



Australian Government

Department of Foreign Affairs and Trade

FOI Ref: 1510-F1290

File No: 15/45082

11 November 2015

Jason Wilson
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Dear Mr Wilson

Re: Freedom of Information (FOI) Request

I refer to your e-mail of 23 October in which you seek access under the provisions of the *Freedom of Information Act 1982* (FOI Act) to:

1) Correspondence between the Minister for Foreign Affairs and/or any representative of the Department of Foreign Affairs and Trade 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; and*
- 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 for Foreign Affairs and/or any representative of the Department of Foreign Affairs and Trade 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.*

I am authorised under section 23 of the FOI Act to make decisions, and have been appointed to be the decision-maker on your request in line with departmental procedures.

I advise that a search of the Department's records by the geographic desk, the Parliamentary and Media Branch, and the Australian diplomatic Post on Nauru, as failed to find any documents relevant to your request. The Foreign minister's Office, which is a separate entity to the Department under the FOI Act, as similarly advised that it hold no relevant documents.

I am therefore unable to meet your request in accordance with the provisions of section 24A(1)(b)(ii) as DFAT holds no documents relevant to your request.

Please find your rights of review outlined below.

Internal review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of my access refusal decision. Your request should be made in writing and sent within 30 days of receipt of this letter addressed to:

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

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are entitled to request a review by the Australian Information Commissioner of my access refusal decision. You may also make a complaint to the Australian Information Commissioner under section 70 on the Department's performance of its functions or the exercise of power under the FOI Act.

Your request for review or complaint should be addressed to:

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001
email: enquiries@oaic.gov.au
Telephone: 1300 363 992
Fax: (02) 9284 9666

Complaints to the Commonwealth Ombudsman

You may complain to the Ombudsman concerning actions taken by an agency in the exercise of its powers or, more specifically, the performance of its functions under the FOI Act. There is no fee for making a complaint. The Ombudsman will conduct an independent investigation of your complaint.

You may complain to the Ombudsman by calling or writing to:

Commonwealth Ombudsman
Level 5, Childers Square,
14 Childers Street
Canberra City ACT 2601
email: ombudsman@ombudsman.gov.au
Telephone: 1300 362 072
Fax: (02) 6276 0123

Should you have any queries regarding this matter please contact your FOI case officer, Ada Cheung, on (02) 6261 3470 or by email to foi@dfat.gov.au

Yours sincerely



Marie-Charlotte McKenna
Director
Freedom of Information and Privacy Law Section