated because the systems and resources required to enable these tasks cannot be completed remotely. However, between now and the week commencing 20 September, we will liaise with our business areas to obtain their assessment of the likely timeframe they will need to consider and comment on the documents at which time we will provide you a further update on the timeframe of our next steps.

We appreciate your patience.

Kind regards

---

Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade

T [REDACTED]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note that I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

---

**From:** [REDACTED]  
**Sent:** Thursday, 2 September 2021 2:15 PM  
**To:** [REDACTED] <[\[REDACTED\]@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)>  
**Cc:** FOI <[foi@dfat.gov.au](mailto:foi@dfat.gov.au)>  
**Subject:** RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon [REDACTED]

Thank you for your email.

I am preparing an update in this matter and will respond substantively on the progress of the Revised decision and the steps and timetable for completion or before COB Monday, 6 September.

Thank you for your patience.

Kind regards

---

**From:** [REDACTED] <[\[REDACTED\]@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)>  
**Sent:** Tuesday, 17 August 2021 12:46 PM  
**To:** [REDACTED] <[\[REDACTED\]@dfat.gov.au](mailto:[REDACTED]@dfat.gov.au)>  
**Cc:** FOI <[foi@dfat.gov.au](mailto:foi@dfat.gov.au)>  
**Subject:** [EXTERNAL] RE: MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside the organisation. Do not click links or open attachments unless you recognise the sender.

Dear [REDACTED]

I refer to the above IC review applicant.

The OAIC has not received the Department's revised decision which was anticipated to be finalised in January 2021.

Noting that some time has passed since our last correspondence in this matter, I would be grateful if the Department could provide the OAIC with an update on the status of the proposed revised decision.

If the Department is no longer in a position to issue a revised decision under s 55G of the FOI Act, further case management steps may be taken by the OAIC to progress this IC review.

A response is requested by **31 August 2021**.

Regards



██████████ | Review Adviser (Legal)  
Significant and Systemic Reviews and Regulatory Advice  
Freedom of information Regulatory Group  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | [oaic.gov.au](http://oaic.gov.au)  
+ ██████████ | ██████████ [@oaic.gov.au](mailto:██████████@oaic.gov.au)

f | in | t | e [Subscribe to Information Matters](#)

**From:** ██████████ [@dfat.gov.au](mailto:██████████@dfat.gov.au)  
**Sent:** Thursday, 19 November 2020 2:07 PM  
**To:** ██████████ [@oaic.gov.au](mailto:██████████@oaic.gov.au); ██████████ [@oaic.gov.au](mailto:██████████@oaic.gov.au); ██████████  
██████████ [@oaic.gov.au](mailto:██████████@oaic.gov.au)  
**Cc:** ██████████ [@dfat.gov.au](mailto:██████████@dfat.gov.au); ██████████ [@dfat.gov.au](mailto:██████████@dfat.gov.au)  
**Subject:** MR20/00054 - IC Review - Senator Patrick and DFAT [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**OFFICIAL**

Your reference MR20/00054

Dear ██████████, ██████████ and ██████████

Further to our recent discussions with you, I am writing in respect of the department’s undertaking to provide you with an update on the status of Senator Patrick’s IC Review in MR20/00054

In our most recent discussions with you, we indicated that the department was still considering its proposed next steps in relation to this review. We are pleased to indicate that the department’s proposed next steps have now been agreed.

Based on consultations across the relevant areas of the department, the decision maker has indicated a willingness to revise its decision in respect of Senator Patrick’s FOI request under section 55G of the *Freedom of Information Act 1982*.

The department has commenced processing this revised decision. Noting the complexity of this matter and the extensive consultations that are required with the relevant business areas, overseas posts and other departments, we anticipate that the department’s decision maker will be able to finalise the revised decision in January 2021.

Thank you for your patience while we work to progress this complex matter. We trust a revised decision will assist with an effective resolution to this matter.

Finally, you have sought the department’s consent to a form of words to provide to Senator Patrick to update him on the status of this review. We consent to OAIC providing the following information to Senator Patrick:

*The Department of Foreign Affairs and Trade has indicated that it is revising its decision in this matter under section 55G of the Freedom of Information Act 1982. It is intended that this revised decision will assist to resolve the matters raised by the Senator in his request for review of the department’s decision dated 18 December 2019.*

*The Department of Foreign Affairs and Trade thanks Senator Patrick for his patience in this matter.*

Kind regards

---

Assistant Director, Legal | Freedom of Information & Privacy Law  
Corporate Law Branch | Legal Division | Department of Foreign Affairs and Trade  
T [REDACTED]  
W [DFAT.GOV.AU](http://DFAT.GOV.AU) | [Twitter](#) | [Facebook](#) | [Flickr](#) | [YouTube](#)

*Please note I do not work on Wednesdays.*

*This email and any attachments may contain confidential information or legal advice over which legal professional privilege can be claimed. Such privilege is not waived and you should ensure that, in your handling of the advice, you avoid waiving privilege. Please consult the author of the advice if unsure about appropriate handling.*

\*\*\*\*\*  
WARNING: The information contained in this email may be confidential.  
If you are not the intended recipient, any use or copying of any part  
of this information is unauthorised. If you have received this email in  
error, we apologise for any inconvenience and request that you notify  
the sender immediately and delete all copies of this email, together  
with any attachments.  
\*\*\*\*\*

**RE: MR20/00054 - IC review application of a decision made by the Department of Foreign Affairs and Trade [SEC=OFFICIAL]**

**From:** "Verlato, Maximilian (Sen R. Patrick)" <maximilian.verlato@aph.gov.au>  
**To:** [REDACTED]@oaic.gov.au  
**Date:** Tue, 26 Apr 2022 09:28:14 +1000

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED],

1. Senator Patrick thanks you for the opportunity to make further submissions to MR20/00054, and apologises for the delay in making them.
2. Senator Patrick is content to rely on his 15 February submissions, except for rebuttal to one particular line of argument by the Department.
3. S33(b) a states:

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.

4. It is very clear that the Parliament has made a distinction between information received by the Commonwealth and information imparted by the Commonwealth.
5. Absent any other exemption, it is clear that when communicating with a foreign government or international organisation, their information is protected from disclosure whilst Australian information is not (unless by way of some other exemption).
6. Yet the Department tries to distort or override parliamentary intent by ignoring the parliamentary intent:

*Page 4 - creates a perception that that the Australian Government is unable to preserve confidentiality - to which there is no automatic and blanket protection or confidentiality. The proper situation is for officials to state that confidentiality of what their counterparts say is confidential, but what Australian officials say is not automatically confidential.*

*Page 4 - disclose material which was obtained through dispute resolution facilitated by compulsory conciliation where no such 'compulsory commission exemption' exists, but information received from foreign governments or international organisation is confidential.*

## TB1169

Page 4 - *discloses exchanges between officials of the Australian Government and the Government of Timor Leste* - in circumstances where the Act only protects disclosure 1 way (from the Government of Timor-Leste to our Government)

Page 4 - *impacts the ability of Australian diplomats posted to Timor-Leste to carry out their functions effectively by undermining the extent to which they could make meaningful assurances about the confidentiality of any communication with the Australian Government* - describing a situation where those Australian officials incorrectly offer a confidentiality to information that Australians impart.

Page 4 - *disclose confidential information that was obtained through discussion in circumstances where s33(b) could appropriately be used in this case.*

Page 7 - *undermine the ability of Australian diplomats to give assurances to their interlocutors about the confidentiality of any discussion* in circumstances where the FOI Act specifically sets a default entitlement that the Australian side of the argument can be accessed.

Page 7 - *damage personnel relationships cultivated by Australian diplomats overseas with individuals whose views and statements have been reported on, appraised and analysed* in circumstances where that information is clearly protected if the individuals were representatives of a foreign Government or international organisations and, where it is clearly not automatically protected if they are not and, therefore, the relationship will have been cultivated on a faux premis.

Page 9 - *prejudice the ability of Australian diplomats to foster and maintain effective working relations with foreign government officials which is a fundamental aspect of the Department's function* - in circumstances where it is clear that the information imparted by the foreign government official is protected and the information imparted by the Australian official to the foreign government official is not protected.

Page 9 - *reduce the quality and quantity of information able to be elicited by the Australian Government in confidential settings such as negotiations and dispute resolution processes* - in circumstance where elicited information is clearly protected.

7. A s33(b) exemption is a class exemption that does not go to the content of the information. The Department tries to impermissibly extrapolate the class claim to communications made by Australian Government officials.

Kind regards,

Max

Max Verlato  
Constituent Officer  
Office of Rex Patrick | Senator for South Australia  
(Electorate Office) Lvl 2/31 Ebenezer Place, Adelaide | Tel: 08 8232 1144  
[www.rexpatrick.com.au](http://www.rexpatrick.com.au)



The information contained within this email may be confidential and/or subject to Parliamentary privilege. If you are not the intended recipient, access to it is unauthorised and any disclosure, copying, distribution or action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

**TB1170**

**From:** [REDACTED]@oaic.gov.au>  
**Sent:** Wednesday, 20 April 2022 10:43 AM  
**To:** Verlato, Maximilian (Sen R. Patrick) <Maximilian.Verlato@aph.gov.au>  
**Subject:** RE: MR20/00054 - IC review application of a decision made by the Department of Foreign Affairs and Trade [SEC=OFFICIAL]

Dear Mr Verlato  
Thank you for your below update. We understand that Senator Patrick is endeavouring to provide a response within 48 hours, and we look forward to receiving that response.  
Kind regards



[REDACTED] | Review Adviser (Legal)  
Freedom of Information Regulatory Group  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au  
+ [REDACTED] | [REDACTED]@oaic.gov.au

f | in | t | [Subscribe to OAICnet newsletter](#)

---

**From:** Verlato, Maximilian (Sen R. Patrick) <Maximilian.Verlato@aph.gov.au>  
**Sent:** Wednesday, 20 April 2022 10:42 AM  
**To:** [REDACTED]@oaic.gov.au>  
**Subject:** RE: MR20/00054 - IC review application of a decision made by the Department of Foreign Affairs and Trade [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear [REDACTED],

Senator Patrick apologises for not providing an answer yesterday to your email below – he had several other submissions to attend to over the weekend (including ones for matters with OAIC) and was unable to get to this one.

He will endeavour to provide a response with 48 hours.

Kind regards,

Max

**Max Verlato**  
**Constituent Officer**  
**Office of Rex Patrick | Senator for South Australia**  
(Electorate Office) Lvl 2/31 Ebenezer Place, Adelaide | Tel: 08 8232 1144  
[www.rexpatrick.com.au](http://www.rexpatrick.com.au)



The information contained within this email may be confidential and/or subject to Parliamentary privilege. If you are not the intended recipient, access to it is unauthorised and any disclosure, copying, distribution or action taken or omitted to be taken in reliance on it is prohibited and may be unlawful.

---

**From:** [REDACTED]@oaic.gov.au>  
**Sent:** Friday, 25 March 2022 3:40 PM  
**To:** Verlato, Maximilian (Sen R. Patrick) <Maximilian.Verlato@aph.gov.au>  
**Subject:** RE: MR20/00054 - IC review application of a decision made by the Department of Foreign Affairs and Trade [SEC=OFFICIAL]

**Our ref: MR20/00054**  
**Agency ref: LEX 517**

Dear Mr Verlato

Further to my below email, please find attached a 42-page document that the Department has provided us with (the document). On pages 3–13 of the document, the Department makes submissions in relation to this IC review, dated 14 January 2022 (the same date as the revised decision). The document also contains the revised decision, schedule, and some correspondence between Senator Patrick and the Department.

**TB1171**

If Senator Patrick would like to consider the Department's submissions on pages 3-13 of the document, and add to his submissions of 15 February 2022, we would appreciate his doing so within 2 weeks.

Accordingly, please respond with any additional submissions, or confirm that Senator Patrick will not be making them, by close of business on **18 April 2022**.

Kind regards



[Redacted] | Review Adviser (Legal)  
Reviews  
Freedom of Information  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au  
+ [Redacted] | [Redacted]@oaic.gov.au

f | in | tw | [Subscribe to OAICnet newsletter](#)

**From:** [Redacted]  
**Sent:** Monday, 21 March 2022 10:59 AM  
**To:** Verlato, Maximilian (Sen R. Patrick) <[Maximilian.Verlato@aph.gov.au](mailto:Maximilian.Verlato@aph.gov.au)>  
**Subject:** MR20/00054 - IC review application of a decision made by the Department of Foreign Affairs and Trade [SEC=OFFICIAL]

**Our ref: MR20/00054**  
**Agency ref: LEX 517**

Dear Mr Verlato

I am now the review adviser with carriage of the above IC review matter. I am in the process of obtaining a marked up and unredacted copy of the documents at issue from the Department.

The Department made submissions on 14 January 2022 (the same date on which the Department made the revised decision), and I am also obtaining the Department's clarification that I may share those submissions with Senator Patrick. I understand that on 15 February 2022, Senator Patrick made submissions on the substantive issues in this matter. I expect to shortly share the Department's above-mentioned submissions with Senator Patrick, and invite any additional submissions in response. I will then progress the matter to a decision by the Information Commissioner under s 55K.

Kind regards



[Redacted] | Review Adviser (Legal)  
Freedom of Information Regulatory Group  
Office of the Australian Information Commissioner  
GPO Box 5218 Sydney NSW 2001 | oaic.gov.au  
+ [Redacted] | [Redacted]@oaic.gov.au

f | in | tw | [Subscribe to OAICnet newsletter](#)

\*\*\*\*\*  
WARNING: The information contained in this email may be confidential.  
If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.  
\*\*\*\*\*

\*\*\*\*\*  
WARNING: The information contained in this email may be confidential.  
If you are not the intended recipient, any use or copying of any part of this information is unauthorised. If you have received this email in error, we apologise for any inconvenience and request that you notify the sender immediately and delete all copies of this email, together with any attachments.  
\*\*\*\*\*