



**Australian Government**  
**Attorney-General's Department**

15/8451; FOI15/116

10 July 2015

A. Greasley

Sent via email: [foi+request-1112-4fea9805@righttoknow.org.au](mailto:foi+request-1112-4fea9805@righttoknow.org.au)

Dear Mr/Ms Greasley

**Freedom of Information Request no. FOI15/116**

The purpose of this letter is to provide you with a decision regarding access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Chris Collett, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 12 June 2015, you requested access to the following document from the Australian Federal Police (AFP):

*'The transcript of the phone call made by Man Haron Monis' girlfriend's cousin to the immigration department and anti-terrorism hotline in 2010.'*

On 18 June 2015, the AFP wrote to the Department and requested that the Department accept a transfer of the request as the subject matter of the documents is more closely related to the functions of this agency than those of the AFP. On the same day, the Department accepted the transfer of your request.

Under section 25 of the FOI Act, I neither confirm nor deny that any documents of the type you have requested exist in the Attorney-General's Department records.

**Decision and reasons for decision**

Section 25 of the FOI Act allows agencies to refuse access without confirming or denying the existence of a document in certain narrow circumstances. These are where a document, if it existed, would be exempt under section 33 (documents affecting national security, defence or international relations) or section 37(1) (documents affecting enforcement of law and protection of public safety).

## *National Security Hotline*

The Department administers the National Security Hotline which provides a single point of contact for concerned individuals to provide information to government and law enforcement agencies on possible signs of terrorism and about issues that may relate to national security. Callers to the National Security Hotline may remain anonymous.

In line with the anonymous status of callers to the National Security Hotline, the Department does not disclose the identity of callers, other than to relevant law enforcement and security agencies for the purposes of analysis and investigation.

If the Department held any documents falling within the scope of your request, I am satisfied that such documents would be exempt documents by virtue of section 37(1) of the FOI Act.

### *Section 37 (Law enforcement and public safety)*

Section 37(1) of the FOI Act provides:

*A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:*

- a) prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance;*
- b) disclose, or enable a person to ascertain, the existence or identity of a confidential source of information, or the non-existence of a confidential source of information, in relation to the administration of the law; or*
- c) endanger the life or physical safety of any person.*

If documents of the type you requested (that is, transcripts of contacts to the National Security Hotline) did exist, I consider their disclosure under the FOI Act could reasonably be expected to prejudice the conduct of investigations into breaches, or possible breaches, of the law by relevant law enforcement agencies and/or disclose the existence or identity of a confidential source of information.

Accordingly, I consider that if the Department held a document containing a transcript of a phone call to the National Security Hotline in 2010 by Man Haron Monis' girlfriend's cousin, such a document would be exempt under section 37(1) of the FOI Act.

### **Material taken into account**

I have taken the following material into account in making my decision:

- the content of the type of document you requested
- the FOI Act (specifically sections 25 and 37(1))
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

## **Additional information**

Information concerning National Security Hotline contacts related to Man Haron Monis are considered in the *Martin Place Siege: Joint Commonwealth-New South Wales Review*. The review report can be found on the Department of Prime Minister and Cabinet website: [www.dpmmc.gov.au/pmc/publication/martin-place-siege-joint-commonwealth-new-south-wales-review](http://www.dpmmc.gov.au/pmc/publication/martin-place-siege-joint-commonwealth-new-south-wales-review).

## **Your review rights**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

## **Internal review**

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: [foi@ag.gov.au](mailto:foi@ag.gov.au)  
post: Freedom of Information and Privacy Section  
Office of Corporate Counsel,  
Attorney-General's Department,  
3-5 National Circuit  
Barton, ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

## **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 of the date of this letter, and be lodged in one of the following ways:

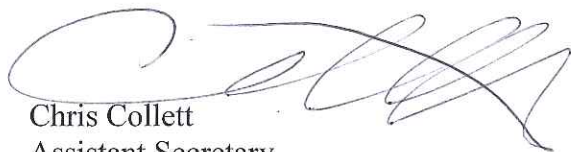
online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

**Questions about this decision**

If you wish to discuss this decision, please contact Jo, FOI contact officer, by telephone on 02 6141 6666 or by email [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Chris Collett  
Assistant Secretary