



February 2026

Megan Poore
Affiliation of Australian Women's Advocacy Associations (AAWAA)
By email: women@womensadvocacy.net

Dear Megan Poore

Re: Freedom of Information Request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) for access to documents under the *Freedom of Information Act 1982* (FOI Act).

I am writing to provide you with a decision about your request.

I have identified documents relevant to your request. After careful consideration, I have decided to grant you access to an edited copy of the documents with irrelevant and exempt material removed.

Your request

On 12 November 2025, you made the following request:

...access to any documents held by the Department of Foreign Affairs and Trade that:

- *Relate to or record Australia's engagement with the United Nations Special Rapporteur on violence against women and girls, Ms Reem Alsalem in relation to CEDAW and/or the issue of transgender rights;*
- *Refer to or record communications with Ms Natasha Stott Despoja and/or members of the CEDAW Committee concerning the Special Rapporteur's position on these issues or related issues of CEDAW implementation;*
- *Record any concerns raised or discussed by Australia on these issues through any other diplomatic or multilateral mechanisms of engagement.*

On 2 December 2025, the department notified you of our intention to refuse to process your request on the grounds that doing so *would substantially and unreasonably divert resources of the agency from its other operations*. You were invited to revise the request in order that it may be processed.

On 9 December 2025, you requested assistance in revising the scope of your request and on 11 December 2025, the department suggested that you revise the scope of your request to:

Communications dated prior to 18 September 2024 by the Australian Government to CEDAW, including its members, or to other multilateral human rights mechanisms about the position on transgender rights taken by the current Special Rapporteur on violence against women and girls, Reem Alsalem.

On 15 December 2025, you requested clarification on whether *...communications ... by the Australian Government to CEDAW ... or to other multilateral human rights mechanisms...* would include internal and inter-agency communications. On 17 December 2025, the department clarified that the revised scope would **not** include internal and inter-agency communications and the same day, you agreed to the revised request.

On 15 December 2025, the department requested a 30-calendar day extension of time to process your request (section 15AA of the FOI Act) and on 17 December 2025, you consented to the extension of time. The department subsequently notified the Office of the Australian Information Commissioner (OAIC) of the extension of time in accordance with our reporting obligations.

On 28 January 2026, the department applied to OAIC for an extension of time (section 15AC of the FOI Act).

On 3 February 2026, OAIC notified the parties of its decision to grant an extension of time to 5 February 2026.

Authority

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

Reasons

In making my decision I have taken into account:

- the terms of your amended request;
- the documents within the scope of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

The reasons for my decision and for the application of exemptions under the FOI Act to the document are set out below. Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au. Where I refer to parts of the FOI Guidelines, these are available at www.oaic.gov.au.

Damage to international relations (section 33(a)(iii) of the FOI Act)

Under section 33(a)(iii) of the FOI Act, a document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth.

The phrase 'international relations' has been interpreted to mean the ability of the Australian Government to maintain good working relations with international organisations and to protect the flow of confidential information between them (FOI Guidelines, paragraph 5.39). This applies to documents, the disclosure of which could diminish the confidence which an international organisation has in Australia as a reliable recipient of confidential information, making that international organisation less willing to cooperate with Australian government in future (FOI Guidelines, paragraph 5.42).

Furthermore, the term 'damage' includes intangible damage, such as inhibiting future negotiations between the Australian Government and an international organisation, or the future flow of confidential information from an international organisation to the Australian government (FOI Guidelines, paragraph 5.25).

I have had regard to the nature of the information, the circumstances in which it was communicated, and the nature of Australia's relationship with the United Nations (UN) and its agencies (FOI Guidelines, paragraph 5.40). Based on these considerations, I consider that the disclosure of the relevant material to which you seek access, would be reasonably likely to cause damage to Australia's relationship with the UN and potentially with other international organisations.

For these reasons, I have decided that the information marked up in the documents is exempt under section 33(a)(iii) of the FOI Act.

Material communicated in confidence (section 33(b) of the FOI Act)

Under section 33(b) of the FOI Act, a document is exempt if disclosure would divulge any matter communicated in confidence to the Australian Government by or on behalf of an international organisation.

Information is communicated in confidence by or on behalf of an international organisation if it was communicated under an express or implied understanding that the communication would be kept confidential (FOI Guidelines, paragraph 5.46).

Paragraph 5.44 of the FOI Guidelines also provides that an understanding of confidentiality need not be formal and may be inferred from the circumstances in which the communications occurred.

Having regard to the relevant information in the documents, I am satisfied that it was communicated under an implied understanding that the information would be kept confidential.

I have therefore decided that the information marked up in the documents is exempt under section 33(b) of the FOI Act.

Documents subject to deliberative processes (section 47C of the FOI Act)

Under section 47C(1) of the FOI Act, a document is conditionally exempt if it contains deliberative matter. Deliberative matter is material that is in the nature of, or relates to: (a) an opinion, advice or recommendation that has been obtained, prepared or recorded, or (b) a consultation or deliberation that has taken place, in the course of, or for the purposes of, a deliberative process of the government, an agency or minister (section 47C(1) of the FOI Act).

The relevant material within the scope of your request concerns discussions, opinions and recommendations in relation to the department's deliberative processes in formulating policy on sexual orientation and gender identity.

I am also satisfied that the material in question is not operational information (as defined by section 8A of the FOI Act) or purely factual material (section 47C of the FOI Act) and to the extent that the conditional exemption material might be considered factual, it is inextricably intertwined with the deliberative material and cannot be practically excised.

For these reasons, I have decided that the information marked up in the documents is conditionally exempt under section 47C(1) of the FOI Act.

Substantial adverse effect on an agency's proper and efficient conduct of operations (section 47E(d) of the FOI Act)

Under section 47E(d) of the FOI Act, a document is conditionally exempt if disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the department's operations. A substantial adverse includes indirect adverse effects on the proper and efficient conduct of the department's operations (FOI Guidelines, paragraph 6.82).

The predicted effect must bear on the department's proper and efficient operations, that is, for this exemption to apply, the department must be undertaking its operations in an expected manner (FOI Guidelines, paragraph 6.115).

I am satisfied that the disclosure of the relevant information would have a substantial adverse effect on the department's ability to conduct its policy formulation processes. I am also satisfied that disclosure of the relevant material would prejudice the flow of similar information to the department in future and that the department's inability to obtain similar information in future would, or could reasonably be expected to, have a substantial adverse effect on the department's ability to undertake its operational activities effectively and efficiently. Finally, I am satisfied that at all relevant times, the department was undertaking its operations in an expected manner

For these reasons, I have decided that the information marked up in the documents is conditionally exempt under section 47E(d) of the FOI Act.

Conditional exemptions - public interest considerations (section 11A(5) of the FOI Act)

As sections 47C(1) and 47E(d) of the FOI Act are conditional exemptions, I must grant you access to this material unless providing access would, on balance, be contrary to the public interest (section 11A(5) of the FOI Act).

In assessing the public interest, I have considered the FOI Guidelines referred to above and the public interest factors listed in section 11B of the FOI Act as favouring access, including whether granting access to the documents would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance; and
- promote effective oversight of public expenditure.

I have also considered public interest factors against disclosure, including that disclosure may reasonably be expected to:

- prejudice Australia's international relations
- prejudice the deliberative processes of the department and
- have a substantial adverse effect on the Agency's operations.

On balance, I am of the view that the public interest is weighted against the disclosure of the conditionally exempt material. In forming this view, I have not taken into account any of the irrelevant factors specified in section 11B(4) of the FOI Act.

Irrelevant and excluded material (section 22(1)(a)(ii) of the FOI Act)

Some of the material excluded from the documents released to you is outside the scope or could reasonably be regarded as irrelevant to your request (section 22(1)(a)(ii) of the FOI Act).

In determining what is relevant to your request, I have taken into account the terms of your request and the email which you received from the department on 1 December 2025, in which you were invited to respond if you required the personal information of junior staff from ministerial offices and government officials not in the Senior Executive Service (SES) or equivalent, including their email addresses and contact numbers, together with all signatures, mobile phone numbers, departmental inboxes and technical transmission details including reference numbers. As you have not stated that you require this information, I have decided to remove it from the documents being released to you.

You were also notified that any duplicate documents or duplicate emails within email chains would be treated as outside the scope of your request. These documents, if any, have been removed from the scope of your request.

Declassifying documents

The department will declassify a document before it is released to you. This process involves redacting the original security classification on a document. If applicable, the redaction will appear as a black rectangle at the top of the document. For further information regarding sensitive and classified information please see the Protective Security Policy Framework www.protectivesecurity.gov.au/system/files/2022-11/protective-security-guidance-for-executives.pdf.

Review rights

Information about your review rights is set out in the **Attachment** for your reference.

Contact

Should you have any queries regarding this matter please contact the Freedom of Information Section by email (foi@dfat.gov.au).

Yours sincerely

Juliette Brassington
Assistant Secretary
Department of Foreign Affairs and Trade

REVIEW AND COMPLAINT OPTIONS

If you consider the department made the wrong decision, please request a review.

If you are dissatisfied with the way your request was processed, please make a complaint.

REVIEW

How to seek a review of this decision

Internal review by the department

You have a right to apply for an internal review of the decision (section 54 of the FOI Act) within 30 calendar days from the day you receive this notice. Where possible, please attach reasons why you believe review of the decision is necessary.

A new decision maker, who was not involved in the initial decision, will review your request, and make a new decision within 30 calendar days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221

External review by the Information Commissioner (IC)

You have a right to apply to the Australian Information Commissioner (IC) to review the decision (section 54L of the FOI Act) within 60 calendar days from the day you receive this notice.

Third party review rights

Third parties who were consulted by the department have a right to apply for a review of the department's decision to grant the applicant access to their information.

You have a right to apply for an internal review by the department (section 53B of the FOI Act) within 30 calendar days from the day you receive this notice.

You have a right to apply for an external review by the IC (section 54L of the FOI Act) within 30 calendar days from the day you receive this notice.

What if your right to review expires?

You can apply to the department for an extension of time to make an internal review (section 54B of the FOI Act).

You can apply to the OAIC for an extension of time to make an external review (section 54T of the FOI Act).

COMPLAINT

How to make a complaint about process

Complaint to the department

If you wish to make a complaint about how your FOI request was processed by the department, we welcome you sending an email with the details of your complaint to the department in the first instance via foi@dfat.gov.au.

Complaint to the IC

You may also make a complaint to the IC about the department's actions in relation to this decision (section 70 of the FOI Act). Further information about how to make a complaint is available www.oaic.gov.au.