

Australian Government

Department of Immigration and Border Protection

Attachment A

DECISION RECORD

Request Details

FOI Request FA13/10/00864 File Number ADF2013/34716

Scope of request

I'm seeking any correspondence between the federal government/ departments and the International Migration Organisation relating to the transfer of Indonesian minors, who had been held in Australian jail after being convicted of people smuggling charges, back to their families in Indonesia.

I'm seeking documents about the transfer arrangments including details about whether the department or IOM paid the travel and other expenses of the journeys and whether the minors were given access to counselling.

I'm also seeeking documents relating to any incidents that may have taken place during the transfer process which were reported back to the department/ministers.

Documents in scope

1. Electronic records of emails and attachments – containing 24 folios

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 departmental records.

Information considered

In reaching my decision, I have considered the following:

- The Freedom of Information Act 1982;
- Departmental files and/or documents (identified above);
- The Australian Information Commissioner's guidelines relating to access to documents held by government;
- The department's FOI handbook.

Reasons for decision

I have considered the files within the scope of your request and applied exemptions in part or in full to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

22 Deletion of exempt matter or irrelevant material

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

A number of documents contain information that is exempt under one of the section of the FOI Act. I am able to provide you an edited copy of that document under section 22(1)(b). You can identify these documents in the schedule of documents with the words Released in part or Exempt in full in the decision column.

Section 33 – Documents affecting national security, defence and international relations.

- (1) A document is an exempt document if disclosure of the document under this Act:
 - (a) would or could reasonably expected to, cause damage to:
 - (i) the security of the Commonwealth;
 - (ii) the defence o the Commonwealth; or
 - (iii) the international relations of the Commonwealth.
 - (b) would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organisation to the Government of the Commonwealth, to an authority of the Commonwealth, to a person receiving the communication on behalf of the Commonwealth or an authority of the Commonwealth.

I have decided that the documents identified in the Schedule as exempt under section 33(1)(b) are documents containing material which was provided in confidence to the Commonwealth by or on behalf of a foreign government or international organisation.

The nature of confidential communication is that it is only provided to the person receiving the information and is not intended to be shared without the approval of the provider of the information. Aside from the various document classification markings generally stating 'in confidence' I had conducted a formal consultation process with the international organisation to further investigate the manner in which these communications were held.

On the basis of the consultation I conducted I'm of the opinion that beyond any doubt the information was in fact communicated in confidence.

I am satisfied that the documents in question contain information that was provided in confidence.

47F Public interest conditional exemptions—personal privacy

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - (a) the extent to which the information is well known;
 - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - (c) the availability of the information from publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

The information that is exempt in part, under section 47F of the FOI Act contains personal information. The nature of the information relates to communications held with the International Organization of Migration (IOM) concerning third party individuals. Whilst the individual concerned was aware their information would be collected and used by the department for the purposes of their immigration journey, the individual concerned has not given consent for their information to be released to a member of the public.

There is also no reasonable expectation that individuals the department are interacting with for the purposes of their immigration journey would desire their information being published within news articles. If this was the case, such an individual has the option of lodging their own FOI request or providing their consent to obtain such documents.

There are a number of IOM staff names and mobile telephone numbers embodied within the document. IOM staff names and mobile phone numbers are details which encompass numerous personal information traits not reasonable to release. Non-agency personnel names and mobile telephone numbers used for personal matters are an unreasonable disclosure of personal information in my opinion.

Having formed the view that the documents are of a kind to which section 47F does apply, I am required to consider whether disclosure of the documents would be unreasonable. I took the following information into consideration:

- The information is not your personal information. This weighs against the release being reasonable.
- Every person has the right to expect that their personal information will be securely maintained by the department. This weighs against the release being reasonable.
- The information isn't in the public forum. This weighs against the release being reasonable.

I believe it would be unreasonable to release these documents in their complete format.

Having formed the view that the documents are of a kind to which section 47F(1) does apply, I am required to consider whether disclosure of the documents would be contrary to the public interest.

I have considered:

Arguments in favour of the disclosure of the documents include:

- a person having a general right of access to any material held by the government;
- there is a general public interest in making information held by the Government accessible to the public;
- inform debate on a matter of public importance;

Arguments that against disclosure of the documents include:

- it is a core Government concern to maintain the integrity of the information it holds and in the maintaining of an individual's privacy
- prejudice the fair treatment of individuals

The information contained within the identified documents wholly relates to a person other than you. The department is obliged to take action to prevent the unreasonable disclosure of an individual's personal information and I have given this the greatest weight.

I consider that disclosure of this information would be contrary to the public interest and it is therefore exempt from disclosure under section 47F of the FOI Act.

Ashley Smith
Authorised decision maker
FOI and Privacy Policy Section
Ministerial, Executive and External Accountability Branch
Department of Immigration and Border Protection

Telephone

(02) 6225 8037

Email

foi@immi.gov.au

4 April 2014



Australian Government

Department of Immigration and Border Protection

Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA13/10/00864 File Number ADF2013/34716

1. Departmental File: Electronic records of emails and attachments – containing 24 folios

Folio	Description	Decision	Legislation
1	Information communicated in confidence by	Released in part	S33(b),
	IOM, IOM staff names and mobile telephone numbers	·	S47F(1)
2	Information communicated in confidence by IOM	Released in part	S33(b)
3-4	Information communicated in confidence by IOM, IOM staff names	Released in part	S33(b), S47F(1)
5	Information communicated in confidence by IOM	Released in part	S33(b)
6		Released in full	
7-11	Information communicated in confidence by IOM	Exempt in full	S33(b)
12-15	Information communicated in confidence by IOM, IOM staff names, specific geographical locations and mobile telephone numbers	Released in part	S33(b), S47F(1)
16	Information communicated in confidence by IOM	Released in part	S33(b)
17-18	Information communicated in confidence by IOM, IOM staff names, third party names and contact details	Released in part	S33(b), S47F(1)
19	Information communicated in confidence by IOM	Released in part	S33(b)
20-21	IOM staff names, third party names and contact details, family details, geographical locations	Released in part	S47F(1)
22	Information communicated in confidence by IOM	Released in part	S33(b)
23		Released in full	
24	IOM staff name, third party name and date of birth	Released in part	S47F(1)

00 9 Information Act Freedom $\sum_{i=1}^{n} \sum_{j=1}^{n} \sum_{i=1}^{n} \sum_{j=1}^{n} \sum$

E-mail Message

From: To:

Louise Boyd [NOTES:CN=Louise Boyd/OU=WA/O=IMMI/C=AU]

Leonie Veitch [NOTES:Leonie Veitch], WA Compliance Removals [NOTES:CN=WA Compliance Removals/OU=WA/O=IMMI/C=AU@IMMI]

Cc:

Laine Noblett [NOTES:CN=Laine Noblett/OU=WA/O=IMMI/C=AU@IMMI]

Sent: Received:

26/6/2012 at 1:40 PM

26/6/2012 at 1:40 PM

Subject:

Fw: Urgent request from Immigration Australia [SEC=IN-

CONFIDENCE:CLIENT]

A/G Assistant Manager WA Returns & Removals

Department of Immigration and Citizenship

Telephone: 08 9415 9756 Fax:Â 08 9415 9286

Mob: S. 47F(1)

Email:louise.boyd@immi.gov.au / wa.compliance.removals@immi.gov.au

---- Forwarded by Louise Boyd/WA/IMMI/AU on 26/06/2012 01:38 PM ----

From: Louise.Boyd@immi.gov.au [mailto:Louise.Boyd@immi.gov.au]

Sent: Tuesday. June 26, 2012 12:32 PM

To: S. 47F(1)

Subject: RE: Urgent request from Immigration Australia

[SEC=IN-CONFIDENCE:CLIENT]

Thankyou s. 47F(1)

Can I please confirm that IOM will be escorting the client to his father's home in S. 47F(1) and will remain with the client at all times until he is handed and will remain with the client at all times until he is handed over to his father?

Will will return the quote as soon as this is confirmed.

Thank you,

Louise

egunettyeensapenspaarspaas en 1800 til moduli 1800 in 1900

A/G Assistant Manager WA Returns & Removals

Department of Immigration and Citizenship

Telephone: 08 9415 9756

Fax: 08 9415 9286 Mob: S. 47F

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DIBP under the Freedom of Information Act Released by I

Email:louise.boyd@immi.gov.au / wa.compliance.removals@immi.gov.au

33(b)

From: Louise.Boyd@immi.gov.au [mailto:Louise.Boyd@immi.gov.au] On Behalf Of WA.Compliance.Removals@immi.gov.auSent: Monday, June 25, 2012 4:31 PM To:S. 47F(1)

Cc: Louise.Boyd@immi.gov.au; Leonie.Veitch@immi.gov.au

Subject: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT] Importance: High

Hi s. 47F(1)

I have been provided your contact details from s.47F(1) who has advised that he is s. 47F(1)

The Indonesian Consulate in Perth have just advised us that the the following client is considered a minor:

We are therefore asking if IOM can assist us with returning this client home by escorting him to his family. His father's details are as follows:

The client is scheduled to arrive S.47F(1)

Can you please call me as soon as possible to discuss this request and any issues that you may have.

Thank you,

Louise

WA Returns and Removals Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

Case Officer: Dayanand Nithyanandan (08) 94159152

Case Officer: Chris Warner (08) 9415 9153 Case Officer: Nat Khouri (08) 9415 9289 Case Officer: Soh Fun Loong (08) 9415 9146

Prison Liaison Officer: Anne Morton (08) 9415 9907

---- Forwarded by Louise Boyd/WA/IMMI/AU on 25/06/2012 05:17 PM ----

Released by Freedom of

From: Laine.Noblett@immi.gov.au [mailto:Laine.Noblett@immi.gov.au] On Behalf Of WA.Compliance.Removals@immi.gov.auSent: Friday, June 22, 2012 9:46 AM To:S. 47F(1)

Subject: RE:Client details [SEC=IN-CONFIDENCE:CLIENT]

Good morning S. 47F(1)

Please find below the details of the client's for the quote received yesterday in order for you to compete the bookings:

In addition to the above could you please quote for the following:

Thank you for your assistance, please let me know if you require any further information.

Kind regards,

Laine

WA Returns and Removals

Released by DIBP under the Freedom of Information Act 1982

Department of Immigration & Citizenship

Manager: Brendon Thomas (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

Case Officer: Dayanand Nithyanandan (08) 94159152

Case Officer: Chris Warner (08) 9415 9153 Case Officer: Nat Khouri (08) 9415 9289 Case Office: Soh Fun Loong (08) 9415 9146

Prison Officer: Anne Morton (08) 9415 9907

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Released by DIBP under the Freedom of Information Act 1982

From: WA.Compliance.Removals@immi.gov.au [mailto:WA.Compliance.Removals@immi.gov.au]

Sent: Tuesday, July 03, 2012 11:36 AM

To: s. 47F(1)

Subject: RE: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

Thank you s. 47F(1)

Can you please provide the phone number and name of the IOM representative that will meet the client on arrival in s.47F(1)

For your information - Catherine Cheeseman and Steve Lanyi will be travelling with S. 47F(1) os. 47F(1) Cathy will have the phone number S. 47F(1) with her.

Regards,

Louise

WA Returns and Removals
Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

Case Officer: Dayanand Nithyanandan (08) 94159152

Case Officer: Chris Warner (08) 9415 9153 Case Officer: Nat Khouri (08) 9415 9289 Case Officer: Soh Fun Loong (08) 9415 9146 Case Officer: Steve Maddock (08) 9415 9271

Prison Liaison Officer: Anne Morton (08) 9415 9907

From: Louise.Boyd@immi.gov.au [mailto:Louise.Boyd@immi.gov.au] On Behalf Of

WA.Compliance.Removals@immi.gov.au **Sent:** Tuesday, July 03, 2012 9:52 AM

To:s. 47F(1)

Subject: RE: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

Thank you^{S. 47F(1)} for assisting us again with such little notice.

Can I please confirm that IOM will remain with the client at all times when escorting him from s. 47F(1) to his mother in Indonesia.

We may not have made this clear in our request but as the client is a minor he will need to remain in IOM care until the handover to his mother.

Regards,

Louise (on behalf of Leonie)

WA Returns and Removals Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

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leased by

Prison Liaison Officer: Anne Morton (08) 9415 9907

From: Leonie.Veitch@immi.gov.au [mailto:Leonie.Veitch@immi.gov.au]

Sent: Tuesday, July 03, 2012 8:53 AM

To:s. 47F(1)

Cc: WA.Compliance.Removals@immi.gov.au

Subject: Re: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

His. 47F(1)

Thank you again.

Leonie Veitch

Manager

WA Returns and Removals

Department of Immigration and Citizenship (DIAC)

Telephone: (08) 9415 9156

Mobile:

s. 47F(1)

Email: leonie.veitch@immi.gov.au

Leonie Veitch/WA/IMMI/AU

Leonie

Veitch/WA/IMMI/AU

To

03/07/2012 07:01 AM

Subject

"IOM" s. 47F(1) @iom.int , "IoM s. 47F(1) @iom.int >

Re: Urgent request from Immigration Australia

Classification: CLIENT-IN-CONFIDENCE

Hi IOM,

Thank you for your continued support and readiness to assist at such short notice.

I am happy to approve the expenses listed below in order for you to return s. 47F(1) to his guardian.

Thank you,

Leonie Veitch WA Returns and Removals

WA Compliance Removals

---- Original Message -----

From: WA Compliance Removals Sent: 02/07/2012 06:33 PM ZE8

To: Leonie Veitch Cc: Louise Boyd

Subject: Fw: Urgent request from Immigration Australia

[SEC=IN-CONFIDENCE:CLIENT]

Hi Leonie,

IOM have provided S. 33(b)

Can you please review at your convenience and advise if you approve. In case you are unable to open I have attached it below.

I am happy to respond on your behalf if you want to give a verbal approval so IOM can proceed with arrangements.

Regards,

Louise

s. 33(b)

Released by DIBP under the Freedom of Information Act 1982

s. 33(b)

WA Returns and Removals
Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271 Case Officer: Dayanand Nithyanandan (08) 94159152

Case Officer: Chris Warner (08) 9415 9153 Case Officer: Nat Khouri (08) 9415 9289 Case Officer: Soh Fun Loong (08) 9415 9146 Case Officer: Steve Maddock (08) 9415 9271

Prison Liaison Officer: Anne Morton (08) 9415 9907

---- Forwarded by Louise Boyd/WA/IMMI/AU on 02/07/2012 06:29 PM ----

From: Louise.Boyd@immi.gov.au [mailto:Louise.Boyd@immi.gov.au] On Behalf Of

WA.Compliance.Removals@immi.gov.au Sent: Monday, July 02, 2012 3:45 PM To:S. 47F(1)

Subject: RE: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

The contact details for S. 47F(1) is through S. 47F(1)

Thank you,

Louise WA Returns and Removals Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

DIBP under the Released by

Case Officer: Dayanand Nithyanandan (08) 94159152

Case Officer: Chris Warner (08) 9415 9153 Case Officer: Nat Khouri (08) 9415 9289 Case Officer: Soh Fun Loong (08) 9415 9146 Case Officer: Steve Maddock (08) 9415 9271

Prison Liaison Officer: Anne Morton (08) 9415 9907

From: josephine.manzano@immi.gov.au [mailto:josephine.manzano@immi.gov.au] On Behalf Of

WA.Compliance.Removals@immi.gov.au Sent: Monday, July 02, 2012 10:50 AM To: S. 47F(1)

Subject: RE: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

His. 47F(1)

Sorry for the confusion.

S. 47F(1) address taken from his new Travel Document issued by the Indonesian Consulate on
 S. 47F(1) is as follows:

s. 47F(1)

Will provide his mum's contact number as soon as it is provided to us by the Indonesian Consulate.

Kind regards

Josephine WA Returns and Removals Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

Case Officer: Dayanand Nithyanandan (08) 94159152

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Prison Liaison Officer: Anne Morton (08) 9415 9907

From: josephine.manzano@immi.gov.au [mailto:josephine.manzano@immi.gov.au] On Behalf Of WA.Compliance.Removals@immi.gov.au

Sent: Monday, July 02, 2012 8:24 AM

To: S. 47F(1)

Subject: Fw: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

Hi^{s. 47F(1)}

Apologies, I have provided wrong details of S. 47F(1) father and address. correct details are as

Kind regards

Josephine WA Returns and Removals Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

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Prison Liaison Officer: Anne Morton (08) 9415 9907

---- Forwarded by Josephine Manzano/WA/IMMI/AU on 02/07/2012 09:14 AM -----

WA Compliance Removals/WA/IMMI/A To Sent By: CC Josephine Subject Manzano/WA/IMMI/AU

Protective

02/07/2012 08:54 AM

s. 47F(1) <u>@iom.int</u>>, S. 47F(1) <u>@io</u> <u>Louise.Boyd@immi.gov.au</u>>, "'Leonie.Veitch@immi.gov.au

Re: Urgent request from Immigration Australia [SEC=IN-CONFIDENCE:CLIENT]

CLIENT-IN-CONFIDENCE

Good morning s. 47F(1)

We have been provided your contact details from $^{s.47F(1)}$ who has advised that s.47F(1)

The Indonesian Consulate in Perth have just advised us that the following client is considered a minor:

s. 47F(1)

We are therefore asking if IOM can assist us with returning this client home by escorting him to his family. His father's details are as follows:

The Father name is S.47F(1)

The client is scheduled to arrive S. 47F(1) S. 47F(1)

Further details, such as father's phone number and address will follow.

Can you please call me as soon as possible to discuss this request and any issues that you may have.

Thank you,

Josephine

WA Returns and Removals
Department of Immigration & Citizenship

Manager: Leonie Veitch (08) 9415 9153 Asst Manager: Louise Boyd (08) 9415 9756

Team Leader: Catherine Cheeseman (08) 9415 9139

Senior Case Officer: Josephine Manzano (08) 94159356 Senior Case Officer: Lynley Phoenix (08) 9415 9277 Senior Case Officer: Laine Noblett (08) 9415 9271

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Prison Liaison Officer: Anne Morton (08) 9415 9907

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Released by DIBP under the Freedom of Information Act 1982

S. 33(b)

CLIENT-IN-CONFIDENCE



Australian Government

Department of Immigration And Citizenship

To: International Organisation for Migration

I, CATHERINE CHEESEMAN, an officer of the Department of Immigration of Citizenship present to s. 47F(1) a representative of the International Organisation for Migration the below named client:

s. 47F(1)

Signature

CATHERINE CHEESEMAN

Department of Immigration and Citizenship (DIAC)

Date:

Signature

s. 47F(1)

IOM Representative

Date:

people our business

Client-In-Confidence