s 22 1(a)(ii)



Lyndall McLean/People/ **DFATHIGH**

To Simon Merrifield/People/DFATHIGH@DFATHIGH

cc Dominic Trindade/People/DFATHIGH@DFATHIGH, Bill Tweddell/People/DFATHIGH(

08/09/2011 06:43

Allan/People/DFATHIGH@DFATHIGH Subject Wikileaks (SEC-RESTRICTED)

Simon

s 22 1(a)(ii)

s 33 (a)(iii), 47c(1)

s 33 (a)(iii), 47c(1)

US objections to what we are proposing \$ 33 (a)(iii)

I would still have time to tweak if necessary.

Given the level of redactions. I doubt there would be any

s 33 (a)(iii), 47c(1)

s 22 1(a)(ii)

From:

McLean, Lyndall

Sent:

Tuesday, 13 September 2011 11:36 AM

To:

Beazley, Kim; Fletcher, Graham; Dutton, David

Subject:

Wikileaks: FOI Consultation Part 1 Sec-contribertal Hosted

s 22 1(a)(ii)

Dear Kim, Graham and David

I am the decision-maker for an FOI application from a journalist seeking all documents relating to Wikileaks (including cables) that went to the Minister's office for the period 1 November to 31 December 2010. 's 22 1(a)(ii)

cables. s 47 C(i)

Among these, are a number of Washington

s 47 C(i)

Other cables will be variously redacted. I have attached some cables with proposed redactions marked-up on which I seek your views / comments both on the proposed redactions as well as the content I am considering releasing. I would be grateful any comments by the end of this week please.

s 47 C(i)



A second email will have additional cables attached for your consideration (easier than sending a too large single attachment)

s 22 1(a)(ii)

s 33 (a)(iii)

1£

you wish, I will send you a copy of the schedule of all documents in advance of the release so you will know what has been captured.

Happy to discuss

Regards

From:

McLean, Lyndall

Sent:

Tuesday, 13 September 2011 12:19 PM

To:

Beazley, Kim; Fletcher, Graham; Dutton, David

Subject:

Wikileaks: FOI Consultation Part 2 [SEC=CONFIDENTIAL]

Dear Kim, Graham and David

Attached for your consideration and comment please are the second set of Wikileaks related cables captured under the FOI application s 22 1(a)(ii)

Grateful any comments you may have by the end of the week if possible please.

Regards Lyndall



s 47 C(i)

From:

McLean, Lyndall

Sent:

Wednesday, 14 September 2011 4:10 PM

To: Cc: s 22 1(a)(ii)

Subject:

s 22 1(a)(ii)
FOI Consultation - Wikileaks

Dears 22 1(a)(ii)

s 22 1(a)(ii)

s 33 (a)(iii)

's 33 (a)(iii)

s 22 1(a)(ii)

Comments have also been sought from the post in Washington.

s 22 1(a)(ii)

s 22 1(a)(ii)

Thanks in advance

Lyndall McLean 6161 3499

PS: I work part-time but can be contacted on my mobile \mathbf{S} 47 $\mathbf{F}(\mathbf{1})$

From:

Johnstone, Cathy

Sent:

Thursday, 15 September 2011 1:23 PM

To:

McLean, Lyndall Schick, Elizabeth

Cc: Subject:

Fw: Wikileaks SEC-RESTRICTED

Hi Lyndall

In both Bill's and Jane's absences, can you tell me what the latest is on this issue? I have not yet made any contact with the US Embassy -s 33 (a)(iii)

thanks Cathy

Cathy Johnstone A/g AS USB DFAT Canberra

Tel: 6261 9086

Please note: I work Monday-Thursday

s 22 1(a)(ii)

From:

Johnstone, Cathy

Sent:

Friday, 16 September 2011 9:14 AM

To:

McLean, Lyndall

Cc:

Schick, Elizabeth; s 22 1(a)(ii)

Tweddell, Bill

Subject:

Re: Fw: Wikileaks (SEC RESTRICTED)

Hi Lyndall

Many thanks - we might wait until after the briefing of the Secretary before calling the US Embassy but certainly setting up something for later next week should be fine

cheers Cathy

Cathy Johnstone A/g AS USB DFAT Canberra

Tel: 6261 9086

Please note: I work Monday-Thursday

Lyndail McLean/People/DFATHIGH

16/09/2011 08:48 AM

To Cathy Johnstone/People/DFATHIGH@DFATHIGH

c Elizabeth Schick/People/DFATHIGH@DFATHIGH

Subje

ct

•

Re: Fw: Wikileaks (SES RESTRICTES)

Hi Cathy

s 22 1(a)(ii)

s 33 (a)(iii)

s 22 1(a)(ii)

Cheers Lyndall

From:

McLean, Lyndall

Sent:

Monday, 19 September 2011 7:01 PM

To:

Fletcher, Graham

Cc:

Dutton, David; s 22 1(a)(ii) Beazley, Kim

Subject:

Re: Wikileaks: FOI Consultation Part 1 SEC-CON

Graham

Thanks for your response. If you or others have any further thoughts please let me know. S 22 1(a)(ii)

s 33 (a)(iii)

s 33 (a)(iii)

Lyndall

Graham Fletcher/People/DFATHIGH

17/09/2011 06:28 AM

To Lyndali McLean/People/DFATHIGH@DFATHIGH

cc David Dutton/People/DFATHIGH@DFATHIGH, Kim Beazlev/People/DFATHIGH@DFATHIGH,s 22 1(a)(ii) People/DFATHIGH@DFATHIGH

Subject Re: Wikileaks: FOI Consultation Part 1

AUSTEO

Lyndall s 47 C(i)

regards, Graham

From:

Johnstone, Cathy

Sent:

Thursday, 6 October 2011 1:33 PM

To:

s 33 (a)(iii)

Cc:

McLean, Lyndall; Tweddell, Bill; \$ 22 1(a)(ii)

s 22 1(a)(ii)

Subject:

s 33 (a)(iii)

[SEC=UNCLASSIFIED]

s 22 1(a)(ii)

s 33 (a)(iii)

Further to our telephone conversation just now, I'd like to confirm 3pm on Tuesday 11 October for our meeting with Lyndall McLean. Could you come to Jane Hardy's office in AAD and we'll meet there?

If there needs to be any change, please just contact me or David Eggleston tomorrow (Friday 7/10) on 6261 9287. DFAT will be observing a public holiday on Monday 10 October.

thanks and regards

Cathy

Cathy Johnstone
A/g Assistant Secretary USB
Department of Foreign Affairs & Trade
Canberra

Tel: 61 2 6261 9086 Fax: 61 2 6261 3629

Please note: I work Monday to Thursday.

From:

McLean, Lyndall

Sent:

Tuesday, 11 October 2011 10:18 AM

To:

Johnstone, Cathy

Cc:

Tweddell, Bill; \$ 22 1(a)(ii)

Subject:

s 33 (a)(iii)

[SEC=UNCLASSIFIED]

Cathy

Attached for advance info are some notes I will draw on for this afternoon's meeting with US Embassy.





Cheers Lyndall

s 33 (a)(iii)

DFAT received an FOI application in February from a journalist for 'all documents (including cables) from DFAT to the minister or minister's office referring to Wikileaks between 1 November and 31 December 2010'.

s 33 (a)(iii), s 47 C(1)

s 33 (a)(iii), 47 C(i)

From:

McLean, Lyndall

Sent:

Tuesday, 11 October 2011 5:38 PM

To:

Dutton, David

Cc:

s 22 1(a)(ii)

Subject:

Fletcher, Graham; s 22 1(a)(ii)

RE: Wikileaks: FOI Consultation Part 1

Dear All

s 22 1(a)(ii)

s 33 (a)(iii)

s 33 (a)(iii)
Hope this is of help. Let me know if you have any specific concerns.

Cheers Lyndall







Attachments 1 and 2 have been provided under other FOI applications. Attachment 3 is a duplicate of previous 2 pages redacted under s 33 (a)(iii), s 47 C(1).

DFAT – DECLASSIFIED FILE: 12/6182

COPY ISSUED UNDER FOI Act 1982

From:

Dutton, David

Sent:

Wednesday, 12 October 2011 9:20 AM

To:

McLean, Lyndall

Cc:

s 22 1(a)(ii) Fletcher, Graham;s 22 1(a)(ii)

Subject:

RE: Wikileaks: FOI Consultation Part 1 (STC CONTIDENT)

Lyndall

Thanks very much for your advice and I can see this has been a very large enterprise. Once everything is finalised we would like to receive the redacted versions if that's possible. We may then follow up with selectively telling US people that this is happening. In almost every case, it's the same people in the embassy and in US roles now as then, so we just want to extend the courtesy.s $22\ 1(a)(ii)$

thanks again'

David

From: Lyndall.McLean@DFATHIGH.dfat.gov.au [mailto:Lyndall.McLean@DFATHIGH.dfat.gov.au]

Sent: Tuesday, 11 October 2011 2:38 AM

To: Dutton, David

Cc: Archer, Cameron; Fletcher, Graham; s 22 1(a)(ii)

Subject: RE: Wikileaks: FOI Consultation Part 1 (828 CONFIDENTIAL AND TEST

Dear All

s 22 1(a)(ii)

s 33 (a)(iii)

s 33 (a)(iii) Hope this is of help. Let me know if you have any specific concerns.

Cheers Lyndall

From:

Johnstone, Cathy

Sent:

Wednesday, 12 October 2011 10:07 AM

To:

McLean, Lyndall

Subject:

FW:s 33 (a)(iii)

[SEC=UNCLASSIFIED]

s 22 1(a)(ii)

Lyndall - fyi.

Cathy

Cathy Johnstone
A/g Assistant Secretary USB
Department of Foreign Affairs & Trade
Canberra

Tel: 61 2 6261 9086 Fax: 61 2 6261 3629

Please note: I work Monday to Thursday.

From: s 33 (a)(iii)

Sent: Tuesday, 11 October 2011 4:13 PM

To: Johnstone, Cathy Cc: s 33 (a)(iii)

Subject: RE:_S 33 (a)(iii) [SEC=UNCLASSIFIED]

Dear Cathy,

s 33 (b)

This email is UNCLASSIFIED.

From: Johnstone, Cathy [mailto:Cathy.Johnstone@dfat.gov.au]

Sent: Tuesday, October 11, 2011 3:54 PM

To:s 33 (a)(iii)

DFAT - DECLASSIFIED

FILE: 12/6182

COPY ISSUED UNDER FOI Act 1982

Subject: RE:s 33 (a)(iii)

[SEC=UNCLASSIFIED]

s 33 (a)(iii)

many thanks and regards

Cathy

Cathy Johnstone
A/g Assistant Secretary USB
Department of Foreign Affairs & Trade
Canberra

Tel: 61 2 6261 9086 Fax: 61 2 6261 3629

Please note: I work Monday to Thursday.

From: s 33 (a)(iii)

Sent: Thursday, 6 October 2011 7:12 PM

To: Johnstone, Cathy

Cc: McLean, Lyndall; Tweddell. Bill; s 22 1(a)(ii) Subject: RE:s 33 (a)(iii) [SEC=UNCLASSIFIED]

Cathy: Thanks for rescheduling this to 3:00. See you then.

This email is UNCLASSIFIED.

From: Johnstone, Cathy [mailto:Cathy.Johnstone@dfat.gov.au]

Sent: Thursday, October 06, 2011 1:33 PM

To:s 33 (a)(iii)

Cc: McLean, Lyndall; Tweddell, Bill; s 22 1(a)(ii) Subject: s 33 (a)(iii) [SEC=UNCLASSIFIED]

s 33 (a)(iii)

Further to our telephone conversation just now, I'd like to confirm 3pm on Tuesday 11 October for our meeting with Lyndall McLean. Could you come to Jane Hardy's office in AAD and we'll meet there?

If there needs to be any change, please just contact me or David Eggleston tomorrow (Friday 7/10) on 6261 9287. DFAT will be observing a public holiday on Monday 10 October.

thanks and regards

Cathy

Cathy Johnstone

DFAT - DECLASSIFIED

FILE: 12/6182

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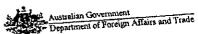
A/g Assistant Secretary USB
Department of Foreign Affairs & Trade
Canberra

Tel: 61 2 6261 9086 Fax: 61 2 6261 3629

Please note: I work Monday to Thursday.

DFAT - DECLASSIFIED FILE: 12/6182 17 COPY ISSUED UNDER FOI Act 1982

11-1520 17/11/2011



Ministerial Submission

Australian Government Department of Foreign Affairs and Trade	ie
--	----

MR RUDD

DR EMERSON

(ACTION)

(INFO)

Contact: s 22 1(a)(ii)

From:

FOR:

Simon Merrifield, AS, 2912

Subject: FOI APPLICATION: WIKILEAKS: DOCUMENTS SENT BY DEAT TO FMO

-	i il week starting 21 November	2011		
Urgency:	Documents to be released in the week starting 21 November			
Key Issues:				
s 22 1(a)	(ii)			
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Խուսաջ ա	1 021W 77 WWW ~ ~ ~ ~ ~ ~ ~ ~ ~			
		Decision:		
Recommen	dation:			
That you:		NI over		
s 22 1(a	(II)	<u>Noted</u>		
		<u>Noted</u>		
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		<u>Noted</u>		
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	•	Minne Direner		
		Please Discuss		
Domestic/Media Considerations: Yes, FOI application lodged by a Fairfax journalist				
Action:				
	Rudd Noted office			
	"12/60 affect			
Kevii	Rudd			
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Informati	on:	Noted		
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	DFAT – DECLASSIFIED			

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DFAT – DECLASSIFIED FILE: 12/6182 18 COPY ISSUED UNDER FOI Act 1982

Background:			
s 22	1(a)(ii)		

s 22 1(a)(ii)

s 22 1(a)(ii)

s 22 1(a)(ii)

s 33 (a)(iii)

s 22 1(a)(ii)

s 22 1(a)(ii)

Simon Merrifield
Assistant Secretary

Parliamentary and Media Branch, PMB

Consultation: Sec, DLB

DFAT - DECLASSIFIED

FILE: 12/6182

COPY ISSUED UNDER FOI Act 1982

File No: s 22 1(a)(ii)

From:

McLean, Lyndall

Sent:

Monday, 19 December 2011 11:10 AM

To:

Trindade, Dominic

Cc:

s 22 1(a)(ii)

Subject:

Fw:s 33 (a)(iii)

[SEC=UNCLASSIFIED]

Dom

s 33 (a)(iii)

s 33 (a)(iii) Ultimately all the docs were released together rather than in tranches and as it turned out, nearly all the docs in the second tranche were fully redacted and I saw no need to consult with the US Embassy. I will send you on low a copy of the two schedules.

Cheers

Lyndall

---- Forwarded by Lyndail McLean/People/DFATHIGH on 19/12/2011 10:57 AM -----

Lyndali

McLean/People/DFATHIGH

To Cathy Johnstone/People/DFATHIGH@DFATHIGH

11/10/2011 10:18 AM

Subject s 33 (a)(iii)

[SEC=UNCLASSIFIED]

Cathy

Attached for advance info are some notes I will draw on for this afternoon's meeting with US Embassy.



Attachment is a duplicate of document at pp 10-11.

Cheers Lyndall

Dutton, David

From:

s 33 (a)(iii)

Sent:

Tuesday, 17 January 2012 5:16 PM

To:

Dutton, David; s 33 (a)(iii)

Cc:

s 33 (a)(iii), s 22 1(a)(ii)

Subject:

RE: application of Australian FOI law s 33 (a)(iii)

David,

s 33 b

With best wishes for you in the New Year,

s 33 (a)(iii)

SBU

This email is UNCLASSIFIED.

From: Dutton, David [mailto:David.Dutton@dfat.gov.au]

Sent: Tuesdav. January 17, 2012 4:59 PM To:s 33 (a)(iii)

Cc: s 22 1(a)(ii)

Cc: \$ 22 1(a)(ii) \$ 33 (a)(iii)

Subject: application of Australian FOI laws 33 (a)(iii)

Dears 33 (a)(iii)

With apologies for the delay in getting back to you, I wanted to update you on the question of Australian FOI law

s 33 (a)(iii), 47 E(d)

s 33 (a)(iii), 47 E(d)

s 33 (a)(iii)

Act allows us to protect any information on the basis that it was communicated in confidence between governments. The Act contains provisions allowing for exemption from release of information passed to us in confidence by foreign governments or information which would cause damage to our international relations if released. The starting position for deciding on FOI release is that all diplomatic exchanges are presumed to be in confidence, that their release would cause damage to our relationships, and that they should therefore be exempt.

s 33 (a)(iii), 47 E(d)

It remains true that our determinations are subject to judicial review in the Federal Court should an applicant wish to pursue that route. I'm advised by colleagues in Canberra that previous litigation on FOI matters has on occasion seen our arguments rejected when the underlying information has been deemed not to be sensitive. s 33 (a)(iii), 47 s 33 (a)(iii), 47 E(d)

Of course, I'm happy to discuss this further and get more specific advice if that would be helpful.

best wishes

David

Minister-Counsellor (Political) Embassy of Australia 1601 Massachusetts Ave NW

Washington DC 20036 Ph: +1 202 797 3231 Cell: 47 F(1)

From: s 33 (a)(iii)

Sent: Monday, 5 December 2011 3:01 PM To: s 33 (a)(iii) Dutton, David

Cc: s 33 (a)(iii) Subject: RE: Meeting tomorrow

11 would be better for me as I have 9 and 10 am meetings.

This email is UNCLASSIFIED.

From: s 33 (a)(iii)

Sent: Monday. December 05, 2011 2;48 PM To: S 33 (a)(iii) 'David.Dutton@dfat.gov 'David.Dutton@dfat.gov.au'

cc: .s 33 (a)(iii)

Subject: RE: Meeting tomorrow

David:

Would tomorrow morning – 10, 10:30 or 11 – work for you?

s 33 (a)(iii)

From: s 33 (a)(iii)

Sent: Monday, December 05, 2011 2:43 PM To: David.Dutton@dfat.gov.au;s 33 (a)(iii)

Cc:s 33 (a)(iii) Subject: Meeting tomorrow

Dear David,

s 33

s 33

To confirm our conversation from a moment ago, (a)(iii) is checking with (a)(iii) meet tomorrow and will get back with an option or two that might work.

on a convenient time to

s 33 (a)(iii)

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FILE: 12/6182

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Dutton, David

From:

s 33 (a)(iii)

Sent: To:

Tuesday, 17 January 2012 5:39 PM s 33 (a)(iii) Dutton, David

Cc:

s 33 (a)(iii), s 22 1(a)(ii)

Subject:

RE: application of Australian FOI law S 33 (a)(iii)

s 22 1(a)(ii)

David. s 33 b

s 22 1(a)(ii)

From:s 33 (a)(iii)
Sent: Tuesday, January 17, 2012 5:16 PM
To: 'Dutton, David':s 33 (a)(iii)
Cc:s 22 1(a)(ii), s 33 (a)(iii)
Subject: RE: application of Australian FOI law s 33 (a)(iii)

David,

s 33 b

With best wishes for you in the New Year,

s 33 (a)(iii)

s 22 1(a)(ii)

From:

McLean, Lyndall

Sent:

Friday, 9 March 2012 2:41 PM

To:

Fletcher, Graham

Cc:

Dutton, David; \$ 22 1(a)(ii)

Subject:

FOI Application: Wikileaks (SEC IN CONTIDENCE LEGAL)

s 22 1(a)(ii)

Graham and colleagues

I have again been appointed as the decision-maker on a further FOI application relating to Wikileaks. \$ 22.1(a)(ii) \$ 22.1(a)(ii)

. s 22 1(a)(ii)

I would be grateful your

advice if you would also want to consult with your US colleagues, s 33 (a)(iii) s 33 (a)(iii)

Thanks in advance for your views Regards Lyndall



attachment exempt under s 47 C(i)



Lyndall McLean Senior Adviser FOI and Privacy Law DLB, ILD.

Dutton, David

From:

s 33 (a)(iii)

Sent:

Wednesday, 14 March 2012 1:16 PM

To:

Dutton, David; s 33 (a)(iii)

Cc:

s 22 1(a)(ii)

Subject:

RE: Wikileaks cables - FOI request

Thanks for the opportunity to offer you views on this. s 33 b

s 33 (a)(iii)

s 33 (a)(iii)

s 22 1(a)(ii)

From: Dutton, David [mailto:David.Dutton@dfat.gov.au]

Sent: Wednesday. March 14, 2012 11:44 AM

To:s 33 (a)(iii) Cc:s 22 1(a)(ii)

Subject: Wikileaks cables - FOI request (CEC IN CONTIDENCE LEGAL)

s 33 (a)(iii)

We are currently providing input to consideration of a Freedom of Information request for all cables from this Embassy which mentioned 'Wikileaks' between 1 January and 5 December 2011. The cables captured by the request s 33 (a)(iii)

I wanted to consult you in particular on a cable that reported a call which we (myself and \$ 22 1(a)(ii)) made on \$ 33 (a)(iii) to discuss the Assange matter, as well as a phone call that one of our staff made to \$ 33 (a)(iii) to seek a discussion on the same matter. Our cable reported the discussion \$ 33 (a)(iii), 47 C(i) \$ 33 (a)(iii), 47 C(i)

Before responding to my colleagues in Canberra, who will be responsible for making the determination on all the documents in this case, I would appreciate any views you have on this question. We will forward those views to the relevant decision-maker in Canberra alongside our own.

If necessary, I'd be happy to come in and discuss this further. s 33 (a)(iii)

many thanks

David

David Dutton

Minister-Counsellor (Political), Embassy of Australia

1601 Massachussetts Ave NW, Washington, DC 20036 | 章: 202.797.3231 | 必:david.dutton@dfat.gov.au

From: McLean, Lyndali

Sent: Monday, 2 April 2012 4:38 PM

To:s 22 1(a)(ii)

Cc:

Subject: RE: Wikileaks: FOI Application

s 22 1(a)(ii)

s 22 1(a)(ii)

I propose to provide a set of (draft) redacted documents to the US, prior to release to the applicant, with a limited time-frame for comment. I would like to do this before the end of the week, so grateful any additional views you may have.