



6 June 2019

[Redacted]

In reply please quote:

FOI Request: FA 19/02/01088
File Number: ADF2019/137070

[Redacted]

Decision on Internal Review – Freedom of Information Act 1982

I refer to your correspondence dated 5 April 2019 in which you request that the Department of Home Affairs (the Department) review its decision on access to documents dated 5 April 2019 under the *Freedom of Information Act 1982* (the FOI Act).

This letter is to advise you of the Department's decision on the internal review.

1 Scope of Original Request

The scope of your original request for access to documents under the FOI Act, dated 4 February 2019 was as follows:

The weekly figures of boats and asylum seekers entering Australia via Christmas Island route from 1st January 2013 to 31 December 2013.

2 Original Decision on Access

On 5 April 2019, the Department made its original decision on your access request. The Department conducted reasonable searches and identified one document as falling within the scope of your original request. This document was in the possession of Department on 4 February 2019 when your FOI request was received.

In that access decision the authorised FOI decision maker decided to:

- Release one document in full.

3 Request for Internal Review

On 5 April 2019, you requested the Department to review its decision dated 5 April 2019 and submitted the following:

'Firstly, can I presume that the dates your letter has shown reflect when each boat arrived on Christmas Island?

Secondly, I did also ask for the No. of Asylum Seekers each day, but you have not shown those Nos.

Clearly, the important statistic for the Gov't was the No. of Asylum seekers that arrived, not the boats, as it was the people head count that the Gov't had to process, house, and pay for.

So please forward the records that have the Number of Asylum seekers arriving each day.

Also can I see the log of the Info this Dept has already provided under FOI to others? Naturally I am entitled to that same Info.

Given this was costing the Gov't billions \$'s, then of course there is 1000 times more Info on Asylum Seekers coming via Christmas Island than this miserly schedule. If this means I can seek an internal Review of your decision, from the head of your Dept, then please accept this email of mine as my Request to do so.'

In considering your review request, I have not turned my mind to the part of your submission, specifically regarding your request for '*...the log of the Info this Dept has already provided under FOI to others*', as this does not form part of the scope of the original request received by the Department on 4 February 2019. Further, if such information was previously disclosed under the FOI Act by the Department, it would be accessible to the public on the Department's Disclosure log. The Department's FOI disclosure log is available online at:

<https://www.homeaffairs.gov.au/access-and-accountability/freedom-of-information/disclosure-logs>

For the purpose of this internal review, I consider that you require clarification on the 'Event Date' provided in the data schedule, and access to '*the records that have the Number of Asylum seekers arriving each day.*'

It is important to note, the terms of your original request specifically asked for weekly figures '*of boats and asylum seekers entering Australia via Christmas Island route from 1st January 2013 to 31 December 2013.*'

The data you were provided access to on 5 April 2019 included a comprehensive list of dates that boats entered Australia via the Christmas Island route. In consideration of the data previously released to you, I am satisfied that your request for the number of '*Asylum seekers arriving each day*' falls within the scope of your Internal Review request.

4 Authority to Make Decision

I am authorised under section 23 the FOI Act to make decisions on FOI requests, including internal reviews.

5 Information Considered

In reaching my decision I referred to the following:

- The terms of your original request
- the submission made by you in support of your request for internal review
- the document relevant to the request
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access
- the FOI Act; and
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

6 Search for Relevant Documents

Having regard to your submission, that the document identified and released to you on 5 April 2019 did not address specific parts of your request, further searches have been conducted.

An additional document has been identified, this includes:

- Data representing the 'Event Date' and 'Persons on Board' of vessels entering Australia via Christmas Island route from 1 January 2013 to 31 December 2013.

For clarification, 'Event Date' represents the date vessels were 'boarded' by the Department of Home Affairs. 'Persons on Board' figures are not inclusive of crew.

I am satisfied that this document falls within the scope of your internal review request.

7 Internal Review Decision

I have reviewed the document in the scope of this request and considered the submissions made by you in requesting an internal review.

I have decided to set aside the original decision of the Department and have made a fresh decision under the FOI Act. I have decided to:

- Release one document in full.

8 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2019C00055>. If you are unable to access the legislation through this website, please contact our office for a copy.

9 Your Review Rights

Review by 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>

10 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.

11 Contact

Should you wish to discuss my decision, please do not hesitate to contact via email at foi.reviews@homeaffairs.gov.au.



**Authorised Decision Maker
Freedom of Information
Department of Home Affairs**