



5 July 2016

In reply please quote:

FOI Request FA 16/05/01040
File Number ADF2016/20599

Mr Patrick Conheady

Sent via email: foi+request-1921-13e266fa@righttoknow.org.au

Dear Mr Conheady,

This letter refers to your request received on 6 May 2016 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following document:

In relation to the English subtitled version of 'The Journey' which was published on Youtube on 2 May 2016, please provide the earliest document recording a decision by the Department to so publish the video.

Decision

The Department's decision is to release the document in full, noting that sections of the document irrelevant to your request have been removed. Please see the attached Decision Record, which explains the reasons for decision as required under s.26 of the FOI Act.

Review rights

Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of my 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 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
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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of this FOI request

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Department of Immigration and Border Protection in relation to your request.

The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

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 Ombudsman or 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 Immigration and Border Protection as the relevant agency.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Kind regards,

Brad Collins
Freedom of Information Section
Department of Immigration and Border Protection
Email: foi@border.gov.au

Attachments

- Attachment A – Decision Record
- Attachment B – Schedule of Documents
- Attachment C – Extract of relevant legislation
- Attachment D – Document released



Attachment A

DECISION RECORD

Request Details

FOI Request FA 16/05/01040
File Number ADF2016/20599

Scope of request

1. On 6 May 2016 you requested:

In relation to the English subtitled version of 'The Journey' which was published on Youtube on 2 May 2016, please provide the earliest document recording a decision by the Department to so publish the video.

Documents in scope

2. There is one document within scope of your request, which is a Minute to the Secretary signed 29 April 2016.

Authority to make decision

3. 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

4. In reaching my decision, I have considered the following:
 - the terms of your request
 - the *Freedom of Information Act 1982*;
 - the Australian Information Commissioner's guidelines relating to access to documents held by government
 - Departmental documents, identified in the Schedule of Documents
 - consultation with the relevant business area.

Reasons for decision

1. Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.
2. This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reasons for each of the deletions in the document (s.22(3) of the FOI Act).
3. Exempt material is deleted pursuant to s.22(1)(a)(i) and irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act.

Deletion of exempt material under s.22(1)(a)(i) of the FOI Act

4. No information has been exempted from release.

Deletion of irrelevant material under s.22(1)(a)(ii) of the FOI Act

5. I find that some of the document relevant to your request contains material which is irrelevant to your FOI request. I have withheld or deleted that material accordingly. These deletions are detailed in the Schedule of Documents and the document released.
6. The material deleted under s.22(1)(a)(ii) comprises issues not related to the release of the video on YouTube, as well as details of non-SES staff members, and contact details of SES staff members.



Julie Pettrey
Authorised decision maker
Department of Immigration and Border Protection

Email: foi@border.gov.au

29 June 2016



Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 16/05/01040
File Number ADF2016/20599

No.	Date of document	No. of pages	Description	Decision on release	
1.	29 April 2016	5	Minute to Secretary	Irrelevant to scope (withheld in part)	22(1)(a)(ii)
2.	29 April 2016	—	Attachments to minute	Irrelevant to scope (withheld in full)	22(1)(a)(ii)

Attachment C – Extract of relevant legislation

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (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.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.



RECEIVED

20 APR 2015

In the Office of the
COMPTROLLER
Correspondence No. 28

~~PROTECTED~~

MINUTE

RECEIVED

14.003

21 APR 2015

In the Office of the
Secretary DIBP
Correspondence No.

To:

MP 26/04/2016
Secretary / ABF Commissioner

Through

FAS Executive 2014/16

Cc:

Deputy Commissioner Operations, Deputy Secretary Policy, Deputy Secretary Intelligence and Capability, FAS International Division, FAS Legal Division, AS Communication & Media

s. 22(1) PROPOSAL FOR THE s. 22(1)(a)(ii) JOURNEY
s. 22(1)(a)(ii) RELEASE OF AN ENGLISH-SUBTITLED VERSION

Timing

s. 22(1)(a)(ii)

Purpose

To:

s. 22(1)(a)(ii)

4. Seek your approval to place an English-subtitled version of the telemovie on YouTube s. 22(1)(a)(ii)
s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

~~PROTECTED~~


~~PROTECTED~~

s. 22(1)(a)(ii)



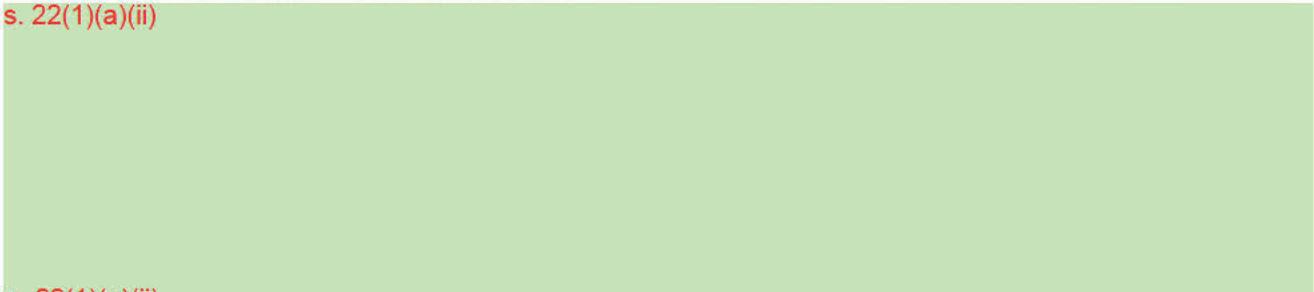
~~PROTECTED~~

s. 22(1)(a)(ii)



Release of English-subtitled version

s. 22(1)(a)(ii)



s. 22(1)(a)(ii)

The Department has also received two FOI requests in relation to the release of the English-subtitled version of the telemovie.

22. To deal with such requests, the JATF recommends putting an English-subtitled version of the telemovie on YouTube s. 22(1)(a)(ii) to enable viewing by other journalists and interested members of the Australian public. This would further promote transparency and serve to mitigate the negative domestic media attention around taxpayers not being able to view a product they paid for. This approach would not require approval from the Service Delivery Coordination Committee as it is not paid domestic advertising.

Legal considerations

23. To use the telemovie s. 22(1)(a)(ii) [REDACTED] including placing an English-subtitled version on YouTube, will require negotiation and agreement from the production company (Put It Out There Pictures) and broadcaster (Lapis Communications) s. 22(1)(a)(ii) [REDACTED]

Consultation

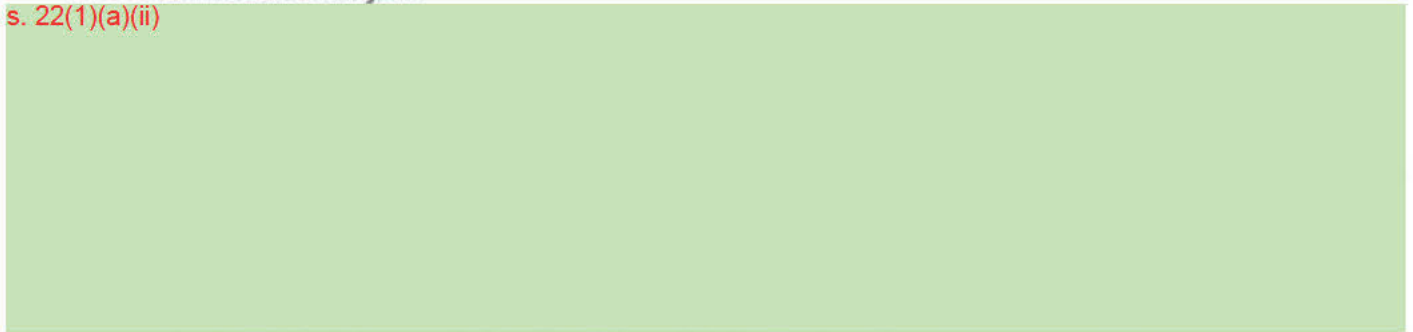
24. Executive, Intelligence and Legal Divisions were consulted on the content of this minute.
25. The Minister's Office Chief of Staff (s. 22(1)(a)(ii) [REDACTED]) is aware of the JATF recommendations.

s. 22(1)(a)(ii) [REDACTED]

Recommendations

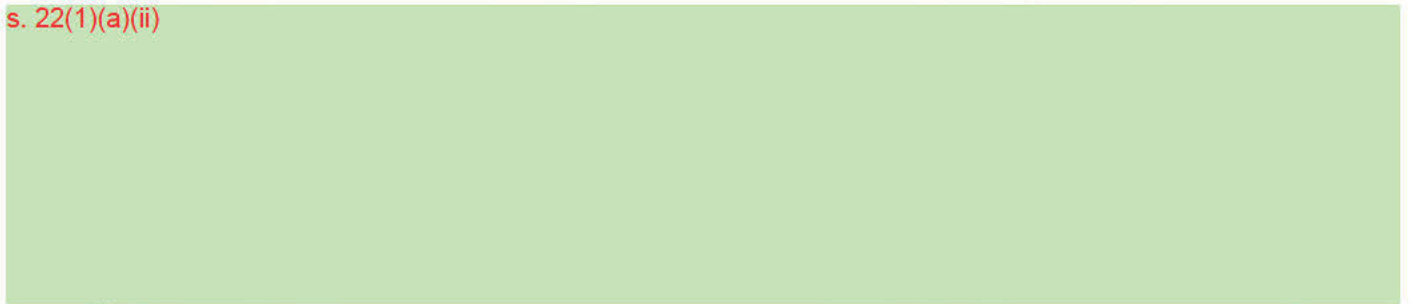
It is recommended that you:

s. 22(1)(a)(ii)



- **Approve** the placement of an English-subtitled version of the telemovie on YouTube.

s. 22(1)(a)(ii)



Approved / Not Approved

Approved / Not Approved

s. 22(1)(a)(ii)



Michael Pezzullo

Secretary

29 / 04 / 2016

Roman Quaadvlieg

Commissioner

..... / / 2016

*You need
to consult
w. ACAT first.*

s. 22(1)(a)(ii)



Major General Andrew Bottrell

Commander Joint Agency Task Force

Operation Sovereign Borders

s. 22(1)(a)(ii)

20 / 04 / 2016

s. 22(1)(a)(ii)

