



13 September 2017

Mr Asher Hirsch

Sent by email: foi+request-3682-2b2e21ae@righttoknow.org.au

In reply please quote:

FOI Request: FA 17/06/00884
File Number: ADF2017/68753

Dear Mr Hirsch

Freedom of Information – Decision on Access

I refer to your email dated 29 June 2017 in which you requested access to documents held by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of Request

You have requested access to the following documents held by the Department:

"In 2012 the Australian Customs and Border Protection Service funded the International Organisation for Migration (IOM) to produce a document titled "Manual for the Coordinated Handling of People Smuggling: Interceptions, Investigations and Prosecutions in Indonesia".

I request under the Freedom of Information Act documents and files relating to the development of this document, including but not limited to:

- The contract for the production of this document*
- The cost of the production of this document*
- Correspondence between the ACBPS and IOM relating to this document*
- Correspondence between the ACBPS and other Australian Government departments relating to this document'*

This letter is to notify you of the Department's decision regarding your request.

2 Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions to in respect of requests to access documents or to amend or annotate Departmental records.

3 Relevant material

In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- The documents as listed in the Schedule of Documents;
- Consultations with relevant business areas; and
- The Australian Information Commissioner's guidelines relating to access to documents held by government.

4 Documents in scope of request

The Department has identified one document that falls within the scope of your request.

5 Decision on access

I have decided to exempt this document in full.

6 Reasons for Decision

Exemptions were applied on the following grounds.

7 Section 33 of the FOI Act – Documents affecting National Security, Defence or International Relations

Section 33(a)(iii) of the FOI Act permits exemption of a document if disclosure of the document would, or could reasonably be expected to cause damage to the international relations of the Commonwealth.

The phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them. The expectation of damage to international relations must be reasonable in all the circumstances, having regard to the nature of the information; the circumstances in which it was communicated; and the nature and extent of the relationship. There must be real and substantial grounds for the conclusion that are supported by evidence.

I consider that the release of this document would, or could reasonably be expected to cause damage and significant harm to the bilateral relationship between Australia and Indonesia.

The release of the information contained within the document could diminish the trust placed in the Department's officials by the Indonesian Government

The document to which you have sought access has had a very limited circulation and is only available to a select number of people on a strict needs-to-know-basis.

This assessment is made considering the material contained within the document and the current nature and extent of the Department's relationship with Indonesia.

I have therefore decided that the information contained within the document is exempt from disclosure under section 33(a)(iii) of the FOI Act.

8 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>.

9 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this 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 a 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 is required to make a review decision within 30 days. Applications for review should be sent to:

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

OR

By email to: foi.reviews@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 this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

10 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

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 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.

11 Contact

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.



Alexandra Stevenson
Authorised Decision Maker
Department of Immigration and Border Protection
Email: foi@border.gov.au