



23 June 2017

**In reply please quote:**

FOI Request FA 17/05/01168  
File Number ADF2017/54377

Mr James SMITH

Sent via email: [foi+request-3542-3d60ba4c@righttoknow.org.au](mailto:foi+request-3542-3d60ba4c@righttoknow.org.au)

**Freedom of Information request**

Dear Mr Smith,

This letter refers to an access request received under the *Freedom of Information Act 1982* (the Act) on 20 May 2017. You requested access to the following information:

*The scope of this request is limited to documents connected to decisions made in relation to enterprise bargaining ballots undertaken since 1 January 2014.*

*I request all documents which:*

- 1. Justify to the relevant decision maker the use of all, or particular, characteristics of the voting employees, including, but not limited to employee location, APS level, business area, gender, full-time/part-time, casual, etc.*
- 2. Explain any benefits to you, as employer, in obtaining breakdowns of any of the characteristics.*
- 3. Justify the reasons for using the particular voter characteristics used in ballots.*
- 4. Are put to, or created by, the departmental Executive, or the SES responsible for bargaining, and make any reference to any breakdowns of particular voter characteristics, for any purpose.*
- 5. Give notice to employees prior to the ballots to explain what information was to be used in the ballot process.*

*I exclude from the scope of this request any documents that have already been released through FOI.*

This letter is to provide you with the decision which is at **Attachment A – Decision Record**.

## FOI Legislation

A copy of the FOI Act is available for your reference from:

[www.legislation.gov.au/Browse/ByTitle/Acts/InForce/0/0/Principal](http://www.legislation.gov.au/Browse/ByTitle/Acts/InForce/0/0/Principal)

## Review rights

### Internal review

If you disagree with the decision, you have the right to apply for an internal review of the decision. If you wish to make a request for internal review this must be sent within 30 days of 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.reviews@border.gov.au](mailto:foi.reviews@border.gov.au)

### Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of the decision. You must apply in writing within 60 days of this notice. For further information about review rights under the FOI Act please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at [www.oaic.gov.au](http://www.oaic.gov.au)

## How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act. Information about how to submit a complaint is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

## Contacting the FOI section

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

Yours sincerely

*(signed electronically)*

Helen Simons  
FOI Officer  
Freedom of Information, Privacy & Records Management Branch  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)

## Attachment(s)

- ✓ Attachment A – Decision Record



## Attachment A

### DECISION RECORD

#### Request Details

FOI Request FA 17/05/01168  
File Number ADF2017/54377

#### Original scope of request

1. On 20 May 2017 you requested:

*The scope of this request is limited to documents connected to decisions made in relation to enterprise bargaining ballots undertaken since 1 January 2014.*

*I request all documents which:*

- 1. Justify to the relevant decision maker the use of all, or particular, characteristics of the voting employees, including, but not limited to employee location, APS level, business area, gender, full-time/part-time, casual, etc.*
- 2. Explain any benefits to you, as employer, in obtaining breakdowns of any of the characteristics.*
- 3. Justify the reasons for using the particular voter characteristics used in ballots.*
- 4. Are put to, or created by, the departmental Executive, or the SES responsible for bargaining, and make any reference to any breakdowns of particular voter characteristics, for any purpose.*
- 5. Give notice to employees prior to the ballots to explain what information was to be used in the ballot process.*

*I exclude from the scope of this request any documents that have already been released through FOI.*

#### Documents in scope

2. The relevant business area in the Department has advised that the Department does not hold this information in any documents or systems.

#### 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 *Freedom of Information Act 1982*;
  - Consultations with relevant business areas; and
  - The Australian Information Commissioner's guidelines relating to access to documents held by government.

### **Decision**

5. The Department has undertaken extensive searches of its holdings to identify any documents that would be relevant to your request. After consulting with the relevant business area I am satisfied that no documents (electronic or hard copy) have been identified that fall within the scope of your request. Therefore, as no documents exist, access to the requested documents is refused under s.24A(1) of the FOI Act.

Helen Simons  
Authorised decision maker  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)

23 June 2017