



Australian
BORDER FORCE

COMMISSIONER

s22(1)(a)(ii)

s22(1)(a)(ii)

The Hon. Peter Dutton MP
Minister for Home Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister

s22(1)(a)(ii)

Further to my verbal update to you this week with respect to the 'Biloela Family', the entire family unit continue to be accommodated at the Phosphate Hill facility on Christmas Island. They are housed in accommodation built specifically for families with children, with access to outdoor play areas and age appropriate toys and entertainment for the children. In addition to ongoing comprehensive assessment by medical and mental health practitioners, the family have access communications with their lawyers and all interactions with SERCO personnel are being recorded on body worn cameras to ensure the proper care is being received by the family.

s22(1)(a)(ii)

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s22(1)(a)(ii)

Yours sincerely



Michael Outram APM
Commissioner

13 September 2019

s22(1)(a)(ii)

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under the *Freedom of Information Act 1982*

s22(1)(a)(ii)

From: s22(1)(a)(ii)
Sent: Thursday, 21 November 2019 9:36 AM
To: Media Operations
Cc: ABF Government Relations
Subject: RE: FOR CLEARANCE: TP FOI request from The Age [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning

These have been cleared by CoS.

Many thanks

s22(1)(a)(ii)

Superintendent I ABF Ministerial & Parliamentary Coordination
 ABF Ministerial and Parliamentary I Strategic Border Command
 Support Group
 Australian Border Force

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

For-Official-Use-Only

From: Media Operations <media@homeaffairs.gov.au>
Sent: Wednesday, 20 November 2019 5:13 PM
To: s22(1)(a)(ii)
Cc: ABF Government Relations s22(1)(a)(ii) Media Operations
 <media@homeaffairs.gov.au>
Subject: RE: FOR CLEARANCE: TP FOI request from The Age [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22(1)(a)(ii)

Please find attached final cleared TPs on this FOI request.

Kind regards,

s22(1)(a)(ii)

Public Affairs Officer | Media Operations
 Media and Engagement Branch
 Coordination and Public Affairs Division
 Department of Home Affairs
 P: s22(1)(a)(ii) | **Media line:** 02 6264 2244
 E: s22(1)(a)(ii)

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From: s22(1)(a)(ii)
Sent: Wednesday, 20 November 2019 2:03 PM
To: Media Operations <media@homeaffairs.gov.au>
Cc: ABF Government Relations s22(1)(a)(ii)
Subject: RE: FOR CLEARANCE: TP FOI request from The Age [DLM=For-Official-Use-Only]

For-Official-Use-Only

Hi s22(1)(a)(ii)

Thank you for providing. As discussed, CoS has asked that the TPs state that the Commissioner gave verbal advice, I have amended after discussing with her (see attached). It will also need to cover the other FOI from (The Guardian Australia).

Many thanks

s22(1)(a)(ii)
 Superintendent I ABF Ministerial & Parliamentary Coordination
 ABF Ministerial and Parliamentary I Strategic Border Command
 Support Group
 Australian Border Force
 P: s22(1)(a)(ii) I M: s22(1)(a)(ii)
 E: s22(1)(a)(ii)

For-Official-Use-Only

From: Media Operations <media@homeaffairs.gov.au>
Sent: Wednesday, 20 November 2019 12:17 PM
To: s22(1)(a)(ii)
Cc: ABF Government Relations s22(1)(a)(ii) Media Operations
 <media@homeaffairs.gov.au>
Subject: FOR CLEARANCE: TP FOI request from The Age [DLM=For-Official-Use-Only]

For-Official-Use-Only

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

Apologies for the delay in getting back to you on this.

Please see the attached talking points on the FOI matter outlined below. Could these please be cleared by Commander Vithanage and we will subsequently have them cleared by our Media Ops Director as a last step.

As per usual processes, once cleared we will file these TPs for use in the case of any relevant media attention.

Kind Regards,

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 under the Freedom of Information Act 1982

s22(1)(a)(ii)

Media Operations | Media and Engagement Branch
 Coordination and Public Affairs Division | Corporate and Enabling Group
 Department of Home Affairs

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

Media Line: 02 6264 2244

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

For-Official-Use-Only

From: ABF Government Relations s22(1)(a)(ii)

Sent: Wednesday, 20 November 2019 11:32 AM

To: Media Operations <media@homeaffairs.gov.au>; s22(1)(a)(ii)

Cc: ABF Government Relations s22(1)(a)(ii)

Subject: FW: Media TPs required [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good morning

Can you please provide an update on the below.

Many thanks

s22(1)(a)(ii)

Superintendent I ABF Ministerial & Parliamentary Coordination
 ABF Ministerial and Parliamentary I Strategic Border Command
 Support Group
 Australian Border Force

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

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

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

For-Official-Use-Only

From: ABF Government Relations s22(1)(a)(ii)

Sent: Thursday, 14 November 2019 5:27 PM

To: Media Operations <media@homeaffairs.gov.au>; s22(1)(a)(ii)

Cc: ABF Government Relations s22(1)(a)(ii)

Subject: Media TPs required [DLM=For-Official-Use-Only]

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For-Official-Use-Only

Good afternoon

As discussed with ^{s22(1)(a)}_(ii) over the phone, CoS and Commander ABF Ministerial and Parliamentary, Tharanie Vithanage has requested that media talking points be developed to respond to any media on the below topic.

We have received two FOIs regarding advice the Commissioner provided to Minister Dutton recommending placement of the Sri Lankan family on Christmas Island:

FA 19/09/01527 OBJ2019/51202

The applicant is seeking access to:

In a September 19, 2019 interview on 2GB, Home Affairs Minister Peter Dutton said he had advice from the Border Force Commissioner in regards to moving the Sri Lankan family at the centre of the Biloela case to Christmas Island.

Under the Freedom of Information Act, I request any copies of this advice, emails between the commissioner and the minister or his office about this advice, and any notes made by the commissioner about this advice.

Access to the requested documents was refused under s 24A(1)(b)(ii) of the FOI Act, which provides that access to documents may be refused if all reasonable steps have been taken to find the documents and the agency or Minister is satisfied that the documents do not exist.

On 8/10/2019 the Department received a request for internal review:

'I request a review of this decision. If the advice itself is available, I request your department reconsider the request as for the advice itself, in whatever form that takes. I'd request reasonable assistance the clarify the request if it is merely the case that the advice itself wasn't discussed in emails. Additionally, if the request was better made to either ABF or the minister's office, then I request that it should have been transferred at the time it was identified that the documents would most likely be held by one of those two offices, at the time the request was assessed.'

A response has not yet been provided and the request is still in progress.

s47F

FA 19/09/01555 OBJ2019/51253

The applicant is seeking access to:

I am making a request for the purposes of the FOI Act for information relevant to XAD V Minister for Immigration.

Home Affairs Minister Peter Dutton on Thursday September 19 told 2GB radio station the following:

He claimed that activists "cut through the fence and chained themselves to the front of the plane" when the family was originally going to be deported on August 30 on SkyTraders flight SND2 from Tullamarine airport in Melbourne.

"The advice to me from the Commissioner of Australian Border Force in terms of protection of the family as well as his own staff is that they are better held on Christmas Island," he said.

I am requesting that advice from the ABF Commissioner to Mr Dutton.

Access to the requested documents was refused under s 24A(1)(b)(ii) of the FOI Act, which provides that access to documents may be refused if all reasonable steps have been taken to find the documents and the agency or Minister is satisfied that the documents do not exist.

s47F

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FA 19/10/01067 OBJ2019/54273

On 17/10/2019, ^{s47F} requested access under the FOI Act to:

All correspondence relevant to FOI request FA 19/09/0155

The Commissioner has advised that the advice to the Hon Peter Dutton was verbal and we have no documents meeting the scope of the FOI.

Grateful for your action and please don't hesitate to contact me if you require further information.

Many thanks

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

Superintendent I ABF Ministerial & Parliamentary Coordination
ABF Ministerial and Parliamentary I Strategic Border Command
Support Group
Australian Border Force

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

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

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****Please update the classification of the document if information provided in the background is above FOUO****

TALKING POINTS

Subject	FOI Advice from the ABF Commissioner to Minister Dutton		
Date	20 November 2019		
Type	Agency		
Media Officer:	s22(1)(a)(ii)		Media Ph: 02 6264 2244

ISSUE

Media talking points have been developed to respond to any media following from s47F FOI request FA 19/10/01067, regarding advice the Commissioner provided to Minister Dutton recommending placement of the Sri Lankan family on Christmas Island. s47F has submitted an FOI request on all documents relevant to s47F initial request FA 19/09/01555.

TALKING POINTS UNCLASSIFIED

- The ABF Commissioner provided verbal advice to the Hon Peter Dutton.
- Written advice was not provided by the Commissioner, therefore the request was subsequently refused on the basis that no documents existed within the scope of this FOI.

BACKGROUND NOT FOR PUBLIC RELEASE

(The information below is classified and should not be publicly released without the authority of the Department of Home Affairs.)

FOI request FA 19/09/01555 was a request from s47F for access to advice from the ABF Commissioner to Minister Dutton regarding the family "held on Christmas Island".

Access to the requested documents was refused under s 24A(1)(b)(ii) of the FOI Act, which provides that access to documents may be refused if all reasonable steps have been taken to find the documents and the agency or Minister is satisfied that the documents do not exist.

On 17/10/2019, s47F requested access under the FOI Act to:

All correspondence relevant to FOI request FA 19/09/0155

The Commissioner has advised that the advice to the Hon Peter Dutton was verbal and we have no documents meeting the scope of the FOI.

CLEARANCE

Drafted by	Title	Time/Date drafted
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s22(1)(a)(ii)	Media Coordination	20 November 2019
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Cleared by	Title	Time/Date cleared
Tharanié Vithanage	CoS to ABF Commissioner	Time DD Month 2019
		Time DD Month 2019
s22(1)(a)(ii)	A/g Director, Media Coordination	Time DD Month 2019

MO noted	Sent to MO	Noted by MO
Full Name	Time DD Month 2018	Time DD Month 2019

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