



Australian Government
Department of Immigration and Border Protection

29 October 2013

Mr Michael Cordover

Right to Know

foi+request-413-479186dd@righttoknow.org.au

In reply please quote:

FOI Request: FA 13/10/00365

File Number: ADF2013/32869

Dear Mr Cordover

Freedom of Information request – Decision on access request

This letter refers to an access request received under the *Freedom of Information Act 1982* (the FOI Act) received on 4 October 2013. Your request was for:

I am seeking access to any and all documents which constitute policies, procedures or directions to the department, relating to making comment to the media, or issuing statements or releases to the media, which cover comments etc about unlawful boat arrivals and which were created or last amended after 1 September 2013 and (if practicable) in the form they were in on 21 September 2013.

For clarity, this request excludes email chains, drafts, different versions of drafts and duplicates/copies. This request excludes individual emails except to the extent they constitute directions to the department. I am not seeking documents which constitute routine administrative communications except to the extent they constitute directions to the department.

I am only seeking policies, procedures and directions of general application regarding making statements to the media. I am not seeking directions which apply only to particular cases, nor to directions which apply only to particular staff, contractors, organisational units etc (except those directed to the communications unit, spokespeople or other staff who have regular dealings with the media).

I am seeking documents the subject of which is media comment (including statements and releases). I am not seeking documents which, for example, describe how to respond to a particular type of incident and mention that media requests for comment should be directed in a particular way. I am not seeking documents which apply only to social media or general publication of information.

people our business

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.

My decision is to refuse access under section 24A of the FOI Act. My reasons are listed 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.

Applications for review should be sent to:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2616

Or 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	www.oaic.gov.au
Email	enquiries@oaic.gov.au
Fax	+61 2 9284 9666
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. 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.

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.

Contacting the FOI Section

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


Client service information

Information about our Client Service Charter and how to make a compliment, complaint or suggestion, is included in the Client Service Information attachment.

Contacting the department

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at www.immi.gov.au.

Yours sincerely



Steven Hocking
Position No. 60009189
Assistant Director
FOI & Privacy Policy Section
National Office
Department of Immigration and Border Protection

Telephone (02) 6264 1007
Email steven.hocking@immi.gov.au
foi@immi.gov.au

Attachment(s)

Client Service Information
Decision Record

CLIENT SERVICE INFORMATION

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 you can:

- telephone the Global Feedback Unit on 13 31 77 during business hours
- complete a feedback form online at 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.

DECISION RECORD

Client Details

FOI Request: FA 13/10/00365

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Documents in scope

As per your request, you have sought access to the following:

“... documents which constitute policies, procedures or directions to the department, relating to making comment to the media, or issuing statements or releases to the media, which cover comments etc about unlawful boat arrivals and which were created or last amended after 1 September 2013 and (if practicable) in the form they were in on 21 September 2013.

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I note that you have excluded email chains, drafts and duplicates from the scope of your request.

Information considered

I am a delegated decision maker under Section 23 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*;
- advice from the relevant areas of the department; and
- the Office of the Australian Information Commissioner guidelines.

Reasons for decision

I have considered the scope of your request and have refused access to those documents under s24A, as the documents do not exist.

FREEDOM OF INFORMATION ACT 1982

- SECT 24A

Requests may be refused if 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.*

The following searches were undertaken to identify the document/s you have requested:

- A callout email was sent to the relevant business area asking for the specific documents related to your request.
- The business areas conducted a search of their relevant hard drives and emails for the documents specified in the scope of your request for the relevant date range.

I have been advised by the relevant business areas that there were no documents identified in relation to your request. Each area has confirmed that no relevant documents were in their possession. I am therefore satisfied that no documents could be identified as falling within the scope of your request.



Steven Hocking
Position No. 60009189
Assistant Director
FOI & Privacy Policy Section
National Office
Department of Immigration and Border Protection

29 October 2013