

FOI

From: Katie Hepworth <foi+request-5419-38da18eb@righttoknow.org.au>
Sent: Friday, 17 May 2019 4:41 PM
To: FOI
Subject: Freedom of Information request - Request for Services to Qantas and Virgin re. movement of individuals who had made a claim for asylum

Dear Department of Home Affairs,

Dear Department of Home Affairs,
Under Freedom of Information I request the following:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

Yours faithfully,
Katie Hepworth

Please use this email address for all replies to this request:
foi+request-5419-38da18eb@righttoknow.org.au

Is foi@homeaffairs.gov.au the wrong address for Freedom of Information requests to Department of Home Affairs? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=dibp

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

FOI

From: FOI
Sent: Thursday, 23 May 2019 7:35 AM
To: 'Katie Hepworth'
Subject: Acknowledgement – FOI request FA 19/05/01346 [SEC=UNCLASSIFIED]

UNCLASSIFIED

In reply please quote:
FOI Request: FA 19/05/01346

Dear Ms Hepworth

Acknowledgement of Freedom of Information Access request

I refer to your correspondence received on 17 May 2019 seeking access to documents held by the Department of Home Affairs (the Department) under the Freedom of Information Act 1982 (the FOI Act).

You have requested access to the following:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

Your request was received by the Department on 17 May 2019 and has been allocated FOI request number FA 19/05/01346 . Please include your FOI request number in all correspondence with the Freedom of Information Section.

Timeframe for receiving your decision

The statutory timeframe for processing a request is 30 days from the date upon which your application was received by the Department.

Exclusion of non-SES staff personal details and SES telephone contact details

The Department's policy is to exclude the personal details of staff not in the Senior Executive Service (SES), as well as the direct contact details of SES staff, contained in documents that fall within scope of an FOI request. If you require personal details of non-SES officers, or direct contact details of SES staff, please inform us so the decision maker may consider your request. Otherwise we will take it that you agree to that information being excluded from the scope of your request.

Publication of document

Where documents are released to you in response to your request, the Department may be required to publish these documents on its website within 10 working days in accordance with section 11C of the FOI Act. Publication will not be required where the documents contain personal or business affairs information.

Contacting the FOI Section

Should you wish to discuss your request you may contact the FOI Section at foi@homeaffairs.gov.au.

Freedom of Information Section

FOI and Records Management Branch

Productivity and Compliance Division | Corporate and Enabling Group Department of Home Affairs

UNCLASSIFIED

Released by Department of Home Affairs
under the Freedom of Information Act 1982

FOI

From: FOI
Sent: Thursday, 23 May 2019 7:39 AM
To: OOCS
Cc: s22(1)(a)(ii)
Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Thursday 30 May 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good morning

Request for access to documents - *Freedom of Information Act 1982 (FOI Act)*

On 17 May 2019, the Department received an FOI request from Katie Hepworth of Crikey.com (via Right to Know).

The applicant is seeking access to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

Your business area has been identified as potentially holding documents that would be relevant to this request.

Action required:

- Please consider what documents your business areas hold that would be captured by this request.
- Please provide a copy of those documents, via TRIM link if possible, to the FOI Section for assessment by the due date
- Once received, the documents will be reviewed by the FOI Section and possible exemptions considered. No information will be released to the applicant without further consultation with you.
- This request has been identified as a complex FOI case. We will require the nomination of an appropriate EL2 decision maker from your business area for this request.
- If you are aware of other business areas that may have documents within the scope of this request, please let us know as soon as possible.

Practical Refusal Reasons:

- If the work involved in processing this request would result in a substantial and unreasonable diversion of resources, please advise us as soon as possible.
- Information regarding the number of documents falling within the scope of the request will assist us to assess the request further.

No relevant documents:

- If your area does not have any documents within the scope of this request, please let us know as soon as possible, but by no later than the due date below.

Timeframes:

- Please forward a copy of the documents that fall within the scope of this request to: foi@homeaffairs.gov.au by **COB Thursday 30 May 2019**.
- If there are any problems in meeting the action due date please advise us **as soon as possible**.

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Additional resources

- Please refer to the “*Checklist for FOI – Seeking documents*” which can be found in TRIM at [ADD2018/3352116](#) for further assistance with this request.
- The FOI Guidelines published by the Information Commissioner can be found here: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>

Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

FOI

From: FOI
Sent: Thursday, 23 May 2019 7:42 AM
To: Caroline STERNBERG
Cc: Media Operations; ABF Media; Erin DALE; Peter TIMSON; Cheryl-anne MOY; Ben WRIGHT; Pip DE VEAU; Kylie SCHOLTEN; Emily GRANT; [redacted]; Sophie SHARPE; [redacted]; Tony SMITH; [redacted]; DLO; [redacted]
Subject: FOR INFORMATION - New FOI request received by the Department - Katie Hepworth (Crikey.com (via Right to Know)) - FA 19/05/01346 [DLM=For-Official-Use-Only]

For-Official-Use-Only

FOR NOTING AND INFORMATION ONLY – NO ACTION REQUIRED

Our References: FA 19/05/01346; OBJ2019/30641

**SUBJECT: FOI REQUEST FA 19/05/01346
KATIE HEPWORTH, CRIKEY.COM (VIA RIGHT TO KNOW)**

Key Points

- 1 On 17 May 2019, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (FOI Act), from Katie Hepworth of Crikey.com (via Right to Know).
- 2 The applicant is seeking access to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

Request Status

- 3 The FOI Section is seeking documents subject to the request and advice regarding the scope of this request from Detention and Offshore Operations Command.

Further enquiries about this FOI request can be directed to me on the details below.

With kind regards

[redacted]
Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
P: 6264 3370
E: foi@homeaffairs.gov.au

The information contained in this email is classified and should not be publicly released without the authority of the Department of Home Affairs. In accordance with our long standing practices, should you wish for unclassified media lines to be prepared in relation to this issue please contact the Home Affairs Media Coordination team – media@homeaffairs.gov.au

Released by Department of Home Affairs
under the Freedom of Information Act 1982

FOI

From: OOCS
Sent: Tuesday, 28 May 2019 8:20 AM
To: FOI
Cc: s22(1)(a)(ii) OOCS
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22(1)(a)(ii)

We don't have records of this, however if you contact Charters and Transfers (I think they are now Removal Operations under s22(1)(a)(ii)) they should be able to assist.

Kind Regards

s22(1)(a)(ii)

ABF A/g Inspector | Offshore Coordination Section
Offshore Coordination Branch| Detention and Offshore Operations Command
Operations Group
Australian Border Force

P: s22(1)(a)(ii) | M: s22(1)(a)(ii)

E: s22(1)(a)(ii)

For-Official-Use-Only

From: FOI <foi@homeaffairs.gov.au>
Sent: Thursday, 23 May 2019 7:39 AM
To: OOCS s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Thursday 30 May 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good morning

Request for access to documents - Freedom of Information Act 1982 (FOI Act)

On 17 May 2019, the Department received an FOI request from Katie Hepworth of Crikey.com (via Right to Know).

The applicant is seeking access to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention,

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under the Freedom of Information Act 1982

Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

Your business area has been identified as potentially holding documents that would be relevant to this request.

Action required:

- Please consider what documents your business areas hold that would be captured by this request.
- Please provide a copy of those documents, via TRIM link if possible, to the FOI Section for assessment by the due date
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Practical Refusal Reasons:

- If the work involved in processing this request would result in a substantial and unreasonable diversion of resources, please advise us as soon as possible.
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No relevant documents:

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Timeframes:

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Additional resources

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Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

Released by Department of Home Affairs
under the Freedom of Information Act 1982

FOI

From: FOI
Sent: Wednesday, 29 May 2019 3:01 PM
To: Enforcement Command Coordination
Cc: s22(1)(a)(ii); Removals Helpdesk; s22(1)(a)(ii)
Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Wednesday 5 June 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good afternoon

Request for access to documents - *Freedom of Information Act 1982* (FOI Act)

On 17 May 2019, the Department received an FOI request from Katie Hepworth of Crikey.com (via Right to Know).

This appears to be a follow up from request FA 19/04/00641, which was deemed to have been withdrawn following the Department issuing a practical refusal notice to the applicant.

The applicant is now seeking access to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

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Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

For-Official-Use-Only

FOI

From: Enforcement Command Coordination
Sent: Thursday, 30 May 2019 8:16 AM
To: FOI
Cc: s22(1)(a)(ii); Removals Helpdesk; s22(1)(a)(ii)
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning FOI,

Acknowledging receipt of this request. We will review request and related FA 19/04/00641 to determine the best response.

s22(1)(a)(ii) – EC Coord are happy to review and pull this together but we might need some info from your team. I'll touch base today.

Thanks

s22(1)(a)(ii)

s22(1)(a)(ii)

Supervisor
Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force
P: s22(1)(a)(ii) M: s22(1)(a)(ii)

s22(1)(a)(ii)

For-Official-Use-Only

From: FOI <foi@homeaffairs.gov.au>
Sent: Wednesday, 29 May 2019 3:01 PM
To: Enforcement Command Coordination s22(1)(a)(ii)
Cc: s22(1)(a)(ii) Removals Helpdesk s22(1)(a)(ii)
Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Wednesday 5 June 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good afternoon

Request for access to documents - Freedom of Information Act 1982 (FOI Act)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

On 17 May 2019, the Department received an FOI request from Katie Hepworth of Crikey.com (via Right to Know).

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Additional resources

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Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

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Released by Department of Home Affairs
under the Freedom of Information Act 1982

FOI

From: FOI
Sent: Thursday, 30 May 2019 11:08 AM
To: Enforcement Command Coordination
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Sure ^{s22(1)(a)(ii)} – call me when convenient to you.

With kind regards

^{s22(1)(a)(ii)}

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

From: Enforcement Command Coordination ^{s22(1)(a)(ii)}
Sent: Thursday, 30 May 2019 10:38 AM
To: FOI <foi@homeaffairs.gov.au>
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi ^{s22(1)(a)(ii)}

Am I able to give you a call re this one?

Kind Regards

^{s22(1)(a)(ii)}

Supervisor
Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force

P: ^{s22(1)(a)(ii)} M: ^{s22(1)(a)(ii)}

^{s22(1)(a)(ii)}

For-Official-Use-Only

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

From: FOI <foi@homeaffairs.gov.au>

Sent: Wednesday, 29 May 2019 3:01 PM

To: Enforcement Command Coordination ^{s22(1)(a)(ii)}

Cc: ^{s22(1)(a)(ii)} [Removals Helpdesk](#) ^{s22(1)(a)(ii)}

Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know))
[DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Wednesday 5 June 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good afternoon

Request for access to documents - *Freedom of Information Act 1982 (FOI Act)*

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Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

For-Official-Use-Only

FOI

From: Enforcement Command Coordination
Sent: Thursday, 30 May 2019 3:28 PM
To: FOI
Cc: s22(1)(a)(ii) Removals Helpdesk; s22(1)(a)(ii) Enforcement Command Coordination
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good afternoon s22(1)(a)(ii)

Further to our earlier conversation, it has been confirmed we are unable to draw from our CCMD portal the specific airline detail as the travel docs (where this info is recorded) are embedded in each record (as an attachment); as opposed to a field obtainable by a system search/download. To obtain this information for each removal, an officer would need to identify the applicable record, upload and review each attachment for relevancy and sensitivity, and manually record this data.

Of note, FYI only - many transfers between onshore and offshore immigration facilities are undertaken by a charter carrier and not by a commercial carrier.

Given we are looking at over 8000 movements (approx.), and factoring in that each of these individual removals would be accompanied by on average, 160 pages of documentation capturing various aspects of the engagement, planning and removal (much of which would consequently be sensitive in nature), we would be supportive of the issuance of a practical refusal notice which may encourage the scope of the request to be amended or reduced. As has been previously indicated, we would be able to provide holistic statistics for all removals (without stipulating carrier) from Australia if this would be sufficient?

In relation to the transfers between onshore immigration detention facilities, the same system limitations apply as noted above.

Grateful for your consideration of the issuance of a practical refusal notice to amend or reduce the scope of the request.

Please let me know if you require clarification or further information to support this request.

Kind Regards

s22(1)(a)(ii)

Supervisor
Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force

P: s22(1)(a)(ii) M: s22(1)(a)(ii)

s22(1)(a)(ii)

From: FOI <foi@homeaffairs.gov.au>
Sent: Wednesday, 29 May 2019 3:01 PM
To: Enforcement Command Coordination s22(1)(a)(ii)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know))
[DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Wednesday 5 June 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good afternoon

Request for access to documents - Freedom of Information Act 1982 (FOI Act)

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Action required:

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No relevant documents:

- If your area does not have any documents within the scope of this request, please let us know as soon as possible, but by no later than the due date below.

Timeframes:

- Please forward a copy of the documents that fall within the scope of this request to: foi@homeaffairs.gov.au by **COB Wednesday 5 June 2019**.
- If there are any problems in meeting the action due date please advise us **as soon as possible**.

Additional resources

- Please refer to the "*Checklist for FOI – Seeking documents*" which can be found in TRIM at [ADD2018/3352116](https://www.homeaffairs.gov.au/ADD2018/3352116) for further assistance with this request.

- The FOI Guidelines published by the Information Commissioner can be found here: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>

Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

For-Official-Use-Only

For-Official-Use-Only

FOI

From: Enforcement Command Coordination
Sent: Thursday, 6 June 2019 10:55 AM
To: FOI
Cc: s22(1)(a)(ii) Enforcement Command Coordination
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning s22(1)(a)(ii)

I was just following up on the below given the submission due date was COB yesterday. Please let me know if you require anything further.

Kind Regards

s22(1)(a)(ii)
Supervisor
Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force
P: s22(1)(a)(ii) M: s22(1)(a)(ii)

s22(1)(a)(ii)

From: Enforcement Command Coordination s22(1)(a)(ii)
Sent: Thursday, 30 May 2019 3:28 PM
To: FOI <foi@homeaffairs.gov.au>
Cc: s22(1)(a)(ii) Removals Helpdesk s22(1)(a)(ii) Enforcement Command Coordination s22(1)(a)(ii)
Subject: RE: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good afternoon s22(1)(a)(ii)

Further to our earlier conversation, it has been confirmed we are unable to draw from our CCMD portal the specific airline detail as the travel docs (where this info is recorded) are embedded in each record (as an attachment); as opposed to a field obtainable by a system search/download. To obtain this information for each removal, an officer would need to identify the applicable record, upload and review each attachment for relevancy and sensitivity, and manually record this data.

Of note, FYI only - many transfers between onshore and offshore immigration facilities are undertaken by a charter carrier and not by a commercial carrier.

Given we are looking at over 8000 movements (approx.), and factoring in that each of these individual removals would be accompanied by on average, 160 pages of documentation capturing various aspects of the engagement, planning and removal (much of which would consequently be sensitive in nature), we would be supportive of the issuance of a

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practical refusal notice which may encourage the scope of the request to be amended or reduced. As has been previously indicated, we would be able to provide holistic statistics for all removals (without stipulating carrier) from Australia if this would be sufficient?

In relation to the transfers between onshore immigration detention facilities, the same system limitations apply as noted above.

Grateful for your consideration of the issuance of a practical refusal notice to amend or reduce the scope of the request.

Please let me know if you require clarification or further information to support this request.

Kind Regards

s22(1)(a)(ii)

Supervisor

Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force

P: s22(1)(a)(ii)

M: s22(1)(a)(ii)

s22(1)(a)(ii)

From: FOI <foi@homeaffairs.gov.au>

Sent: Wednesday, 29 May 2019 3:01 PM

To: Enforcement Command Coordination s22(1)(a)(ii)

Cc: s22(1)(a)(ii)

Removals Helpdesk s22(1)(a)(ii)

Subject: New FOI Request FA 19/05/01346 – Seeking documents – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

For Action by Wednesday 5 June 2019

Our reference: FA 19/05/01346 OBJ2019/30641

Good afternoon

Request for access to documents - Freedom of Information Act 1982 (FOI Act)

On 17 May 2019, the Department received an FOI request from Katie Hepworth of Crikey.com (via Right to Know).

This appears to be a follow up from request FA 19/04/00641, which was deemed to have been withdrawn following the Department issuing a practical refusal notice to the applicant.

The applicant is now seeking access to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

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in accordance with the Freedom of Information Act 1982

Your business area has been identified as potentially holding documents that would be relevant to this request.

Action required:

- Please consider what documents your business areas hold that would be captured by this request.
- Please provide a copy of those documents, via TRIM link if possible, to the FOI Section for assessment by the due date
- Once received, the documents will be reviewed by the FOI Section and possible exemptions considered. No information will be released to the applicant without further consultation with you.
- This request has been identified as a complex FOI case. We will require the nomination of an appropriate EL2 decision maker from your business area for this request.
- If you are aware of other business areas that may have documents within the scope of this request, please let us know as soon as possible.

Practical Refusal Reasons:

- If the work involved in processing this request would result in a substantial and unreasonable diversion of resources, please advise us as soon as possible.
- Information regarding the number of documents falling within the scope of the request will assist us to assess the request further.

No relevant documents:

- If your area does not have any documents within the scope of this request, please let us know as soon as possible, but by no later than the due date below.

Timeframes:

- Please forward a copy of the documents that fall within the scope of this request to: foi@homeaffairs.gov.au by **COB Wednesday 5 June 2019**.
- If there are any problems in meeting the action due date please advise us **as soon as possible**.

Additional resources

- Please refer to the “*Checklist for FOI – Seeking documents*” which can be found in TRIM at [ADD2018/3352116](#) for further assistance with this request.
- The FOI Guidelines published by the Information Commissioner can be found here: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>

Thank you for your assistance with processing this request.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs
E: foi@homeaffairs.gov.au

For-Official-Use-Only

For-Official-Use-Only

For-Official-Use-Only

For-Official-Use-Only

Released by Department of Home Affairs
under the Freedom of Information Act 1982

FOI

From: FOI
Sent: Friday, 7 June 2019 8:02 AM
To: Enforcement Command Coordination
Cc: s22(1)(a)(ii); Removals Helpdesk; s22(1)(a)(ii)
Subject: FOI Request FA 19/05/01346 – Katie Hepworth (Crikey.com (via Right to Know))
[DLM=For-Official-Use-Only]
Attachments: FA190501346 - draft decision.docx

For-Official-Use-Only

Good morning s22(1)(a)(ii)

Thank you for your email of 30 May 2019, the contents of which are noted.

I take from your email that the Department does not hold an existing discrete written document that consists of a log of the information being sought by Ms Hepworth, and that the Department is unable to extract the data from its computer systems to the extent that is has been requested by Ms Hepworth.

As such, I would recommend that the Department issue a decision refusing the request under section 24A of the FOI Act on the basis that no relevant document exists.

I have prepared a draft decision reflecting the advice you have provided, and **attach** the same.

Given that this request has been identified as a complex/sensitive case, we will require a decision maker from Enforcement Command to sign-off on it. The FOI delegation is held by all EL2 and SES officers throughout the Department.

Could you please refer this decision to a suitable decision maker so it can be finalised.

Once the decision maker has reviewed the decision, if they are satisfied that it meets the requirements of this request, they should sign and return it (a scanned copy will suffice) to the FOI Section so that we can finalise this request.

The statutory due date for this request is 16 June 2019. In order to achieve that, we will require the signed decision back by **COB Wednesday 12 June 2019**.

Happy to discuss further as required.

Many thanks.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs

E: foi@homeaffairs.gov.au

For-Official-Use-Only

Released by Department of Home Affairs
under the Freedom of Information Act 1982



6 June 2019

Ms K Hepworth

BY EMAIL: foi+request-5419-38da18eb@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/05/01346

File Number: OBJ2019/30641

Dear Ms Hepworth

Freedom of Information (FOI) request - Access Decision

On 17 May 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:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

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)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

The Department does not hold an existing discrete written document that is a log the information you are seeking to access.

I have also whether the Department can extract the data in accordance with section 17(1) of the FOI Act. The obligation for retrieving or collating information stored in a computer system arises if:

- the agency could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

The information you are seeking to access, consists of:

- the specific airline that provided a service that related to:
 - a) deportations/removals
 - b) returns and/or
 - c) transfers
- between immigration detention facilities, including onshore detention, Manus and Nauru
- since the 1st July 2017
- where the person being moved had previously made a claim for asylum.

The Department's computer systems does hold the level of data in a form that can be reported on, and as such, I am satisfied that the Department could not produce a written document from its computer systems that contains the information you are seeking to access.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 17 May 2019 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

6 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.

7 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

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>.

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

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.

9 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.

##NAME OF DECISION MAKER##

**Authorised Decision Maker
Department of Home Affairs**

FOI

From: Enforcement Command Coordination
Sent: Wednesday, 12 June 2019 8:12 AM
To: FOI
Cc: Enforcement Command Coordination; [redacted]
Subject: FW: FOI Request FA 19/05/01346 – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]
Attachments: [redacted]_2019-06-11_19-01-54-308.pdf

Good morning [redacted] /FOI,

Please see attached decision signed by an authorised decision maker.

Please let me know if you require anything further.

Kind regards

[redacted]

[redacted]

Supervisor

Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force

P: [redacted] M: [redacted]

[redacted]

From: [redacted]
Sent: Tuesday, 11 June 2019 7:09 PM
To: Enforcement Command Coordination [redacted]
Cc: [redacted] RemovalsCO [redacted]
Subject: RE: FOI Request FA 19/05/01346 – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hello [redacted]

I have reviewed the document and approve the decision.

Please note, I have been unable to enter my HDA request into easysap due to payroll. Therefore, there is not a system record indicating that I am currently acting as Superintendent.

Attached is a signed PDF version. The original is in my stationery drawer if you require it.

Kind regards

[redacted]

Released by Department of Home Affairs
under the Freedom of Information Act 1982

A/g Superintendent
Removal Operations HQ
Field Operations
Enforcement Command
Australian Border Force

Email: s22(1)(a)(ii)
s22(1)(a)(ii)

For-Official-Use-Only

From: Enforcement Command Coordination s22(1)(a)(ii)
Sent: Tuesday, 11 June 2019 12:09 PM
To: s22(1)(a)(ii) Enforcement Command Coordination
s22(1)(a)(ii)
Cc: s22(1)(a)(ii)
Subject: FW: FOI Request FA 19/05/01346 – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning Supt,

EC Coord received the attached FOI request relating to:

“A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum”.

It was determined by Inspector s22(1)(a)(ii) and our team that given the inability to draw this information from the Departments systems (as outlined in the attached email) we would be unable to respond to this request.

As you will see below, the Department supported this decision and will be issuing a ‘decision refusing the request under section 24A of the FOI Act on the basis that no relevant document exists’.

Given that this request has been identified as a complex/sensitive case, the FOI team require a decision maker from Enforcement Command to sign-off on it. The FOI delegation is held by all EL2 and SES officers throughout the Department. As the relevant Supt, we would appreciate if you could review the documentation and provide your approval to this decision. If you approve, could you please sign the attached and return it to EC Coord.

The due date is COB Wednesday 12 June, however noting you are off site until Thursday 13 June, I will request extension until lunch time Thursday.

Please let me know if you require further information.

Kind Regards

s22(1)(a)(ii)

Supervisor
Governance, Coordination and Standards Section
Enforcement Command | Border Operations Group
Australian Border Force

P: s22(1)(a)(ii) M: s22(1)(a)(ii)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

For-Official-Use-Only

From: FOI <foi@homeaffairs.gov.au>
Sent: Friday, 7 June 2019 8:02 AM
To: Enforcement Command Coordination s22(1)(a)(ii)
Cc: s22(1)(a)(ii) Removals Helpdesk s22(1)(a)(ii)
Subject: FOI Request FA 19/05/01346 – Katie Hepworth (Crikey.com (via Right to Know)) [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning s22(1)(a)(ii)

Thank you for your email of 30 May 2019, the contents of which are noted.

I take from your email that the Department does not hold an existing discrete written document that consists of a log of the information being sought by Ms Hepworth, and that the Department is unable to extract the data from its computer systems to the extent that is has been requested by Ms Hepworth.

As such, I would recommend that the Department issue a decision refusing the request under section 24A of the FOI Act on the basis that no relevant document exists.

I have prepared a draft decision reflecting the advice you have provided, and **attach** the same.

Given that this request has been identified as a complex/sensitive case, we will require a decision maker from Enforcement Command to sign-off on it. The FOI delegation is held by all EL2 and SES officers throughout the Department.

Could you please refer this decision to a suitable decision maker so it can be finalised.

Once the decision maker has reviewed the decision, if they are satisfied that it meets the requirements of this request, they should sign and return it (a scanned copy will suffice) to the FOI Section so that we can finalise this request.

The statutory due date for this request is 16 June 2019. In order to achieve that, we will require the signed decision back by **COB Wednesday 12 June 2019**.

Happy to discuss further as required.

Many thanks.

With kind regards

s22(1)(a)(ii)

Assistant Director, Freedom of Information Section
FOI, Privacy and Records Management Branch
Productivity and Compliance Division | Corporate and Enabling Group
Department of Home Affairs

E: foi@homeaffairs.gov.au

For-Official-Use-Only



11 June 2019

Ms K Hepworth

BY EMAIL: foi+request-5419-38da18eb@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/05/01346

File Number: OBJ2019/30641

Dear Ms Hepworth

Freedom of Information (FOI) request - Access Decision

On 17 May 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:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

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)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

The Department does not hold an existing discrete written document that is a log the information you are seeking to access.

I have also considered whether the Department can extract the data in accordance with section 17(1) of the FOI Act. The obligation for retrieving or collating information stored in a computer system arises if:

- the agency could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

The information you are seeking to access, consists of:

- the specific airline that provided a service that related to:
 - a) deportations/removals
 - b) returns and/or
 - c) transfers
- between immigration detention facilities, including onshore detention, Manus and Nauru
- since the 1st July 2017
- where the person being moved had previously made a claim for asylum.

The Department's computer systems does not hold the level of data in a form that can be reported on, and as such, I am satisfied that the Department could not produce a written document from its computer systems that contains the information you are seeking to access.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 17 May 2019 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

6 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.

7 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

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>.

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

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.

9 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.

s22(1)(a)(ii)

A large rectangular area of the document is redacted with a solid grey fill, obscuring the name and contact details of the authorised decision maker.

**Authorised Decision Maker
Department of Home Affairs**

FOI

From: FOI
Sent: Wednesday, 12 June 2019 11:25 AM
To: Caroline STERNBERG; Media Operations; ABF Media
Cc: Cheryl-anne MOY; Mandy NEWTON; Ben WRIGHT; Peter TIMSON; Sharon HUEY; Brenton MURPHY; Pip DE VEAU; ^{s22(1)(a)(ii)} [redacted] Emily GRANT; ^{s22(1)(a)(ii)} [redacted] Kylie SCHOLTEN; ^{s22(1)(a)(ii)} [redacted] Sophie SHARPE; Tony SMITH; ^{s22(1)(a)(ii)} [redacted] DLO; ^{s22(1)(a)(ii)} [redacted]
Subject: FOR INFORMATION – FOI Pending Decision - Katie Hepworth (Crikey.com (via Right to Know)) FA 19/05/01346 [DLM=For-Official-Use-Only]

For-Official-Use-Only

Our references: FA 19/05/01346; OBJ2019/30641

FREEDOM OF INFORMATION (FOI) REQUEST **Katie Hepworth - Crikey.com (via Right to Know)**

The decision to finalise a request for access to documents under the *Freedom of Information Act 1982* (FOI Act) will be issued on **Monday 17 June 2019**.

Decision

The decision for this request is as follows:

- Refuse the request on the basis that no discrete document exists and the data is unable to be extracted from the Department's computer systems under section 17 of the FOI Act.

No documents are being released in response to this request.

Background

On 17 May 2019, Katie Hepworth of *Crikey.com (via Right to Know)*, requested access under the FOI Act to:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

The following business areas undertook a search for relevant documents:

- Detention and Offshore Operations Command
- Enforcement Command

Further Information

If you have any questions in relation to the Talking Points please contact Media Operations at media@homeaffairs.gov.au.

If you have any questions in relation to the FOI processes please do not hesitate to contact me.

Kind Regards

^{s22(1)(a)(ii)} [redacted]

Director FOI
Freedom of Information (FOI) Section | FOI and Records Management Branch

Released by Department of Home Affairs
under the Freedom of Information Act 1982

Productivity and Compliance Division | Corporate and Enabling Group

Department of Home Affairs

Telephone:

s22(1)(a)(ii)

s22(1)(a)(ii)

Email:

s22(1)(a)(ii)

For-Official-Use-Only

Released by Department of Home Affairs
under the *Freedom of Information Act 1982*

FOI

From: FOI
Sent: Monday, 17 June 2019 3:55 PM
To: 'Katie Hepworth'
Subject: FOI request FA 19/05/01346 [SEC=UNCLASSIFIED]
Attachments: FA190501346-decision.pdf

UNCLASSIFIED

Dear Ms Hepworth

FOI request FA 19/05/01346

I refer to your FOI request received on 17 May 2019, seeking access to the following:

'A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.'

The Department has made a decision on this request. Please find attached the decision record and documents released under the FOI Act.

This request has now been closed.

With kind regards
Freedom of Information Section
FOI, Privacy and Records Management Branch Productivity and Compliance Division | Corporate and Enabling Group Department of Home Affairs
E: foi@homeaffairs.gov.au

UNCLASSIFIED



11 June 2019

Ms K Hepworth

BY EMAIL: foi+request-5419-38da18eb@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/05/01346

File Number: OBJ2019/30641

Dear Ms Hepworth

Freedom of Information (FOI) request - Access Decision

On 17 May 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:

A log of all requests for services from the Department to Qantas Airways Ltd. (and their subsidiaries) and/or Virgin Australia Holdings Ltd. (and their subsidiaries) regarding a) deportations/removals b) returns and c) transfers by air between immigration detention facilities, including onshore detention, Manus and Nauru via air since the 1st July 2017, where the person being moved had previously made a claim for asylum.

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)

Released by Department of Home Affairs
under the Freedom of Information Act 1982

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

The Department does not hold an existing discrete written document that is a log the information you are seeking to access.

I have also considered whether the Department can extract the data in accordance with section 17(1) of the FOI Act. The obligation for retrieving or collating information stored in a computer system arises if:

- the agency could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

The information you are seeking to access, consists of:

- the specific airline that provided a service that related to:
 - a) deportations/removals
 - b) returns and/or
 - c) transfers
- between immigration detention facilities, including onshore detention, Manus and Nauru
- since the 1st July 2017
- where the person being moved had previously made a claim for asylum.

The Department's computer systems does not hold the level of data in a form that can be reported on, and as such, I am satisfied that the Department could not produce a written document from its computer systems that contains the information you are seeking to access.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 17 May 2019 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

6 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.

7 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

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>.

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

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.

9 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.

s22(1)(a)(ii)

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**Authorised Decision Maker
Department of Home Affairs**

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under the *Freedom of Information Act 1982*