



OFFICE OF THE PRIME MINISTER
CHIEF OF STAFF

Reference: FOI/PMO/2014/022

09 JUL 2014

Mr Kushra Navartne

Email: foi+request-634-ac0ac68a@righttoknow.org.au

Dear Mr Navartne

I refer to your email dated 27 May 2014 in which you made a request addressed to the Prime Minister under the *Freedom of Information Act 1982* (FOI Act) as follows:

I hereby request, under the Freedom of Information Act 1982 (Cth), a copy of the "original", [1] it's manifestations, [2] and change log [3] of the document [4] titled JOINT DOORSTOP INTERVIEW, DARWIN available at:

<http://www.pm.gov.au/media/2014-02-28/joint-doorstop-interview-darwin>

with the Prime Minister and Minister Scott Morrison, where Mr Morrison, uttered the words "operation sovereign murders".

Please send (post on this website) the document(s) in .doc (microsoft word 97/2000 version) or .pdf (adobe acrobat) version.

Note that the The Right to Know email address is valid for the purposes of s.15(2)(c) of the FOI Act.

I also request that all costs for the processing of this request be waived on the grounds that transparent and accurate records of these interviews between the prime minister, ministers and the media are important features of a free society, only to be derogated [5] where there are absolute exemptions. [6]

Yours faithfully,

kushra navartne

[1] - The verbatim, unaltered version.

[2] - edited versions, where certain words or phrases, pauses, ummms, ahhhs, false starts...have been edited out.

[3] - version and date-time stamp of change, including the change to electronic copy and website version.

[4] - published on the prime ministers website.

[5] - in terms of withholding information and censor.

[6] - whether providing access would cause embarrassment does not construe as a factor to prevent access.

Authorised decision-maker

Under arrangements in place for FOI requests made to the Prime Minister, I am authorised to make FOI decisions on his behalf.

Search for documents

I am advised that relevant staff in the Office of the Prime Minister, who would be expected to have had involvement in the subject-matter of the request, were asked to identify any relevant documents in their possession. They were also asked to search their email accounts for relevant documents.

No documents were found to support your assertion that Mr Morrison uttered the words “operation sovereign murders”. Accordingly, I do not accept your assertion. There were, however, two documents identified as versions of the joint doorstep interview in Darwin on 28 February 2014, referenced in your request.

These documents are described in the schedule at Attachment A.

Decision on access

I have decided to grant access to the documents described in the schedule at Attachment A.

Copies of the documents are enclosed with this decision.

Deletion of irrelevant matter

Section 22 of the FOI Act provides that irrelevant matter may be deleted from a copy of a document, and access granted to such an amended copy, where it is reasonably practicable to do so, unless it is apparent that you would decline access to the edited copy.

One of the documents identified as a result of the searches contains the name and contact details of a member of the Prime Minister’s staff which I consider to be irrelevant to the request. I consider that it is reasonably practicable to make a copy of the document with the irrelevant matter deleted, and that you would wish to be granted access to the document with deletions. Accordingly, I have provided a copy of the document with the irrelevant matter deleted.

Processing and access charges

I have decided not to impose a processing charge in respect of your FOI request.

Publication of Documents

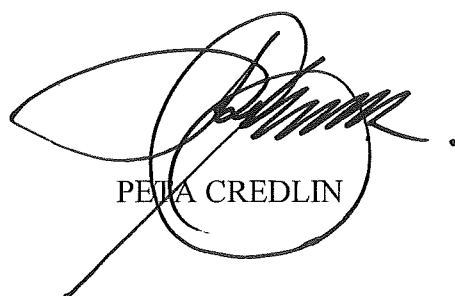
In accordance with section 11C of the FOI Act, Ministers are required to publish information released under FOI. Section 11C(6) of the FOI Act requires Ministers to publish information released within 10 working days of granting the applicant access to the documents.

Review and complaint rights

In accordance with the requirements of the FOI Act, I enclose information setting out your rights of review and complaint.

Should you wish to discuss any aspect of the FOI request, please contact the Department on (02) 6271 5849 or by email to foi@pmc.gov.au.

Yours sincerely



Handwritten signature of Peta Credlin, consisting of a large, stylized 'P' and 'C' followed by a series of horizontal strokes.

PETA CREDLIN

FOI/PMO/2014/022 – SCHEDULE OF DOCUMENTS

Document	Date	Description	Number of pages	Decision
1	28 February 2014	Email	3	Release in full.
2	28 February 2014	Transcript	3	Irrelevant information deleted in accordance with section 22 of the FOI Act. Release in full.

Schmitke, Shaun

From: s 22
Sent: Friday, 28 February 2014 3:49 PM
To: s 22
Subject: UNPROOFED: Prime Minister's Transcript - Joint Doorstop Interview, Darwin 28-02
[SEC=UNCLASSIFIED]

28 February 2014

**TRANSCRIPT OF THE PRIME MINISTER
THE HON. TONY ABBOTT MP
JOINT DOORSTOP INTERVIEW WITH THE HON. SCOTT MORRISON MP,
MINISTER FOR IMMIGRATION AND BORDER PROTECTION,
DARWIN**

Subjects: Operation Sovereign Borders; Hazelwood coal mine fire; Qantas;

E&OE.....

PRIME MINISTER:

It's good to be here at Larrakeyah Barracks to talk to those who have been involved in the work of Operation Sovereign Borders and to thank them for everything they've done.

This has been a difficult and dangerous job, but it's been carried out with great professionalism and skill by our Naval, Customs, Army and Air Force personnel. All of them have been operating together very effectively to give us the quite extraordinary result of 71 days now without a successful illegal people smuggling operation to Australia.

So, from the Government to the Border Protection personnel; an enormous thank you and from the people of Australia to our Border Protection personnel, a big salute – an extraordinary job being very professionally carried out right now.

Just before I ask Scott Morrison to say a few words, I should also just observe that the writs have been issued for a WA Senate election on April 5th. This will be an opportunity for the people of Western Australia to vote for candidates who will stand up for their state and who will vote to abolish these anti-West Australian taxes – the mining tax and the carbon tax. I certainly look forward to being in Western Australia quite a bit over the next few weeks and doing what I can to reinforce the message that the Government of Australia is a pro-Western Australian government and the best way we can demonstrate that we are pro-Western Australia is by abolishing these anti-Western Australian taxes – the carbon tax and the mining tax.

Scott?

IMMIGRATION MINISTER:

Thanks Prime Minister. It has been a great pleasure and privilege to be here with the Prime Minister and Natasha Griggs to say thank you.

The faith that we have put in our Navy, our Customs and Border Protection Service, our Air Force, our Army and all of those who have been involved in Operation Sovereign Borders has been repaid in full and with interest. 71 days now without a successful people smuggling venture having reached Australia is an

enormous achievement, but they know and we know there is more work to be done and we thank them not only for their efforts and for their success, but we thank them for the decency and the way they've gone about this very difficult task. These are incredibly impressive men and women who are serving here and in all the roles associated with Operation Sovereign Borders and we thank them for their service.

PRIME MINISTER:

Ok, do we have any question?

QUESTION:

Just quickly Prime Minister, Morwell, the town, might be evacuated this afternoon – the whole town – because of the mine fire. Do you think the company's doing enough to put out that fire and can I also ask whether the Federal Government will consider tipping in some Federal assistance in that case?

PRIME MINISTER:

I think the company is doing its best - I think everyone is doing their best - and as far as the Federal Government is concerned, as far as the national Government is concerned, we stand ready to receive a request from Victoria for assistance under the Natural Disaster Arrangements and we will activate our part immediately.

QUESTION:

Prime Minister, can I just go back to Qantas as I had before. I wonder what your message is to workers of Qantas as they sit down with management, is there more that they can be looking at doing to help a company that's obviously struggling with the cost base?

PRIME MINISTER:

Obviously, everyone involved with Qantas has got to work together constructively to rise to the competitive challenge that Qantas faces. It's a very tough market; airlines are competing furiously against each other. That's not all bad news; it means lower prices and better services for passengers, but obviously both Qantas and Virgin are facing profitability issues.

Now, the only way to maximise the number of jobs is to have profitable businesses that can employ people and that's why it is important that the staff and the management at Qantas work together as harmoniously as possible, so that Qantas can have the great future that this Government wants for it and that I think every Australian wants for this iconic airline.

QUESTION:

You're putting \$50 million into a new police force, or recommitting \$50 million to a police force over two years to deal with disturbances at Darwin detention centres. Do you feel as though there's an undue pressure put on Darwin to deal with the Operation Sovereign Borders issues that arise?

PRIME MINISTER:

I think the people of Darwin understand that it's very important that we have strong border protection policies in place and the best way to ensure that we can ultimately close down the facilities here in Darwin and spend the money on much more productive things is to stop the boats. Thank God they're stopping, but we aren't resting on our laurels, there's still a long way to go and you can be confident that this Government will do whatever is necessary to once more ensure that our borders and totally and fully secure.

IMMIGRATION MINISTER:

When can we expect to see the first detention centre shut down?

PRIME MINISTER:

We've already had quite a few shut down. I'll get Scott to elaborate, but we've already had detention centres shut down. The detention centre on the edge of Adelaide has shut down. The detention centre in Perth, I think it is Pontville that shut down in Hobart – Pontville has shut down in Hobart. The one on the outskirts of Adelaide has shut down and as the situation improves, continues to improve more can be done.

Scott?

QUESTION:

What about the ones [inaudible]?

IMMIGRATION MINISTER:

Well, the Prime Minister has said that there are four that have been shut down. That is Scherger up in North Queensland, Pontville, also down in South Australia but as well the Leonora facility in Western Australia. We are reviewing the detention estate here in Darwin but the commitment I made this morning was about ensuring over the next two years the Northern Territory police force has the support to conduct its operations to support our detention footprint here in Darwin without having any impact on its more general responsibilities here. I mean that is why we are committing those funds, to make sure the Northern Territory police can do both jobs and there is no impact on their normal job of law enforcement here in the Territory. Now, we are reviewing all of those centres that are here in Darwin but that commitment through that MOU, I think, indicates very strongly that there will continue to be a detention footprint here in Darwin.

QUESTION:

Mr Morrison, can I ask you what is next for the body of Reza Berati, whether there are plans to send him back to Iran and can I also ask whether you have been updated about the man with critical head injuries – from last week's riot – in a Brisbane hospital?

IMMIGRATION MINISTER:

Well, I can confirm that once the formalities have been completed in Papua New Guinea and the appropriate discharges are acquitted with the Papua New Guinea authorities then the Australian Government with the cooperation of Papua New Guinea will be repatriating Mr Berati's body to the family in Iran. That is the process we are working through right now. I get updates on the status of the other injuries but at this stage I am advised that people are being attended to and are making a recovery.

[ends]

S 22 | Press Office

Office of The Prime Minister

T S 22 | M S 22

S 22 | Parliament House | Canberra | ACT 2600 |



PRIME MINISTER

28 February 2014

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[ends]



Freedom of information – Your review rights

July 2012

If you disagree with the decision of an Australian Government agency or minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if someone is to be granted access to information that is about you, if the agency has informed you that it will impose a charge for processing your request or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by the agency, and external review by the Australian Information Commissioner.

Internal review

If an agency makes an FOI decision that you disagree with, you can ask the agency to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless the agency extended the application time. You should contact the agency if you wish to seek an extension. The agency must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed.

Internal review is not available if a minister or the chief officer of the agency made the decision personally.

Review by the Information Commissioner

The Information Commissioner is an independent office holder who can review the decisions of agencies and ministers under the FOI Act.

Is a review the same as a complaint?

No. The Information Commissioner also investigates complaints about agency actions under the FOI Act. However, if you are complaining that an agency decision is wrong, it will be treated as an application for a review. Your matter will be treated as a complaint when a review would not be practical

or would not address your concerns (for example, if you were not consulted about a document that contains your personal information before it was released). For more information see FOI fact sheet 13 – *Freedom of information: How to make a complaint*.

Do I have to go through the agency's internal review process first?

No. You may apply directly to the Information Commissioner. However, going through the agency's internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.

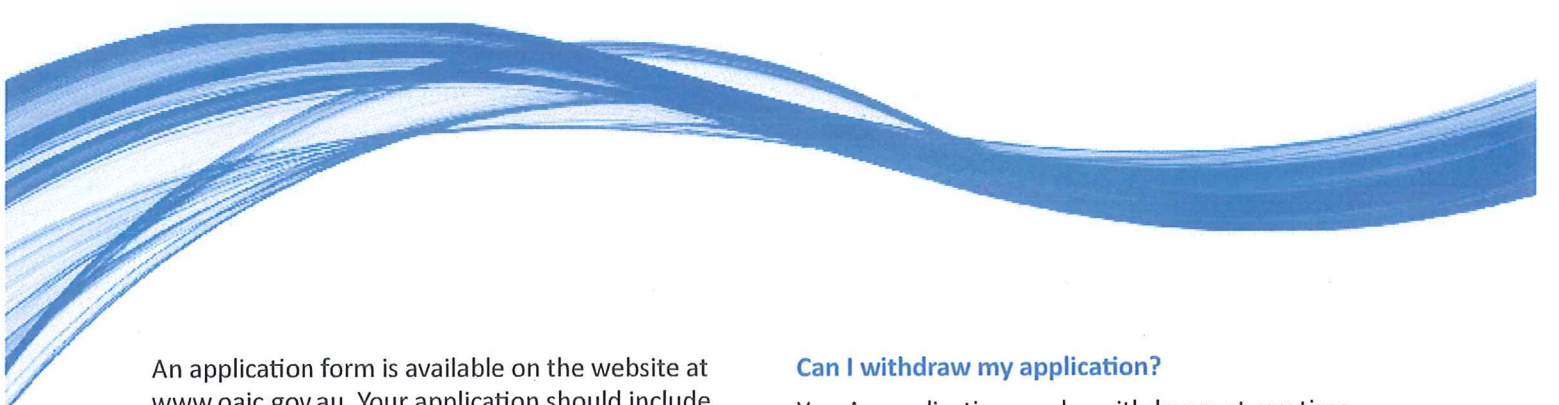
Do I have to pay?

No. The Information Commissioner's review is free.

How do I apply?

You must apply in writing and you can lodge your application in one of the following ways:

online: www.oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
fax: +61 2 9284 9666
email: enquiries@oaic.gov.au
in person: Level 8, Piccadilly Tower
133 Castlereagh 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 that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Can I get help in completing the application?

Yes. The Information Commissioner's staff are available to help you with your application if anything is unclear.

When do I have to apply?

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the Information Commissioner within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

You can ask the Information Commissioner for an extension of time to apply, and this may be granted if the Information Commissioner considers it is reasonable in the circumstances.

Who will conduct the review?

Staff of the Information Commissioner will conduct the review. Only the Information Commissioner, the FOI Commissioner or the Privacy Commissioner can make a decision at the end of the review.

Does the Information Commissioner have to review my matter?

No. The Information Commissioner may decide not to review an application that is frivolous, misconceived or lacking in substance, or if you fail to cooperate with the process or cannot be contacted after reasonable attempts. You cannot appeal against that decision.

Alternatively the Information Commissioner may decide that the Administrative Appeals Tribunal (AAT) would be better placed to review the matter, and if so, will advise you of the procedure for applying to the AAT. This will not be common.

Can I withdraw my application?

Yes. An application can be withdrawn at any time before the Information Commissioner makes a decision.

What happens in the review process?

The review process is designed to be as informal as possible. The Information Commissioner may contact you or any of the other parties to clarify matters and seek more information. The Information Commissioner may also ask the agency or minister to provide reasons for their decision if the reasons given were inadequate.

Most reviews will be made on the basis of the submissions and papers provided by the parties. Sometimes the Information Commissioner may decide to hold a hearing if one of the parties applies. Parties may participate in a hearing by telephone. If confidential matters are raised, the hearing may be held partly or wholly in private.

Will there be other parties to the review?

There may be. The Information Commissioner can join other parties who are affected by the application. For example, if you are objecting to someone else being granted access to information that concerns you, that person may be joined in the review.

Can someone else represent me?

Yes, including a lawyer. However, the Information Commissioner prefers the process to be as informal and cost-effective as possible and does not encourage legal representation.

Will the Information Commissioner look at all documents, including ones that are claimed to be exempt?

Yes. The Information Commissioner's review is a fresh decision, so all the relevant material must be examined, including documents that the agency or minister has declined to release. Developments that have occurred since the original decision may also be considered.



What powers does the Information Commissioner have?

While the review process is designed to be informal, the Information Commissioner has formal powers to require anyone to produce information or documents, to compel anyone to attend to answer questions and to take an oath or affirmation that their answers will be true.

An agency or minister can also be ordered to undertake further searches for documents.

What decisions can the Information Commissioner make?

After reviewing a decision, the Information Commissioner must do one of three things:

- set the decision aside and make a fresh decision
- affirm the decision, or
- vary the decision.

The Information Commissioner will give reasons for the decision.

Will the decision be made public?

Yes. The Information Commissioner will publish decisions on the website. Exempt material (that is, material that is not released) will not be included. Nor will the name of the review applicant, unless that person requests otherwise or there is a special reason to publish it.

What can I do if I disagree with the Information Commissioner's review decision?

You can appeal to the AAT. The Information Commissioner will not be a party to those proceedings. There is a fee for lodging an AAT application, although there are exemptions for health care and pension concession card holders, and the AAT can waive the fee on financial hardship grounds. For further information see www.aat.gov.au/FormsAndFees/Fees.htm.

FOI applications made before 1 November 2010

The Information Commissioner can only review an agency's or minister's FOI decision if you made your FOI request on or after 1 November 2010. If you made your FOI request before 1 November, even if the decision was made after that date, the review process is different.

You must first ask the agency for internal review of the decision. You may then appeal to the AAT if you are not satisfied with the decision.

The information provided in this fact sheet is of a general nature. It is not a substitute for legal advice.

For further information

telephone: 1300 363 992

email: enquiries@oaic.gov.au

write: GPO Box 2999, Canberra ACT 2601
or visit our website at www.oaic.gov.au



FOI Fact Sheet 13

Freedom of information – How to make a complaint

October 2010

You may complain to the Australian Information Commissioner if you have concerns about how an Australian Government agency handled a request for documents under the *Freedom of Information Act 1982* (the FOI Act) or took any other action under that Act. If you are unhappy with the agency's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process.

Disagree with an FOI decision?

If you disagree with an agency's or minister's decision on your request under the FOI Act, you have the right to have the decision reviewed. You can ask an agency to review its decision internally. You also have the right to ask the Information Commissioner to review an agency's or minister's decision. See **FOI Fact Sheet 12 Freedom of information – Your review rights** for more information about the review process.

If you are concerned about the way an agency has handled your matter, you can complain to the Information Commissioner.

What are the powers of the Information Commissioner?

The Information Commissioner can investigate a complaint about how an agency handled an FOI request, or other actions the agency took under the FOI Act. The Information Commissioner cannot investigate a complaint about a minister.

In conducting the investigation the Information Commissioner has the power to:

- make inquiries of an agency
- obtain information from any person
- take possession of, or inspect, any relevant documents.

If the Information Commissioner decides to investigate your complaint, the agency you have complained about will be notified in writing of the complaint. The Information Commissioner conducts investigations of complaints in private.

Who can make a complaint?

Any person can make a complaint about the actions of an agency in relation to an FOI activity. You do not need to have requested documents under the FOI Act.

When should I make a complaint?

You can complain to the Information Commissioner at any time. If your complaint relates to an FOI request you can make the complaint at any stage of the process.

Before making a complaint to the Information Commissioner, you should contact the agency directly to try to resolve your concerns. The Information Commissioner may decide not to investigate your complaint if you have not raised your concerns first with the agency or you have not given the agency a reasonable opportunity to deal with your complaint.



How do I make a complaint?

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to us using the details at the end of this fact sheet. A complaint form is also available on our website at www.oaic.gov.au.

If you need help we can assist you. You can contact us on 1300 363 992 or by email to enquiries@oaic.gov.au.

What information do I need to put in the complaint?

To help the Information Commissioner give the best consideration to your complaint, please provide as much relevant information as possible. Be clear about the issues in your complaint and what action or outcome you would like to see as a result.

Is there a fee for making a complaint?

No. There are no costs involved in making a complaint to the Information Commissioner.

What will happen to my complaint?

An officer of the Information Commissioner will contact you to discuss your complaint and you will be kept informed of the progress of your complaint along the way.

Before deciding whether to investigate your complaint the Information Commissioner may make preliminary inquiries of the agency you have complained about.

If the Information Commissioner decides to investigate your complaint, the Commissioner will write to the agency and request information to assist with the investigation.

Can the Information Commissioner decide not to investigate my complaint?


Yes. The Information Commissioner may decide not to investigate, or may discontinue an investigation, if:

- your complaint does not concern an agency's action under the FOI Act
- it is more appropriate for you to complain to another body (such as the agency or the Commonwealth Ombudsman)
- it is more appropriate for you to ask for the decision to be reviewed
- the agency you complained about has dealt with your complaint, or is in the process of dealing with it
- your complaint is frivolous, lacking in substance or not made in good faith
- you do not have sufficient interest in the matter.

If the Information Commissioner decides not to investigate or discontinues an investigation, the Commissioner will notify you and the agency of the reasons for this in writing.

How will my complaint be resolved?

In some cases the Information Commissioner's investigation and intervention may result in the agency addressing the issues that you have complained about. In other cases the Information Commissioner may make suggestions or recommendations that the agency should implement. You and the agency will be notified in writing of the outcome of the investigation.



If an agency fails to take adequate and appropriate action to implement any recommendations, the Information Commissioner may issue a formal implementation notice. This notice requires the agency to explain what action it will take to implement the recommendations. The Information Commissioner may also provide a written report to the minister responsible for the agency, and the report will be tabled in Parliament.

Your name will not be included in the report unless there is a special reason and you were first consulted.

Investigation by the Ombudsman

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the Information Commissioner, the Ombudsman will consult the Information Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate, the complaint and all relevant documents must be transferred to the Information Commissioner.

The Information Commissioner can also transfer to the Ombudsman a complaint that could more appropriately be investigated by the Ombudsman. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

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