



31 January 2018

CD

BY EMAIL: foi+request-4295-13cad86d@righttoknow.org.au

In reply please quote:

FOI Request: FA 18/01/00171

File Number: ADF2018/3064

Dear CD

Freedom of Information (FOI) request - Access Decision

On 4 January 2018, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

- *Correspondence received by the Minister where the author expresses a fear of going to Melbourne restaurants at night;*
- *Any correspondence, briefing document, meeting note or similar from the Department of Home Affairs which canvass a fear of dining out in Melbourne;*
- *Any media briefing prepared for the Minister in relation to the Minister's 3 January 2GB radio interview;*
- *Internal office emails relating to the January 3 media conference.*

The time period for this search is from 21 December to 4 January.

2 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 records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- the Department's guidance material on the FOI Act

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the documents you have requested access to.

Searches

In summary, the searches undertaken by the relevant business areas in relation to your request include searches undertaken by:

- the team that manages Ministerial correspondence and
- the Media Operations section.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

The Department has identified 7 documents as falling within the scope of the fourth dot point of your request. These documents were in the possession of the Department on 4 January 2018 when your request was received.

Attachment A is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

5 Decision

Section 24A of the FOI Act provided that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

Having considered the searches outlined above, I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents that fall within the scope of dot points 1, 2 and 3 of your request were in the possession of the Department on 4 January 2018 when your FOI request was received. As such I am refusing access to the documents requested by you in dot points 1, 2 and 3 of your request based on the application of section 24A of the FOI Act.

The decision in relation to the documents in the possession of the Department which fall within the scope of dot point 4 of your request is to release relevant information in 7 documents in full.

Section 22 of the FOI Act – irrelevant to request

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

On 5 January 2018, the Department advised you that its policy is to exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile and work telephone numbers of SES staff, contained in documents that fall within scope of an FOI request.

I have therefore decided that parts of the documents marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request. The Department has prepared an edited copy of the documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the documents have been released to you as they are relevant to your request.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

7 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:

By email to: foi.reviews@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

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>.

8 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

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 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.

9 Contacting the FOI Section

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



Brooke Sawyer

Authorised Decision Maker
Department of Home Affairs

ATTACHMENT A

**SCHEDULE OF DOCUMENTS
REQUEST UNDER FREEDOM OF INFORMATION ACT 1982**

FOI Request: FA 18/01/00171

	Date of document	No. of pages	Description	Decision on release	
1.	3/01/2018 1244	1	Email from Senior Media Adviser to Media Operations Transcript request	Relevant information released in full	s22(1)(a)(ii)
2.	3/01/2018 1245	1	Email from Media Operations to isentia Transcript request	Relevant information released in full	s22(1)(a)(ii)
3.	3/01/2018 1436	12	Email from Media Operations to Senior Media Adviser RE: Transcript request Attachment: Transcript	Relevant information released in full	s22(1)(a)(ii)
4.	3/01/2018 1701	8	Email from Senior Media Adviser to Media Operations Minister's transcript for upload to website please Attachment: 180103 IV 2GB - Melbourne street gangs	Relevant information released in full	s22(1)(a)(ii)
5.	3/01/2018 1710	8	Email from Media Operations to Web Services FOR ACTION: Minister's transcript for upload to website please Attachment: 180103 IV 2GB - Melbourne street gangs	Relevant information released in full	s22(1)(a)(ii)
6.	3/01/2018 1721	8	Email from Media Operations to Web Services FW: FOR ACTION: Minister's transcript for upload to website please Attachment: 180103 IV 2GB - Melbourne street gangs	Relevant information released in full	s22(1)(a)(ii)
7.	3/01/2018 1834	2	Email from Media Operations to Web Services RE: FOR ACTION: Minister's transcript for upload to website please	Relevant information released in full	s22(1)(a)(ii)