



Australian Government
Department of Immigration and Border Protection

3 October 2013

Mr Tom Swann
Email: foi+request-313-4e96ea82@righttoknow.org.au

In reply please quote:

FOI Request: FA13/07/00856
File Number: ADF2013/22717

Dear Mr Swann

Freedom of Information request – Notice of charge decision following applicant contention that charge be reduced or not imposed (s 29(8))

This letter refers to your request received on 20 July 2013 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

‘Under the FOI Act I request documents held by the Department produced in the last two weeks relating to paid public communications across all media within Australia about the new asylum seeker regional processing policy, including (but not limited to):

- any strategy documents stating the purpose of the campaign, how it will achieve that purpose, how success will be assessed, and how target audiences were chosen;*
- any design briefs and requests for alterations sent from or to the Department;*
- any assessment of the compatibility of this campaign with Government advertising guidelines;*
- any correspondence about the advertising campaign between the Department of Immigration and Citizenship and either the Department of Prime Minister and Cabinet, and/or the Office of the Minister for Immigration and Citizenship.’*

I refer to your email of 30 August 2013 in which you requested a waiver of charges pursuant to s 29(5)(a) of the FOI Act, on the grounds of financial hardship and pursuant to s 29(5)(b), on the grounds of public interest.

You requested suggestions to support evidence of financial hardship, to assist I emailed you a copy of the ‘OAIC - Fact Sheet 7 – Charges’.

You have not responded to this email with any additional evidence to support your contention of financial hardship.

Regarding your contentions that there has been substantial public debate regarding the campaign and approval process, I have determined that the disclosure of some of the documents in question is in the general public interest or in the interest of a substantial section of the public.

The remaining documents are internal emails within DIAC regarding finalising of specific wording used in the campaign, and media scheduling.

I have decided *reduce the original assessment of the charge by 25%*. The amount you are liable to pay is \$271.57. This reflects that although there are some documents that are in the public interest to assess the majority of the documentation in scope is not.

people our business

6 Chan Street Belconnen ACT 2617

PO Box 25 BELCONNEN ACT 2616 • Telephone 02 6264 1111 • Facsimile 02 6225 6970 • Website: www.immi.gov.au

The reasons for my decision under s 29(4) are set out below.

Reasons for my decision

I have considered the following:

- whether payment of the charge, or part of it, would cause financial hardship to the applicant or a person on whose behalf the application was made;
- whether giving access to the document in question is in the general public interest or in the interest of a substantial section of the public;
- the contentions you have put forward in your email of 30 August 2013 and
- whether disclosure of a document would advance the objects of the Act.

Next steps in processing your request

In accordance with section 31 of the FOI Act, the statutory time period is suspended from the date you were notified of the charge until the earliest occurring of the following days:

- the day you pay the amount of the *deposit*
- if the amount of the charge is changed following review under the FOI Act – the day you pay the revised charge or deposit; or
- if, following review under the FOI Act, a decision is made not to impose a charge – the day you are notified of that decision.

As the charge exceeds \$100, a 25 per cent deposit of \$67.89 must be paid to enable the processing of your request to continue (in accordance with regulation 12 of the *Freedom of Information (Charges) Regulations 1982*).

The deposit is not refundable except in some limited circumstances (for example, if the Department fails to make a decision on your request within the statutory time limit), or may be refunded in part if the final charge is less than the deposit paid.

How to pay the deposit

The deposit can be paid by cheque, money order or credit card.

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

FOI & Privacy Policy Section
Department of Immigration & Border Protection
PO Box 25
BELCONNEN ACT 2616

Should you choose to pay by credit card, please fill out the attached credit card authorisation form and forward to FOI & Privacy Policy Section at the above address, or email to foi@immi.gov.au.

Review Rights

Internal review

If you disagree with my decision in relation to the charge, you have the right to apply for an internal review by the department.

If you wish to make a request for internal review this must be sent within 30 days of 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:

Post FOI and Privacy Policy Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

Email FOI@immi.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of my decision. The OAIC has advised that ‘...going through the agency’s internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process’. For more information please see FOI fact sheet 12 ‘Freedom of information – Your review rights’, available online at www.oaic.gov.au.

If you wish to apply for review directly to the OAIC you must apply in writing within 60 days of this notice. You can lodge your application in one of the following ways:

Post GPO Box 2999
CANBERRA ACT 2601
or
GPO Box 5218
SYDNEY NSW 2001
Online www.oaic.gov.au
Email enquiries@oaic.gov.au

In person 4 National Circuit FORREST ACT
or Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the OAIC’s website at www.oaic.gov.au. Your application should include a copy of the notice of the decision to which you are seeking review of, and your contact details. You should also set out why you are seeking a review of the decision.

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

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at www.oaic.gov.au.

If you are unhappy with the department’s decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

Client Service Charter

Our Client Service Charter explains our service commitment to you. We are committed to service delivery that is timely, open and accountable, and responsive to your needs. The Charter explains how you can help us and how you can provide feedback or make a complaint. You can read our Client Service Charter on our website, or in a printed copy available from any of our offices.

Contacting the FOI Section

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

Service satisfaction

The department remains committed to ensuring that all clients, both in Australia and overseas, receive not only fair and reasonable treatment, but also an efficient standard of service that is sensitive to each client's needs.

To provide a compliment, complaint or suggestion you can:

- telephone the Global Feedback Unit (toll-free within Australia) on 13 31 77 9 am to 4 pm
- complete a feedback form online at www.immi.gov.au
- write to the Manager, Global Feedback Unit, Reply Paid 241, Melbourne Victoria 3001 Australia
- contact us directly through any of our offices.

Yours sincerely



Mel Heggart
PN 60008303
FOI Case Officer
FOI & Privacy Policy
Department of Immigration and Border Protection
Telephone 02 6264 3131
Email FOI@immi.gov.au