



17 September 2019

Mr Michael Green

**BY EMAIL: [foi+request-5325-a9788a40@righttoknow.org.au](mailto:foi+request-5325-a9788a40@righttoknow.org.au)**

**In reply please quote:**

**FOI Request:** FA 19/03/01222

**File Number:** OBJ2019/20312

Dear Mr Green,

### **Freedom of Information (FOI) request - Access Decision**

On 22 March 2019, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

#### **1 Scope of request**

You have requested access to the following documents:

*Documents informing the United Nations High Commissioner for Refugees (UNHCR) of the regional and global priorities of the Commonwealth in relation to the permanent settlement of persons in Australia on humanitarian grounds.*

*Please include correspondence (including electronic correspondence), briefing papers, reports, guidance notes and policy documents.*

*Please limit this request to only documents since 2013.*

#### **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 records.

### **3 Relevant material**

In reaching my decision I referred to the following:

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

### **4 Documents in scope of request**

The Department has identified 3 documents as falling within the scope of your request. These documents were in the possession of the Department on 22 March 2019 when your request was received.

### **5 Decision**

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is as follows:

- Release 3 documents in part with deletions

### **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

#### **6.1 Section 22 of the FOI Act – deletion of exempt material**

I find that parts of the documents containing information which does not serve the purpose of informing the UNHCR in relation to regional and global priorities of the Humanitarian Program can reasonably be regarded as irrelevant to the scope of your request.

In acknowledging your application we advised you of Departmental policy, which is that the personal details of officers who are not in the Senior Executive Service (SES), as well as the mobile and work contact details of SES staff which are contained in documents that fall within scope will be deleted. These details, along with other information so marked as 's.22(1)(a)(ii)', I find can reasonably be regarded as irrelevant to the scope of your request.

I have therefore decided that those parts of the documents, which are marked 's.22(1)(a)(ii)', would disclose information that could reasonably be regarded as irrelevant to your request, and have prepared an edited copy of the documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

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

Section 33(a)(iii) of the FOI Act permits the 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 FOI Guidelines provide that 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 information between them. The expectation of damage to international relations must be reasonable in 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.

Taking the preceding guidance into account in a review of the documents, I find that parts of the documents contain information given by or intended for international stakeholders that the Australian Government works with in framing its global and regional priorities for the Humanitarian Program. These international stakeholders include the United Nations High Commissioner for Refugees (UNHCR), State and Territory governments and Non-Government Organisations (NGOs). I consider that there is an ongoing requirement for the input of these and other international stakeholders to both frame the Humanitarian Program priority caseloads in future program years, as also to consult in relation to other operational matters of the program that may occur in any particular program year.

I consider that the relationship between the Australian Government and the international stakeholders is a long and enduring relationship that must maintain a solid foundation into the future for the successful formation and delivery of the Humanitarian Program. I find, therefore, that the release of the information marked ‘s.33(a)(iii)’ in the documents would, or could reasonably be expected to, cause damage to the Australian Government’s relationship with these stakeholders were this information to be released into the public sphere.

## **7 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.

## **8 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 must make a review decision within 30 days.

Applications for review should be sent to:

OR

By email to: [foi.reviews@homeaffairs.gov.au](mailto:foi.reviews@homeaffairs.gov.au)

By mail to:  
Freedom of Information Section  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2617

*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 <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

## **9 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 Home Affairs as the relevant agency.

## **10 Contacting the FOI Section**

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

*Signed electronically*

**Position number 60081621**

Authorised Decision Maker | Freedom of Information Section

FOI and Records Management Branch

Productivity and Compliance Division | Corporate and Enabling Group

Department of Home Affairs



**ATTACHMENT A**

**SCHEDULE OF DOCUMENTS  
REQUEST UNDER FREEDOM OF INFORMATION ACT 1982**

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<b>No.</b>	<b>Date of document</b>	<b>No. of pages</b>	<b>Description</b>	<b>Decision on release</b>	
1.	-	7	Meeting notes (talking points) – meeting with UNHCR in relation to 2018-2019 Humanitarian Program	Partial	22(1)(a)(ii) 33(a)(iii)
2.	-	6	Meeting notes (talking points) – 20 October 2017 meeting with UNHCR in relation to 2017-2018 Humanitarian Program	Partial	22(1)(a)(ii) 33(a)(iii)
3.	06/12/2013	4	Letter to UNHCR in relation to the 2013-2014 Humanitarian Program	Partial	22(1)(a)(ii) 33(a)(iii)