



Australian Government
Department of Immigration and Border Protection

14 March 2014

Mr Ben Fairless

Right to know
foi+request-529-93665f99@righttoknow.org.au

In reply please quote:

FOI Request: FA 14/02/01093

File Number: ADF2014/6570

Dear Mr Fairless

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 22 February 2014. Your request was for:

"documents (including, but not limited to, emails, letters or other notes to which the department has access) which reference requests, decisions or opinions by either the minister currently responsible for the Department or any other currently serving federal minister on how the department should handle Freedom of Information (FOI) requests."

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.

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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.



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DECISION RECORD

Client Details

FOI Request: FA 14/02/01093

File Number: ADF2014/6570

Documents in scope

"documents (including, but not limited to, emails, letters or other notes to which the department has access) which reference requests, decisions or opinions by either the minister currently responsible for the Department or any other currently serving federal minister on how the department should handle Freedom of Information (FOI) requests."

Documents in scope include letters, emails or other notes held by DIBP from the current Minister responsible for the Department or any other current federal Minister.

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 area referred to the Budget Estimates Hearings: 27 May 2013, where a similar question was taken on notice by the department (BE13/0510).

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Other than guidelines and other agency resources issued and updated by the Office of the Australian Information Commissioner, the Department has not received any updated advice on how to respond to FOI requests. The Department and the Ministers Office are separate entities under FOI. The Department neither seeks nor receives directions from the Minister on how FOI requests are handled.

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

A handwritten signature in black ink, appearing to be 'S. Hocking', with a large loop at the start and a wavy line extending to the right.

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

14 March 2014