



In reply please quote:

FOI Request: FA 15/08/01817
File Number: ADF2015/45892

19 October 2015

Ms J Simpson

BY EMAIL: foi+request-1197-76e1e053@righttoknow.org.au

Dear Ms Simpson

I refer to your email dated 31 August 2015 in which you request access to documents held by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

Scope of Request

You have requested access to the following documents held by the Department:

'copies of correspondence from the Australian Border Force ("ABF") to the Responsible Minister, Peter Dutton, or his Department that relates to the ABF's participation in Operation Fortitude, conducted in Melbourne on August 28 and 29 2015.'

Between 28 August and 1 September 2015, the Department received a number of requests for access to documents relating to Operation Fortitude. The Department decided to process each of those requests as if they were requests for the same documents. As such, the Department has interpreted the scope of each of those requests as a request for access to the following documents:

- *all documents relating to the participation by the Australian Border Force in Operation Fortitude, including the decision to call off the Operation;*
- *correspondence between the Department and the other agencies involved in "Operation Fortitude";*
- *media materials prepared by the Department for "Operation Fortitude", including correspondence between employees of the Department regarding the drafting and approval of the press release issued on 28 August 2015, and all drafts of the "Clarifying Statement on Operation Fortitude" released on 28 August 2015;*
- *correspondence between the Department and the Minister's Office concerning "Operation Fortitude" and the press release issued on 28 August 2015;*
- *drafts of the press release issued 28 August 2015 titled "ABF joining inter-agency outfit to target crime in Melbourne CBD", and*

- *Briefings and submissions to the Commissioner and the Minister and any correspondence to and from the Regional Commander for Victoria and Tasmania, regarding Operation Fortitude.*

This letter is to notify you of the decision on access to the documents subject to your request.

Decision on access

The Department has identified 80 documents that fall within the scope of your request.

Mr Craig Farrell was the authorised decision maker under section 23 of the FOI Act.

Mr Farrell's decision in relation to the documents in the possession of the Department which come within the scope of your request is as follows:

- Release 45 documents in full, and
- Release 35 documents in part with deletions.

The reasons for the decision are set out in the attached Decision Record at **ATTACHMENT A**.

A schedule of these documents is at **ATTACHMENT B** for your reference.

Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days. Applications for review should be sent to:

Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

OR

By email to: foi@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to 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 <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

Making a Complaint

You may complain to the Commonwealth Ombudsman if you have concerns about how the Department has handled your request under the FOI Act. Information about how to submit a complaint is available on line at <http://www.ombudsman.gov.au/pages/making-a-complaint/>.

Contact

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.



Alison Smith
FOI Officer | Freedom of Information Section
Department of Immigration and Border Protection

Email: foi@border.gov.au