



4 March 2016

In reply please quote:

FOI Request FA 15/10/01625
File Number ADF2015/59599

Jason Wilson

Sent via email only: foi+request-1325-d3c82a4e@righttoknow.org.au

Dear Mr Wilson

Freedom of Information request – decision on request

This notice of decision refers to your request received by the Department of Immigration and Border Protection (the Department) on 23 October 2015 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

1) *Correspondence between the Minister and/or any representative of the Department of Immigration and Border Protection and:*

- Mr Chris Kenny, associate editor of *The Australian* newspaper;
- Any staff member or representative of *The Australian* newspaper;
- Any staff member or representative of News Corp Australia;
- Any member or representative of the government of the state of Nauru;
- Any employee or representative of Transfield Services;
- Any employee or representative of Mercer PR.

Regarding:

- The case of the refugee known in the media as "Abyan" who was transferred to Australia in October, 2015, for a termination of her pregnancy;
- Provision or procurement of an appropriate visa for a visit by Mr Kenny or any other journalist from *The Australian* to Nauru.

2) *Correspondence between the Minister and/or any representative of the Department of Immigration and Border Protection and:*

- Any other Australian government minister or representative of any other Australian government department.

Regarding:

- Provision or procurement of an appropriate visa for a visit by Mr Kenny or any other journalist from *The Australian* to Nauru.

Decision

The decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents. Read together these form the reasons for decision as required under s.26 of the FOI Act.

Review rights

Internal review

If you disagree with the decision, you have the right to apply for an internal review by the Department of the decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

Or by email to: foi@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of the decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au

How to make a complaint about the handling of this FOI request

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Department of Immigration and Border Protection in relation to your request.

The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be

investigated and identify the Department of Immigration and Border Protection as the relevant agency.

* **Please note:** On 13 May 2014, the Australian Government announced a decision to disband the Office of the Australian Information Commissioner (OAIC). However, the Freedom of Information Amendment (New Arrangements) Bill 2014, which proposes the closure of the Office of the Australian Information Commissioner (OAIC), has not yet been considered by the Senate. The OAIC therefore remains operational until further notice. Information on the OAIC public website advises that Information Commissioner reviews will continue to be handled by the OAIC and FOI complaints will be referred to the Commonwealth Ombudsman. Please contact the OAIC on the details above if you require further information.

Contacting the Department

If you wish to discuss this matter, I can be contacted using the email address provided below.

Yours sincerely



Ian Campbell
Freedom of Information Section
Department of Immigration and Border Protection
Email: foi@border.gov.au

Attachments

- ✓ Attachment A - Decision Record
- ✓ Attachment B - Schedule of Documents
- ✓ Attachment C – Extract of relevant legislation
- ✓ Attachment D - Documents released