



**Australian Government**  
**Department of Immigration and Citizenship**

20 August 2013

Julia Dehm  
Right to Know

Email: [foi+request-324-28755239@righttoknow.org.au](mailto:foi+request-324-28755239@righttoknow.org.au)

**In reply please quote:**

Client Name Julia Dehm  
FOI Request FA 13/08/00043  
File Number ADF2013/24357

Dear Ms Dehm,

**Freedom of Information request – Decision letter**

This letter refers to your request received on 30 July 2013 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

*‘...any contracts between the Department and commercial airlines or logistical companies for the transport of asylum seekers from Christmas Island to Manus Island subsequent to Rudd's 19 July 2013 policy announcement’*

**Decision**

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests. My decision is to refuse your request under section 24A of the FOI Act. A statement of reasons for my decision is in the attached Decision Record.

**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.

**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](http://www.immi.gov.au)

Applications for review should be sent to:

FOI and Privacy Policy Section  
Department of Immigration and Citizenship  
PO Box 25  
BELCONNEN ACT 2616

Or email: [FOI@immi.gov.au](mailto:FOI@immi.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 my decision. You must apply in writing and you may lodge your application in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
In person: 4 National Circuit  
Barton, ACT, or at  
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 of and your contact details. You should also set out why you are seeking a review of the decision.

If you are dissatisfied with the way DIAC administered your FOI request, you may also submit a *complaint* about this to the OAIC. This is a separate process, as outlined below.

### **How to make a complaint about the administration of your FOI request**

You may complain to the OAIC if you have concerns about how the department has *processed* your request under the FOI Act. Your complaint must be in writing and must specify the agency that you are complaining about. You can send your complaint to the OAIC using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

### **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.

### **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 to the department you can:

- telephone the Global Feedback Unit (toll-free within Australia) 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 (DIAC)  
GPO Box 241  
MELBOURNE VIC 3001
- contact us directly through any of our offices.

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

Yours sincerely



Ms Elizabeth Hill  
Position Number 60028785  
FOI Case Officer  
FOI & Privacy Policy Section  
Department of Immigration and Citizenship

Telephone 02 6264 3951  
Email [foi@immi.gov.au](mailto:foi@immi.gov.au)

**Attachment**

Decision Record



**Australian Government**  
**Department of Immigration and Citizenship**

**DECISION RECORD**

**Request details**

FOI Request FA 13/08/00043  
File Number ADF2013/24357

**Information considered**

I am an authorised decision maker under Section 23(1) of the *Freedom of Information Act 1982* (the FOI Act). In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Guidelines issued by the Australian Information Commissioner under s.93A of the *Freedom of Information Act 1982*; and
- Advice from relevant areas of the Department.

**Reasons for decision**

Section 24A(b)(ii)(the document does not exist).

**Section 24A**

***Documents cannot be found or do not exist***

*An agency or Minister may refuse a request for access to a document if:*

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*
  - (i) *is in the agency's or Minister's possession but cannot be found; or*
  - (ii) *does not exist.*

Under Section 24A of the FOI Act a request for access to a document may be refused if all reasonable steps have been taken to find that document and the agency is satisfied that a document cannot be found (s24A(b)(i)) or does not exist (s24A(b)(ii)).

I have made contact with the Status Resolution Services Division. I have confirmed with this division that there have been no contracts between the Department and commercial airlines or logistics companies subsequent to Prime Minister Rudd's policy announcement of 19 July 2013. Your FOI request seeking access to '*any contracts...subsequent to Rudd's 19 July 2013 policy announcement*', the Department does not hold any documents that would fall within the scope of your request.

I believe I have taken all reasonable steps to locate the document(s) requested to satisfy your request although the document does not exist.



Ms Elizabeth Hill  
Position Number 60028785  
FOI Case Officer  
FOI & Privacy Policy Section  
Department of Immigration and Citizenship

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