



18 October 2017

Mr Cameron Doig

**BY EMAIL:** [foi+request-3683-51b46a7f@righttoknow.org.au](mailto:foi+request-3683-51b46a7f@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 17/06/00891

File Number: ADF2017/68822

Dear Mr Doig

**Freedom of Information – Decision on Access**

I refer to your email dated 28 June 2017 in which you requested access to documents held by the Department of Foreign Affairs and Trade under the *Freedom of Information Act 1982* (the FOI Act). On 29 June 2017, the Department of Immigration and Border Protection (the Department) accepted full transfer of your request pursuant to section 16(1)(a) of the FOI Act.

**1 Scope of Request**

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

*'The number of Assisted Voluntary Returns from Indonesia which Australia has funded, for the following financial years: 2001/02 to 2017/18*

*Please also provide any documents recording the cost to Australia of providing funding for these assisted voluntary returns for each year.'*

This letter is to notify you of the Department's decision on access to the documents subject to your request.

**2 Authority to make 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.

**3 Information considered**

In reaching my decision, I have considered the following:

- The terms of your request
- The documents relevant to your request
- The FOI Act
- Guidelines published by the Office of the Australian Information Commissioner under s 93A of the FOI Act
- Advice from Departmental officers with responsibility for matters relating to the documents to which you sought access

## 4 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

## 5 Documents in scope of request

The Department has identified one document of 1 page that falls within the scope of your request. The document was in the possession of Department on 22 August 2017 when your FOI request was received.

## 6 Decision on access

The decision in relation to the one (1) document in possession of the Department within the scope of your request is to exempt the document in full. The reasons for the decision are set out below.

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

#### *Section 33(a)(iii) - Documents affecting International Relations*

Section 33(a)(iii) of the FOI Act exempts a document from release where its disclosure 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.<sup>1</sup> 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.

The document includes information about a foreign government and provides an insight into the Australian Government's relationship and cooperation with that foreign government regarding funding the Regional Cooperation Arrangement. It is important for Australia to maintain good working relationships with its coalition partners.

I consider that the disclosure of the document would disclose information that is expected to adversely impact upon Australia's relations with that foreign government, subsequently rendering the foreign government and its agencies less willing to cooperate with the Australian government in the future. In reaching this assessment I have had consideration to the foreign government's previous advice about the handling of material concerning it.

I am satisfied that material identified in the documents as subject to section 33(a)(iii) is exempt.

## 7 Your Review Rights

### *Internal Review*

If you disagree with my decision, you have the right to apply for an internal review by the Department of my decision. Any request for internal review should be made within 30 days or such further period as the agency allows following notification 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.

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<sup>1</sup> Re *McKnight and Australian Archives* [1992] AATA 225

Applications for review should be sent to:

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

Or by email to: [foi.reviews@border.gov.au](mailto: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>.

**8 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](mailto: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.

**9 Contact**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@border.gov.au](mailto:foi@border.gov.au).

Yours sincerely



Alexandra Stevenson  
Director, South East Asia  
Authorised decision maker  
Department of Immigration and Border Protection  
Email [foi@border.gov.au](mailto:foi@border.gov.au)