



Australian Government
Department of Immigration and Border Protection

Attachment A

DECISION RECORD

Request Details

FOI Request FA 14/02/00440

File Number ADF2014/4946

Scope of request

- 1. Statistics on the number of irregular/"illegal" maritime arrivals from Sri Lanka in 2013?*
- 2. Statistics on the ethnicity, age and sex of the Sri Lankan IMAs in 2013*
- 3. The number of Sri Lankans removed both voluntarily and involuntarily to Sri Lanka in 2013*

Documents in scope

1. Sri Lankan Arrivals as at 14 February 2014 – containing 1 folio.

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; and
- a claim of public interest immunity raised over documents – Submission 9, Attachment 1.

Reasons for decision

I have considered the document 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.

people our business

The information I have exempted under section 46(c) is information that The Hon Scott Morrison MP has made a claim of public interest immunity against. In the submission to the Australian Parliament, The Hon Scott Morrison MP has stated the following:

“Information about the arrival of ventures, in breach of communications protocols established by Commander JATF, including the timing of arrival, the composition of passengers including ethnicity, sex and age may be used by people smugglers...”

The Office of the Australian Information Commissioner’s Guidelines states:

Section 50 of the Australian Constitution provides that each House of the Parliament may make rules and orders with respect to the mode in which its powers, privileges and immunities may be exercised and upheld.

Therefore, I am satisfied that the information contained in the document that falls within the scope of the claim of public interest immunity, is exempt under section 46(c) as the release of this information would be in contempt of Parliament.

For your reference you can access a copy of the submission at

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Public_Interest_Immunity.



Shannon Bevan

Authorised decision maker

Position Number: 00003160

FOI and Privacy Policy Section

Ministerial, Executive and External Accountability Branch

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8 April 2014



Australian Government

Department of Immigration and Border Protection

Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 14/02/00440

File Number ADF2014/4946

1. Sri Lankan Arrivals as at 14 February 2014

Folio	Description	Decision	Legislation
1	Information contained in the document that falls within the scope of the claim of public interest immunity.	Exempt in Part	s.46(c)

Attachment C

46 Documents disclosure of which would be contempt of Parliament or contempt of court

A document is an exempt document if public disclosure of the document would, apart from this Act and any immunity of the Crown:

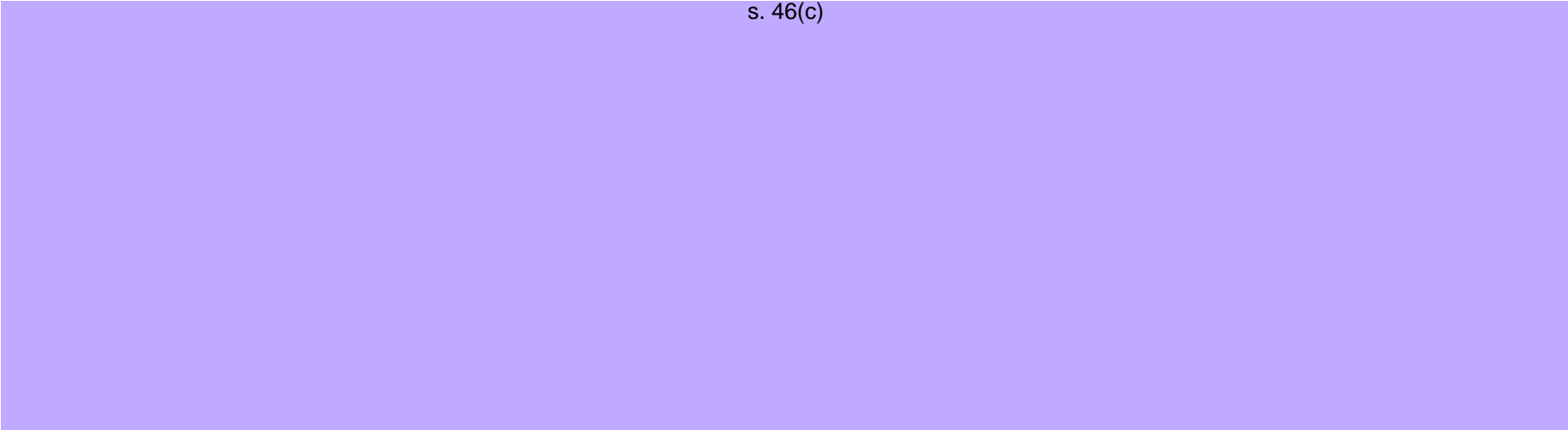
- (a) be in contempt of court;
- (b) be contrary to an order made or direction given by a Royal Commission or by a tribunal or other person or body having power to take evidence on oath; or
- (c) infringe the privileges of the Parliament of the Commonwealth or of a State or of a House of such a Parliament or of the Legislative Assembly of the Northern Territory or of Norfolk Island.

1. Statistics on the number of illegal maritime arrivals from Sri Lanka in 2013?
2047

**Please note these figures based on DIBP systems data at time of arrival.*

2. Statistics on the ethnicity, age and sex of the Sri Lankan IMAs in 2013

s. 46(c)



3. The number of Sri Lankans removed both voluntarily and involuntarily to Sri Lanka in 2013

Voluntarily	Involuntarily	Grand Total
46	498	544

** Based on DIBP operational data.*