



30 October 2019

Mr A Hirsch

**BY EMAIL:** [foi+request-5382-4ae6bbb0@righttoknow.org.au](mailto:foi+request-5382-4ae6bbb0@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 19/04/01141

File Number: OBJ2019/24509

Dear Mr Hirsch

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

On 15 April 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:

*Any information, records, paper documents, electronic records, or the contents of any records, paper documents or electronic records (including copies of such records and documents), held or accessible by the Department of Home Affairs [‘the Department’] in relation to:*

- a. *Outlining, documenting or summarising submissions received in response to the consultations on the Humanitarian Program.*
- b. *Outlining, documenting or summarising the face to face stakeholder consultations on the Humanitarian Program.*
- c. *Appraising or assessing the submissions received in response to the consultations on the Humanitarian Program.*
- d. *Reporting on the Department’s response to submissions received in response to to the consultations on the Humanitarian Program.*

*Please provide documents for each annual consultation on the Humanitarian Program between 2014 to 2019.*

## **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 FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

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

The Department has identified 32 documents as falling within the scope of your request. These documents were in the possession of the Department on 15 April 2019 when your request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

## **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 12 documents in full
- Release 15 documents in part with deletions
- Exempt five documents in full from disclosure

## **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

### **6.1 Section 22 of the FOI Act – irrelevant to request**

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

On 18 April 2019, the Department advised you that its policy is to exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile and work telephone numbers of SES staff, contained in documents that fall within scope of an FOI request.

On 4 June 2019 you agreed to exclude from the scope of your request identifiers of third parties who provided submissions for the consultations on the Humanitarian Programme between 2014 to 2019.

I have therefore decided that parts of documents marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request, and have therefore prepared an edited copy of the documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the documents have been considered for release to you as they are relevant to your request.

## **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 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 the information marked 's33(a)(iii)' in the documents would, or could reasonably be expected to cause damage to the Australian Government's international relations.

I am of the view that the disclosure of document number 17, 26, 29 and 32 could reasonably be expected to inhibit future negotiations between the Australian Government and a foreign agency and governments.

As such I have decided that the information redacted and marked 's33(a)(iii)' is exempt from disclosure under section 33(a)(iii) of the FOI Act.

## **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:

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

OR

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).



**Tina Weston**  
**Authorised Decision Maker**  
**Department of Home Affairs**

## ATTACHMENT A

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

FOI request: FA 19/04/01141

File Number: OBJ2019/24509

Doc. No.	Date of document	No. of pages	Description	Decision on release	
1.	2014/15	7	Submission – Outcomes of the consultation on the 2014-15 Humanitarian Programme	Release in part	22(1)(a)(ii)
2.	-	5	Summary of submissions	Release in part	22(1)(a)(ii)
3.	-	12	Summary of RCOA's submission on the 2014-15 Humanitarian Programme	Release in full	
4.	-	4	Summary of submissions on the 2014-15 Humanitarian Programme from community organisations and the public	Release in full	
5.		3	Feedback from stakeholders on RCOA submission	Release in part	22(1)(a)(ii)
6.	-	2	Summary of submissions 2014-15	Release in part	22(1)(a)(ii)
7.	-	8	Summary of consultations from organisations and individuals	Release in part	22(1)(a)(ii)
8.		2	Summary of submissions – onshore focus	Release in part	22(1)(a)(ii)
9.		3	Summary of consultations from organisations and individuals	Release in part	22(1)(a)(ii)
10.		8	Summary of consultations 2014-15	Release in full	
11.		5	Feedback from stakeholders on RCOA submission	Release in part	22(1)(a)(ii)
12.	-	1	RCOA summary	Release in full	
13.	-	1	Summary of comments from 2015-16 Humanitarian Programme	Release in part	22(1)(a)(ii)
14.	-	4	Summary of comments from the RCOA on the Humanitarian Programme 2015-16	Release in full	
15.	-	2	Summary of comments from key stakeholders and public feedback summary	Release in full	
16.	2016/17	48	Analysis of 2016-17 Discussion Paper Submissions	Release in part	22(1)(a)(ii)
17.	-	2	Submission summary and recommendations	Exempt in full	33(a)(iii)
18.	-	2	Summary of feedback	Release in full	

19.	-	12	Minutes of Minister's Consultations	Release in part	22(1)(a)(ii)
20.	-	9	Summary - Submissions to discussion paper Humanitarian Programme 2016-17	Release in part	22(1)(a)(ii)
21.	-	3	Key issues raised in submissions to the Discussion Paper – 2016-17 Humanitarian Programme	Release in full	
22.	-	2	Submission summary	Exempt in full	33(a)(iii)
23.			RCOA – key recommendations	Release in full	
24.		8	Summary of submissions 2017-18	Release in part	22(1)(a)(ii)
25.	-	2	Submission summary – Talent Beyond Boundaries	Release in full	
26.	-	3	Submission summary	Exempt in full	33(a)(iii)
27.	-	1	Submission summary - RCOA	Release in full	
28.	-	7	Discussion Paper Submissions Receipt List	Release in part	22(1)(a)(ii)
29.		6	Proposal 2019-20 Humanitarian Programme	Exempt in full	33(a)(iii)
30.	-	2	RCOA submission summary March 2019	Release in full	
31.	-	8	Summary of submissions 2019-20	Release in part	22(1)(a)(ii)
32.		2	Submission summary March 2019	Exempt in full	33(1)(iii)