

Kim McGrath at the AAT, 2014-2020: Folder Descriptions, NAA and AAT access decisions

This document is derived from a table of information originally prepared by Kim McGrath for submission to the Administrative Appeals Tribunal (AAT). The original table identified the folders under appeal, summarised their content and listed for each folder the NAA access limitation decisions and reasons.

In its published decision, the AAT used McGrath's table in a modified form, but without attribution, to summarise in one place its own decisions (see right-hand column of the table).

The present document is CHART's slightly simplified derivation of both versions. We used Kim McGrath's original table to correct some errors in the AAT's version.

John Waddingham for CHART

23 July 2020

Kim McGrath at the AAT, 2014-2020: Folder Descriptions, NAA and AAT access decisions

| No. | Folder title and NAA item reference + <i>Applicant's content description</i> | NAA Decision Date | NAA Exemption Decisions <i>Findings of fact by Archives as to content</i> | Exemption claimed by NAA under the <i>Archives Act 1983</i> | Tribunal Decision |
|-----|---|---|--|--|-------------------------------------|
| 1. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 8, 1763271</p> <p><i>Part 8 of DFAT's digitalised primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia's invasion of East Timor. Date Range: 12-02-1979 to 19-02-1979. It covers the first round of seabed negotiations between Australia and Indonesia between 14 and 16 February 1979. It includes correspondence regarding Australian Timor Sea oil exploration permit holders, reports on official seabed boundary talks with Indonesia in February 1979, summaries of 1971 and 1972 negotiations with Indonesia, the proclamation of an Australian fishing zone, briefs for the Parliamentary Sub-committee on territorial boundaries and related documents.)</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 13 November 2015]</p> | <p><u>Partially exempt (92 folios):</u> Folios: 7, 11, 50, 53, 56-58, 65, 68, 70, 73, 74, 83, 85, 88-90, 95, 100-105, 108-112, 114-116, 117, 118, 127-132, 137-142, 146-150, 152-154, 155, 156, 157, 160-163, 166-171, 191-196, 200-208, 209, 210, 211, 214-219, 221, 222, 231</p> <p><u>Wholly exempt (14 folios):</u> Folios: 51-52, 63, 64, 66, 67, 71, 72, 99, 126, 136, 165, 177, 190</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 2. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 9, 1763272</p> <p><i>Part 9 of DFAT's primary file on Australia and Indonesia and Timor Sea maritime boundary negotiations post Indonesia's invasion of East Timor. Date Range: 1-02-1976 to 6-05-1979. It includes correspondence regarding Australian Timor Sea permit holders, reports on official seabed boundary talks with Indonesia in February 1979, summaries of 1971 and 1972 negotiations with Indonesia, the proclamation of an Australian fishing zone, briefs for the Parliamentary sub-committee on territorial boundaries and related documents.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 13 November 2015]</p> | <p><u>Partially exempt (33 folios)</u> Folios: 15-91, 21-25, 27, 48-49, 75, 79-82, 142, 151, 163-164, 222-225, 281-282, 285-287, 298</p> <p><u>Wholly exempt (1 folio):</u> Folio: 64</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 3. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 10, 1763273</p> <p><i>Part 10 of DFAT's primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia's invasion of East Timor. Date Range: 7-05-979 to 31-05-1979. It concerns Australia's negotiating position for the second round of talks in May 1979, and includes transcripts of negotiations; correspondence and records of meetings with Australian oil exploration permit holders and related documents.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 13 November 2015]</p> | <p><u>Partially exempt (24 folios):</u> Folios: 14, 15, 20, 32, 38, 52, 60, 65, 66, 73, 76, 86, 89, 94, 96, 112, 114, 163-166, 261-263</p> <p><u>Wholly exempt (14 folios):</u> Folios: 16-19, 21, 50, 51, 61-64, 74, 75, 87, 88, 95, 113</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |

| | | | | | |
|----|---|--|---|--|---|
| 4. | <p>Law of the Sea – Delimitation boundaries Australia Indonesia Timor – Joint development zones A1838 1733/3/2/1 Part 1, 1763281</p> <p><i>DFAT file on Australia and Indonesia’s Timor Sea maritime boundary negotiations.</i> <i>Date Range: 12 -10-1983 to 7-02-1985.</i> <i>It includes documents regarding: Australia’s realisation that agreement could not be reached on a maritime boundary of the Timor Gap, and early discussions on a resource sharing treaty as an alternative to an agreed maritime boundary.</i></p> | 13 November 2015 | <p><u>Partially exempt (2 folios):</u> Folios: 128, 129</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 5. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 7, 1872072</p> <p><i>Part 7 of DFAT’s primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia’s invasion post Indonesia’s invasion of East Timor.</i> <i>Date Range: 15-01-1979 to 9-02-1979.</i> <i>It includes versions of briefs for the official talks on delimitation of the seabed boundary between Australia and Indonesia that occurred on 14 to 16 February 1979, the Report of Australia’s Delegation of 2 to 10 October 1972, records regarding companies with Australia oil exploration permits for the Timor Gap, and related documents.</i></p> | 14 September 2016 [Replaced Access decision 30 November 2015] | <p><u>Partially exempt (65 folios):</u> Folios: 4, 63, 87, 94, 95, 99, 100, 105, 117-119, 124-126, 130, 136, 142-144, 185, 187, 188, 191-193, 204, 206, 208, 209, 218-220, 223-225, 228-229, 231, 234-236, 247, 249, 251, 252, 261, 263, 266-269, 272, 275-277, 284, 287, 288, 290, 292, 293, 302, 304, 307-309.</p> <p><u>Wholly exempt (43 folios):</u> Folios: 5-32, 183, 184, 186, 207, 226, 227, 230, 250, 270-271, 282, 283, 285, 286, 291.</p> <p><i>For all folios other than 5-32, the records contain information relevant to Australia/Indonesia maritime boundary delimitation negotiations.</i> <i>For folios 5-32, the material is legal opinion.</i></p> | <p><u>s 33(1)(a)</u> In respect of all folios, disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> <p><u>s 33(2)</u> In respect of folios 5-32, the information is of such a nature that it would be exempt from disclosure in legal proceedings. The legal advice was asked for, and given in, confidence and is protected from release because it would breach the right of the client to seek independent legal advice without it being used against them including in any subsequent legal proceedings. There is no evidence that the client waived or withdrew the privilege in the intervening period and nor has the advice been made public. The advice was provided by a qualified legal practitioner in a relationship of solicitor and client and was not provided for administrative purposes. The public’s interest in the right to know about the processes of government are outweighed by the need for information to be protected from release because of the ongoing sensitivities .</p> | <p><u>s 33(1)(a)</u> Exempt</p> <p><u>s 33(2)</u> Not exempt under s 33(2) but exempt under s 33(1)(a).</p> |
| 6. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 12, 1872073</p> <p><i>Part 12 of DFAT’s primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia’s invasion of East Timor.</i> <i>Date Range: 29-08-1979 to 19-10-1979.</i> <i>It includes documents regarding UN motions on East Timor, Jusuf Wanandi visit to Australia in August 1979, details of petroleum exploration permits in the Timor Gap area, talks between Australia and Indonesia at the UN regarding the Timor Sea, declaration of Australian fishing zone, concerns of the Australian Department of Defence about the disputed fishing zone, and reports of mass casualties in East Timor as a direct result of the Indonesian invasion.</i></p> | 13 November 2015 Updated Access Decision Further claim that Folios 5-32 exempt under s 33(1)(a) made during the hearing. | <p><u>Partially exempt (4 folios):</u> Folios: 44, 46, 72, 74</p> <p><u>Wholly exempt (62 folios):</u> Folios: 49-65, 77-83, 274-291, 294-313</p> <p><i>For folios 44, 46, 49-52, 54, 56-59, 72, 74, 275-277, 280-281, 283-285, 287-290, 296-298, 301-302, 304-306, 308-311, the records contain information relating to Australia/Indonesia maritime boundary delimitation negotiations. The information remains sensitive.</i></p> <p><i>For folios 49-65, 274-291, 294-313, the</i></p> | <p><u>s 33(1)(a)</u> In respect of folios 44, 46, 49-52, 54, 56-59, 72, 74, 275-277, 280-281, 283-285, 287-290, 296-298, 301-302, 304, 306, 308-311, disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> <p><u>s 33(1)(d)</u> In respect of folios 49-65, 77-83, 274-291, and 294-313, the public disclosure of the information would constitute a breach of confidence as there is no</p> | <p><u>s 33(1)(a)</u> Folios other than 49-65, 77-83, 274-291 exempt Folios 49-65, 77-83, 274-291 not exempt as content not made available to be reviewed as claimed to be subject to parliamentary privilege.</p> <p><u>s 33(1)(d)</u> Folios 49-65, 77-83,</p> |

| | | | | | |
|----|---|--|--|---|--|
| | | | <i>records contain transcripts of in camera evidence of briefings provided by DFAT to the Parliamentary Joint Committee of Foreign Affairs and Defence, Subcommittee on Territorial Boundaries, from 19 September 1979 and on of the transcripts for 12 September 1979. Folios 77-83 contain an uncorrected proof of the Parliamentary Joint Committee of Foreign Affairs and Defence, Subcommittee on Territorial Boundaries, from 19 September 1979 and on of the transcripts for 12 September 1979.</i> | record of the transcripts' being approved for publication. A Parliamentary committee's documents that have not been authorised for publication by that committee cannot be disclosed to any person other than a member of the committee (Senate Standing Order 37 and House of Representatives Order 242). | 274-291 not exempt under s 33(1)(d) as content not made available to be reviewed as claimed to be subject to parliamentary privilege. Folios 49-65, 77-83, 274-291 subject to parliamentary privilege and so <u>not</u> subject to the provisions of the Archives Act. |
| 7. | Portuguese Timor – Continental Shelf A5034, SR1974/3009 Part 1, 11089375 <i>Part 1 of an Attorney-General's Department file concerning Australia's seabed claim in the Timor Sea. Date Range: 1970-1975</i> <i>It includes records regarding: Oceanic Exploration (the US company issued a permit to the median line by Portugal), briefs on visits to Portuguese Timor, correspondence with other departments regarding Oceanic Exploration, reports on the activities of companies issued Australian oil exploration permits, draft and final protest notes to Portugal, maps showing overlapping permits in the Timor Sea, cables regarding approaches to Portugal to negotiation post October 1972 and pre-September 1974, briefs on oil exploration permit holders concerns regarding implications of Oceanic permit, correspondence with the embassy in Lisbon regarding oil exploration permits, and updates on UN Convention on the Law of the Sea.</i> | 14 September 2016 [Replaced Access Decision 13 November 2015]; 33(1)(a) 33(1)(d)] | <u>Wholly exempt</u> (1 folio): Folio: 68 <i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i> | <u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | <u>s 33(1)(a)</u> Exempt |
| 8. | Australia: Portuguese Timor: Seabed Boundary: Timor Gap Treaty A1690, DPIE1975/000958, 31167593 <i>Department of National Development file from concerning Australia' petroleum exploration permits in the Timor Sea. Date Range: April to December 1975</i> <i>It includes documents regarding: Portugal's oil exploration permit to Oceanic to the median line in the Timor Gap area, the Australian government's willingness to support the archipelagic principle, and hopes of Timor Sea yielding important gas finds.</i> | 23 October 2014 33(1)(a) Closed period (2000 - 2000) | <u>Partially exempt (5 folios):</u> Folios: 70, 74, 82, 83, 122 <u>Wholly exempt</u> (1 folio): Folio: 121 <u>Not within open access period (6 folios):</u> Folios 183-155 <i>The exempt records contain information relating to Australia/Indonesia maritime boundary delimitation negotiations.</i> | <u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | <u>s 33(1)(a)</u> Exempt |
| 9. | Indonesia – Australia – Indonesia Continental Shelf Boundaries – (Agreement) Negotiations A1838 752/1/23 Part 16, 551881 <i>Part 16 of primary DFAT file on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea. Date Range: 10-17 October 1972, the period immediately following the 4-10 October 1972 seabed negotiations between Australia and Indonesia that resulted in the 1972 Treaty. It includes: draft Bowen cabinet submission for talks in September 1972; legal advice from Lauterpacht dated 19 July 1972 provided to Livermore at National Development on 27 September 1972; the first</i> | 14 September 2016 [Replaced Access Decision 16 October 2015] | <u>Partially exempt (9 folios):</u> Folios: 97, 98, 99, 181 (consisting of sub-folios a, b and d) <u>Wholly exempt</u> (3 folios): Folios: 367, 368, 369 <u>Not within open access period (6 folios):</u> Folios 183-155 <i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i> | <u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | <u>s 33(1)(a)</u> Exempt |

| | | | | | |
|-----|--|---|--|--|---|
| | <i>draft of the Bowen submissions; 2 copies of the seventh draft of an AEC submission to the Department of the Administrator of PNG; a copy of the agreement between Australia, Indonesia Timor and Arafura Seas dated 6 October 1972; a copy of cabinet submission 1165 dated 25 Nov 1965; and Australian delegation opening remarks and minutes.</i> | | | | |
| 10. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 1, 1872066</p> <p><i>Part 1 of DFAT's primary file on Australia and Indonesia Timor Sea maritime boundary negotiations, post Indonesia's invasion of East Timor.</i> <i>Date Range: 30-08-1971 to 30-03-1976.</i> <i>It includes documents (including briefs, cables and draft cabinet submissions) regarding the ratification of the 1971 and 1972 Treaties; conflict between the Australian Federal and State governments over the right to exercise jurisdiction offshore; offshore permit holders in the Timor Sea; and other related documents.</i></p> | <p>11 November 2015</p> <p>Updated Access Decision</p> | <p><u>Partially exempt (7 folios):</u> Folios: 74, 75, 80, 88, 92, 93, 118</p> <p><i>The exempt records contain information relating to Australia/Indonesia maritime boundary delimitation negotiations.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the exempt information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 11. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] A1838 1733/3/2 Part 6, 1872071</p> <p><i>Part 6 of DFAT's primary file on file on Australia and Indonesia Timor Sea maritime boundary negotiations, post Indonesia's invasion of East Timor.</i> <i>Date Range: 21-12-1978 to 30-01-1979.</i> <i>It includes: drafts of negotiation instructions for the first round of negotiations with Indonesia scheduled for February 1979, Portugal's complaint about not being informed regarding Australia's recognition of Indonesia's occupation of East Timor, media coverage of Mochtar's December 1978 visit to Canberra and joint announcement with Peacock regarding start of the Timor Sea maritime boundary, IDC minutes, including reference to delays negotiating with Indonesia holding up petroleum exploration, and related documents.</i></p> | <p>14 September 2016</p> <p>Updated Access Decision</p> <p>Further claim that Folios 5-32 exempt under s 33(1)(a) made during the hearing.</p> <p>RS: Closed / WPA / 20091222</p> | <p><u>Partially exempt (17 folios):</u> Folios: 31, 55, 76, 77, 82, 94, 95, 96, 150, 156, 161, 162, 167, 179, 180, 181</p> <p><u>Wholly exempt (28 folios):</u> Folios: 183-210</p> <p><i>For the partially exempt folios: the exempt records contain information relevant to Australia/Indonesia maritime boundary delimitation matters.</i> <i>For the wholly exempt folios: the exempt material is a legal opinion.</i></p> | <p><u>s 33(1)(a)</u> In respect of all folios, disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> <p><u>s 33(2)</u> In respect of folios 183-210, the exempt information is of such a nature that it would be exempt from disclosure in legal proceedings. Legal advice was asked for, and given, in confidence and is protected from release because it would breach the right of the client to seek independent legal advice without it being used against them including in any subsequent legal proceedings. There is no evidence that the client waived or withdrew the privilege in the intervening period and nor has the advice been made public. The client claimed legal professional advice on the information in the record. There is no evidence the legal professional privilege was waived or withdrawn by the client in the intervening period. Nor has the advice been made public. The advice was provided by a qualified legal practitioner and was not provided for administrative purposes. The information continues to be sensitive despite the passage of time and the information has enduring confidentiality. The public's interest in the right to know about the processes of government are</p> | <p><u>s 33(1)(a)</u> Exempt</p> <p><u>s 33(2)</u> Not exempt under s 33(2) but exempt under s 33(1)(a).</p> |

| | | | | | |
|-----|---|--|--|--|-------------------------------------|
| | | | | outweighed by the need for information to be protected from release because of the ongoing sensitivities . | |
| 12. | <p>Timor trough border negotiations [5cm] A452, 1972/1726, 3123655</p> <p><i>Department of External Territories file. The Department of External Territories was responsible for Australia's colony of Papua New Guinea, and Australia's territories the Cocos (Keeling) Islands and Christmas Island. The seabed negotiations with Indonesia were intended to settle the seabed border between Indonesia and PNG to the south and north of PNG ahead of PNG's independence in 1975. It includes: transcripts for the October 1972 negotiations between Australia and Indonesia geologists arguing Indonesia and Australia share the same continental shelf, a paper setting out the Department of External Territories' position that there be no concessions beyond the "McCay line", - and a cable from Australia's Ambassador to Indonesia (Robert Furlonger) to DFAT in Canberra dated 18 August 1972 providing advice on seabed negotiations with Indonesia.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 16 October 2015]</p> | <p><u>Partially exempt (22 folios):</u> Folios: 21, 25-29, 34-37, 41, 43, 49, 50, 52, 53, 68, 69, 82, 234, 235, 255</p> <p><u>Wholly exempt (3 folios):</u> Folios: 238-240</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 13. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries (Agreement) Negotiations A1838 752/1/23 Part 10, 551869</p> <p><i>Part 10 of primary DFAT on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea. Date Range: March to April 1972. It includes: drafts of a cabinet submission by the Foreign Minister, Nigel Bowen, concerning Australia's pending negotiations with Indonesia about a seabed boundary in the Timor Sea, cables and correspondence concerning departmental conflict about Australia's negotiation tactics with Indonesia including the Minister for Interior, correspondence concerning Australia's negotiation tactics at UNCLOS, parts of the record of cabinet decision 999 on Submissions 674 and 675 – Seabed Boundary with Indonesia 23 May 1972, Possible Parliamentary Questions 31 May 1972 for Prime Minister McMahon.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 11 November 2015]</p> | <p><u>Partially exempt (33 folios):</u> Folios: 7-8, 25-27, 54, 55, 61, 62, 65, 67, 68, 71, 164, 168, 191, 191A, 192, 195, 251, 290, 291, 302-307, 339-341, 368</p> <p><u>Wholly exempt (3 folios):</u> Folios: 245, 246, 271</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters. The exempt records contain information relevant to the capability, sources, objectives, methods, areas of interest or operations of an Australian Intelligence Agency. The information is still regarded as sensitive.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. The public disclosure of this information could compromise the future of activities of an Australian intelligence agency and impair its ability to carry out its statutory functions. I would therefore reasonably be expected to cause damage to the security of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 14. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries (Agreement) Negotiations A1838 752/1/23 Part 11, 551873</p> <p><i>Part 11 of primary DFAT on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea. Date Range: 10-05-1972 to 9-06-1972. It includes: the submissions of the Foreign Minister, Nigel Bowen; correspondence regarding Australia's negotiating tactics at UNCLOS; parts of the record cabinet decision 999 on Submissions 674 and 675 – Seabed Boundary with Indonesia 23 May 1972; and possible Parliamentary Questions dated 31 <au 1972 for Prime Minister McMahon concerning Australia's decision to cancel maritime boundary talks with Indonesia.</i></p> | <p>30 November 2015</p> <p>[Replaced Access Decision 16 October 2014]</p> <p>RS: 12 NOV 2015</p> | <p><u>Partially exempt (13 folios):</u> Folios: 31-33, 44, 47, 48, 49, 53, 89, 99, 100, 191</p> <p><u>Wholly exempt (8 folios):</u> Folios: 18, 39-42, 180-182</p> <p><i>For all folios except 18, 39-42, 180-182: the exempt information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. For folios 18, 39-42, 180-182: the exempt records contain information relevant to the capability, objectives, methods, areas of interest or operations of an Australia</i></p> | <p><u>s 33(1)(a)</u> For all folios <u>except</u> 18, 39-42, 180-182: disclosure of the exempt information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. For folios 18, 39-42, 53, 180-182: the public disclosure of this information could compromise the future of activities of an Australian intelligence agency and impair its ability to carry out its statutory functions. It would therefore reasonably be expected to cause damage to the security of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |

| | | | | | |
|-----|--|---|---|--|-------------------------------------|
| | | | security agency. The information is still regarded as sensitive. | | |
| 15. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries (Agreement) Negotiations A1838 752/1/23 Part 12, 551875</p> <p><i>Part 11 of primary DFAT file on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea.</i> <i>Date Range: 9 -06-1972 to July 1972, picking up from the abandoned May 1972 talks.</i> <i>It includes: cabinet submissions regarding negotiation strategies and related cables and correspondence.</i></p> | <p>11 November 2015</p> <p>[Updated Access Decision]</p> <p>RS: 16 NOV 2015</p> | <p><u>Partially exempt (61 folios):</u> Folios: 26-29, 55, 58-60, 81-84, 86, 87, 91-94, 98, 100, 118-120, 122, 124, 180-184, 187, 188-191, 197, 199-202, 204, 205, 209-213, 218-221, 224-226, 228, 229, 233, 260</p> <p><u>Wholly exempt (4 folios):</u> Folios: 56, 99, 194, 195</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 16. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries (Agreement) Negotiations A1838 752/1/23 Part 13, 551877</p> <p><i>Part 13 of primary DFAT file on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea.</i> <i>Date Range: July to August 1972.</i> <i>It includes documents concerning: preparation for new seabed boundary talks with Indonesia proposed for September 1972 (after May 1972 talks were deferred); cabinet submissions regarding negotiation strategies including Foreign Minister Nigel Bowen's submission for the September/October 1972 talks; and a cable from Australia's Ambassador to Indonesia, Robert Furlonger, to DFAT in Canberra 18 August 1972 providing advice on seabed negotiations with Indonesia; a Brief titled "Seabed Boundary with Indonesia – political aspects" dated 12 July 1972; and other related documents.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 11 November 2015]</p> <p>RS: 33(1)(a), 33(2)(a), 33(2)(b)</p> | <p><u>Partially exempt (29 folios):</u> Folios: 11-16, 20, 21, 23, 49, 50, 82-84, 86, 88, 88, 89, 91, 103, 110, 111, 113, 114</p> <p><u>Wholly exempt (1 folio):</u> Folio: 107</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <p><u>s 33(1)(a)</u> Exempt</p> |
| 17. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries (Agreement) Negotiations A1838 752/1/23 Part 14, 551878</p> <p><i>Part 14 of primary DFAT file on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea.</i> <i>Date Range: 25-09-1972 to 4-10-1972.</i> <i>It includes: documents regarding preparation for new seabed boundary talks with Indonesia proposed for 2 to 10 October 1972 (after May & September dates deferred); cabinet submissions regarding negotiation strategies and related cables and correspondence (including the Bensbach River issue) and the states; Bureau of Mineral Resources survey maps of the Timor Sea; a brief summarising 1970 negotiations between Indonesia's lead negotiator, Kusumaatmadja Mochtar, and Australia's lead negotiator, Laurence McIntyre, and events since (including a paragraph regarding Indonesian protest notes dated 6 March 1972 and the August 1972 cable of Australia's Ambassador to Indonesia, Robert Furlonger); and a transcript of 1970 negotiations.</i></p> | <p>14 September 2016</p> <p>[Replaced Access Decision 16 October 2015]</p> | <p><u>Partially exempt (19 folios):</u> 25-26, 193-196, 198-201, 220-222, 321, 322, 324, 325</p> <p><u>Wholly exempt (2 folios):</u> 210, 328</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | |
| 18. | <p>Indonesia – Australia – Indonesia Continental Shelf Boundaries</p> | <p>14 September 2016</p> | <p><u>Partially exempt (11 folios):</u></p> | <p><u>s 33(1)(a)</u></p> | <p><u>s 33(1)(a)</u></p> |

| | | | | | |
|-----|---|---|--|--|-----------------------------|
| | <p>(Agreement Negotiations) A1838. 752/1/23 Part 15, 551880</p> <p><i>Part 15 of primary DFAT file on negotiations with Indonesia and Portugal in the early 1970s concerning a seabed boundary in the Timor Sea.</i> <i>Date Range: 25-09-1972 to 11-10-1972 (which is the period leading up to and including the 4 to 10 October 1972 seabed negotiations between Australia and Indonesia that resulted in the 1972 Treaty). It includes: draft cabinet submission by the Foreign Minister, Nigel Bowen, for talks in September 1972; a paper tabled by Indonesia asserting Timor is on the Australian continental shelf; and other related documents.</i></p> | [Replaced Access Decision 11 November 2015] | <p>Folios: 7, 8, 10, 11, 15-18, 20, 21, 27 <u>Wholly exempt</u> (1 folio): Folio: 4</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | Exempt |
| 19. | <p>Australia – Portugal – Negotiations on Portuguese Timor – Continental Shelf A1838 756/1/4 Part 2, 558639</p> <p><i>Part 2 of the DFAT file on Australia's response to approaches from Portugal to commence Timor Sea maritime boundary negotiations between 1970-1973.</i> <i>Date Range: 1970 to 1973.</i> <i>It includes: briefs, correspondence and cables regarding attempts by Portugal to commence Timor Sea maritime boundary negotiations with Australia; inter-departmental advice on this issue; assurances to Australian oil exploration permit holders that their permits were sound, maps of Oceanic Exploration's permit; and other related material.</i></p> | <p>16 October 2015</p> <p>RS: 17 NOV 2015</p> | <p><u>Partially exempt (2 folios):</u> Folios: 125, 126 <u>Wholly exempt</u> (1 folio): Folio: 321</p> <p><i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <u>s 33(1)(a)</u> Exempt |
| 20. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor] Part 2 A1838 1733/3/2 Part 2, 1872067</p> <p><i>Part 2 of DFAT's primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia's invasion of East Timor.</i> <i>Date Range: 30-03-1976 to 1978.</i> <i>It includes documents (including briefs cables, draft cabinet submissions) regarding fisheries and seabed negotiations with Indonesia; Fourth Committee debates at the UN regarding Indonesia's illegal occupation of East Timor; the issue of negotiations marking Australia's de facto or de jure recognition of Indonesia's illegal occupation of East Timor; discussions with Indonesian Minister Mochtar regarding the Timor Sea maritime boundary negotiations; meetings with offshore oil exploration permit holders and other related documents.</i></p> | <p>11 November 2015</p> <p>Updated Access Decision to correct errors in Decision and Statement of dated 16 October 2015.</p> <p>RS: 14 SEP 2016</p> | <p><u>Partially exempt (2 folios):</u> Folios: 149 and 150</p> <p><i>The exempt records contain information relating to Australia/Indonesia maritime boundary delimitation negotiations.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | |
| 21. | <p>Discussions between Indonesia and Australia regarding continental shelf boundary A1209 1970/6400 Part 2, 8306788</p> <p><i>Prime Minister and Cabinet file</i> <i>Date Range: 1971 to 1972.</i> <i>It includes documents regarding attempts to restart maritime boundary negotiations with Indonesia after the May 1971 Treaty.</i></p> | <p>Updated Access Decision</p> <p>To correct errors in Decision and Statement dated 16 October 2015.</p> <p>RS: 11 NOV 2015</p> | <p><u>Partially exempt (2 folios):</u> Folios: 95 and 96 <i>The exempt records contain information relating to Australia/Indonesia maritime boundary delimitation negotiations.</i></p> | <p><u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth.</p> | <u>s 33(1)(a)</u> Exempt |
| 22. | <p>Law of the Sea – Delimitation – Australia – Indonesia [Timor]</p> | <p>14 September 2016</p> | <p><u>Partially exempt (8 folios):</u> Folios: 56, 127, 130, 139, 145, 171, 177</p> | <p><u>s 33(1)(a)</u></p> | <u>s 33(1)(a)</u> |

| | | | | | |
|-----|---|--|---|--|-----------------------------|
| | A1838 1733/3/2 Part 4, 1872069 <i>Prime Minister and Cabinet file from 1971-1972. It includes documents regarding attempts to restart maritime boundary negotiations with Indonesia after the May 1971 Treaty.</i> | [Replaced Access Decision 11 November 2015 which in turn updated Access Decision 23 July 2015] | and 197 <i>The exempt records contain information relevant to Australia/Indonesia maritime boundary delimitation negotiations.</i> | Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | Exempt |
| 23. | Law of the Sea – Delimitation – Australia – Indonesia [Timor] Part 5 A1838 1733/3/2 Part 5, 1872070 <i>Part 5 of DFAT’s primary file on Australia and Indonesia Timor Sea maritime boundary negotiations post Indonesia’s invasion of East Timor. Date Range: 10-10-1978 to 20-12-1978. It includes documents (including briefs cables, draft cabinet submissions and IDC committee minutes) regarding fisheries and seabed negotiations with Indonesia in December 1978; the issue of negotiations marking Australia’s de facto or de jure recognition of Indonesia’s illegal occupation of East Timor; oil prospects in East Timor; and the Australian delegation to the 1972 seabed boundary talks.</i> | 14 September 2016 [Replaced Access Decision 11 November 2015 which in turn updated Access Decision 26 August 2014] | Partially exempt (11 folios): Folios: 18, 24, 27, 36, 42, 57, 78, 118, 124, 232, 238 <i>The exempt records contain information relevant to Australia/East Timor maritime boundary delimitation matters.</i> | <u>s 33(1)(a)</u> Disclosure of the information could compromise Australian foreign policy interests, and thus could be expected to cause damage to the security and international relations of the Commonwealth. | <u>s 33(1)(a)</u> Exempt |
| 24. | Submission No. 1865: East Timor – Australian policy – Decision 4485 (FAD) A12909.1865, 8911897 <i>The file includes: Cabinet Minute, Foreign Affairs and Defence Committee, dated 17 January 1978, Decision No. 4485 (FAD) and related Submission No. 1865 – East Timor – Australian Policy.</i> | 13 April 2017 Internal Reconsideration RS: 06 APR 2017 Digital Copy shows 2008 Decision exempting Attachment B pp 2, 9, 16, 18, 19, 20. | Partially exempt (3 folios): Folios: 2, 3, 13 <i>The exempt records contain information relating to the security, defence or international relations of the Commonwealth of Australia that continues to be sensitive.</i> | <u>s 33(1)(a)</u> Disclosure of the exempt information could damage Australia’s international interests and relations. | <u>s 33(1)(a)</u> Exempt |