



## Australian Government

### Department of Immigration and Border Protection

13 January 2014

Mr Tom Swann

Email: [foi+request-313-4e96ea82@righttoknow.org.au](mailto: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 – Release of documents**

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.'*

**Decision**

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records. In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- departmental files and/or documents (Decision Record);
- the Information Commissioner guidelines;
- formal business consultations, and
- consultations with relevant business areas

My decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents for information on those documents which have been exempted or refused as part of this decision.

**Charges**

After processing the request, the number of documents was reduced to 140 pages. The final figure of the outstanding amount has been reduced to **\$199.10**. The documents will not be released until the outstanding amount has been processed. I have attached a Credit Card Authorisation form for you to authorise payment of the outstanding amount. Alternatively you may send a cheque or money order to the department for the outstanding amount.

**people** our business

6 Chan Street Belconnen ACT 2617

PO Box 25 BELCONNEN ACT 2616 • Telephone: 02 6264 1111 • Fax: 02 6225 6970 • [www.immi.gov.au](http://www.immi.gov.au)

## **Review rights**

### **Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the department of a primary decision to refuse access to documents you have requested.

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.

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	<a href="http://www.oaic.gov.au">www.oaic.gov.au</a>
Email	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
In person	4 National Circuit BARTON ACT
or	Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision to which you are seeking review and your contact details. You should also set out why you are seeking a review of the decision.

For further information about review rights under the FOI Act please see FOI fact sheet 12 'Freedom of information – Your review rights', available online at [www.oaic.gov.au](http://www.oaic.gov.au).

### **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](http://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](http://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](mailto:FOI@immi.gov.au)

### **Attachment(s)**

#### **Client Service Information**

#### **Decision Record**

#### **Schedule of Documents**

**Documents released:** Emails between DIAC and UM (Universal McCann) regarding By Boat, No Visa campaign,

Emails between DIAC and PM&C regarding By Boat, No Visa campaign

Email within DIAC regarding By Boat, No Visa campaign

Compliance Against the Information and Advertising Campaign – By Boat, No Visa

## **CLIENT SERVICE INFORMATION**

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- telephone the Global Feedback Unit on 13 31 77 during business hours
- complete a feedback form online at [www.immi.gov.au](http://www.immi.gov.au)
- write to:  
The Manager  
Global Feedback Unit  
GPO Box 241  
Melbourne VIC 3001  
Australia
- contact us directly through any of our offices.



## Australian Government

### Department of Immigration and Border Protection

#### DECISION RECORD

##### Client Details

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

##### Scope:

*'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.'*

##### Documents in scope

1. Emails between DIAC and UM (Universal McCann) regarding By Boat, No Visa campaign
2. Emails between DIAC and PM&C regarding By Boat, No Visa campaign
3. Email within DIAC regarding By Boat, No Visa campaign
4. Compliance Against the Information and Advertising Campaign – By Boat, No Visa

##### Information considered

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records. In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- departmental files and/or documents (Decision Record);
- the Information Commissioner guidelines;
- formal business consultations, and;
- consultations with relevant business areas

##### Reasons for decision

I have considered the files within the scope of your request and applied exemptions in part or in full to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

##### Deletion of exempt or irrelevant material under s.22 of the FOI Act

Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request **and** it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.

This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reason(s) for each of the deletions in the document (s.22(3) of the FOI Act).

Irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act.

The attached Schedule of Documents identifies documents where material has either been deleted as exempt information under the FOI Act or deleted as irrelevant to the scope of the request.

***s47F Public interest conditional exemptions—personal privacy***

*(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

*(2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:*

- (a) the extent to which the information is well known;*
- (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;*
- (c) the availability of the information from publicly accessible sources;*
- (d) any other matters that the agency or Minister considers relevant.*

A document is 'conditionally exempt' under s.47F(1) of the FOI Act if its release would involve the unreasonable disclosure of personal information about any person, including a deceased person. A conditionally exempt document **must** be released under the FOI Act unless the release would be 'contrary to the public interest'.

I am satisfied that the documents I have exempted under section 47F(1) contain personal information and the disclosure would be contrary to the public interest.



**Australian Government**

**Department of Immigration and Border Protection**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

**Client Details**

FOI Request: FA13/07/00856

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**1. Other documents;**

<b>Number of pages</b>	<b>Description</b>	<b>Decision</b>	<b>Legislation</b>
18	Emails between DIAC and UM (Universal McCann) regarding By Boat, No Visa campaign	Released with exemption	s47F
5	Emails between DIAC and PM&C regarding By Boat, No Visa campaign	Released with exemption	s47F
91	Email within DIAC regarding By Boat, No Visa campaign	Released with exemption	s47F s22(a)(ii)
26	Compliance Against the Information and Advertising Campaign – By Boat, No Visa	Released with exemption	s22(a)(ii)