



Official

## Freedom of Information (FOI) request

Internal Review decision and reasons under section 54 of the *Freedom of Information Act 1982*

Reference: FOI/2023/027IR



I refer to your email dated 27 February 2023 requesting an internal review of an access refusal decision made under the *Freedom of Information Act 1982* (the FOI Act) by the Department of the Prime Minister and Cabinet (the Department) on 23 February 2023. (PM&C FOI reference number: FOI 2023/027)

Section 54(2) of the FOI Act allows an applicant to apply for internal review of a decision refusing to give access to a document in accordance with the request.

### Scope of internal review

On 24 February 2023 you set out your request for review in the following terms (extract):

*I confirm that I would like the Department to treat my 23 Feb 2023 reply below, and the initial request, as the correspondence related to the request for FOI internal review.*

*The internal review should include the International Visits Branch to search for the relevant requested documents.*

*Also, I request that a copy of emails or any other correspondence between Prime Minister Albanese and Bill Gates relating to the setting up of that meeting be provided, which may disclose who prompted the set up and approval of the meeting to occur, and perhaps what the subject of the meeting was going to be about and what was to be discussed during their meeting*

*The meeting didn't just happen because Bill Gates just turned up and knocked on the PM's door.*

*There are procedures and protocols to follow when setting up a meeting with the Australian PM.*

*There has to be documents in existence that are relevant to the meeting and this FOI request and internal review.*

*I await your reply within the Statutory time limit.*

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## Authorised decision-maker

The FOI Act provides an agency must arrange for a person (other than the person who made the original decision) to review the decision<sup>1</sup>.

I am authorised to make this review decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

## Internal review decision

I have decided to affirm the original decision on access. I am satisfied that sufficient searches were undertaken – including by Protocol and International Visits Branch - and that the Department does not hold documents that meet the terms of your original FOI request.

In reaching my decision I referred to the following:

- the terms of your request for internal review;
- the original FOI request;
- a review of document searches undertaken by the Department in the original FOI request;
- the FOI Act; and
- the Guidelines issued by the Information Commissioner<sup>2</sup> (the FOI Guidelines).

## Background

### Original FOI request

On 24 February 2023 you made a request under the FOI Act to the Department and on the same dated revised the terms to seek access to the following:

- a) That your Office satisfy the presumption with documentary evidence, and provide a copy of an order, a written privilege or immunity or other legislative instrument, that allows for Bill Gates, a foreign agent and interloper, to have a lawful influence over PM Albanese or the Australian Parliament legislature, to make laws and develop policy for the peace and order and good government of the Commonwealth. Provide an instrument if it exists, that allows for Mr Bill Gates to influence the Commonwealth Parliament legislating on the subjects of energy, medical, farming and agriculture, environment and pharmaceutical and or any other policy decisions being developed or published by the Australian Parliament (The Commonwealth Parliament) or, provide information detailing if such documents requested do not exist or that you do not hold them.*
- b) Provide a true and correct written record of conversation of the meeting that took place as per the PM's tweet on 21 January 2023, a record of conversation of the meeting between PM Albanese and Mr Bill Gates.*

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<sup>1</sup> s 54C(2) of the FOI Act

<sup>2</sup> s 93A of the FOI Act

- c) *Provide copies of all documents exchanged at the meeting on 21 January 2023, documents exchanged between Mr Bill Gates and PM Albanese i.e. documents that Gates presented to the PM and documents the PM may have presented to Bill Gates.*

*Take notice: I do not seek the personal opinions of the Department of PM and Cabinet and or opinions of Cabinet Staff, I only seek the requested documents on the subject matter and that the requested information and documents in the form of a FOI response, be delivered by email to the following email address within the FOI statutory time limit.*

## Summary of original decision

Access to the requested documents was refused under subsection 24A(1) of the FOI Act on the grounds that the Department had taken all reasonable steps to locate the documents requested, and those documents do not exist.

## Reasons for Internal Review Decision

During the processing of your original FOI request the Department conducted searches of its email, records management, and parliamentary and document management Systems. Searches were targeted to areas of the Department that would ordinarily have access to records of the nature you are seeking. This included the Legal Policy Branch, International Division, Protocol and International Visits Branch, and the Ministerial Support Division, who advised that no documents were in their possession as the Department did not have any involvement in arranging the meeting.

Further, the Legal Policy Branch conducted searches of publicly available sources of the Federal Register of Legislation<sup>3</sup>, the Foreign Influence Transparency Scheme Public Register of Foreign Principals<sup>4</sup>, and the Australian Government Register of Lobbyists<sup>5</sup> and did not identify any documents falling within Part A of your request. These searches were repeated for the purposes of this internal review and, again, no documents were identified that fall within the scope of your FOI request.

The FOI Guidelines outline that what constitutes “reasonable steps to identify documents” depends on the circumstances of the request. Reasonable steps are not designed to be excessive or extravagant but rather of a moderate and appropriate amount suitable to the circumstances or purpose.<sup>6</sup>

In determining whether reasonable steps have been taken by the Department, I have considered the factors outlined by the Office of the Australian Information Commissioner<sup>7</sup> on reasonable steps to locate documents when responding to an FOI request. I can confirm that steps have been taken to locate documents with appropriate consideration given to:

- the subject matter of the documents;

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<sup>3</sup> [www.legislation.gov.au/](http://www.legislation.gov.au/)

<sup>4</sup> <https://transparency.ag.gov.au/ForeignPrincipals>

<sup>5</sup> <https://lobbyists.ag.gov.au/register>

<sup>6</sup> FOI Guidelines [3.89]

<sup>7</sup> FOI Guidelines [3.85 – 3.94]

- the Department's various record management systems in place; and
- the individuals and line areas within an agency who may be able to assist with the location of documents.

Given the number of Departmental systems and publicly available information sources searched, and relevant areas of the Department that have been engaged in searches for both the FOI request and internal review request, I am satisfied that all reasonable steps have been taken to find the documents and that the documents you seek access to do not exist.

## Other information

I note that your request for internal review includes a request for the following further documents:

*"a copy of emails or any other correspondence between Prime Minister Albanese and Bill Gates relating to the setting up of that meeting be provided, which may disclose who prompted the set up and approval of the meeting to occur, and perhaps what the subject of the meeting was going to be about and what was to be discussed during their meeting."*

Section 54(2) of the FOI Act provides only for a review of the Department's decision on your original FOI request, and does not provide for the broadening of the scope of that request.

If you wish to expand the scope of your request, you are welcome to make a fresh request for access for these particular documents. You can do so by emailing [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

## Review rights

If you disagree with my review decision, you may apply for Information Commissioner review of the decision.

### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter.

More information about Information Commissioner review is available at

<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

## FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing.

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More information about complaints is available on the Office of the Australian Information Commissioner at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely



Craig Chittick  
First Assistant Secretary  
International Division  
Department of the Prime Minister and Cabinet

29 March 2023