



5 March 2020

Ms Louise Boon-Kuo
BY EMAIL: foi+request-5580-fa8dcb07@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/08/01147-R1
File Number: OBJ2019/47147

Dear Ms Louise Boon-Kuo

Decision on Internal Review – Freedom of Information Act 1982

I refer to your correspondence dated 18 February 2020 in which you request that the Department of Home Affairs (the Department) review its decision on access to documents dated 20 January 2020 under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of original request

The scope of your original request for access to documents under the FOI Act was as follows:

'Procedural Instruction A299 Standard operating procedures - Airport - Airport Inspectors.'

2 Original Decision on access dated 20 January 2020

The Department conducted reasonable searches and found no documents that fell within the scope of your original request. As such, a decision was made under section 24A of the Act to refuse access to the documents sought.

3 Request for Internal Review

On 18 February 2020, you requested the Department to review its decision dated 20 January 2020. In your request, you stated:

'I am writing to request an internal review of Department of Home Affairs's handling of my FOI request 'Procedural Instruction A299 Standard operating procedures - Airport - Airport Inspectors'.

The reason I seek a review is that the Procedural Instruction A299 is referred to in Legend, with the notation in Legend that 'This instruction, which is new to the centralised departmental instructions system (CDIS), was issued on 15 February 2012, to note (as above) that arrangements for its content to be published have not yet been finalised.'

Given the instruction was issued on 15 February 2012, I am keen for further exploration of whether this Instruction exists and has, for example, been filed in another database or file

storage system. I thus respectfully request examination of sources beyond TRIM and Legend on this question as part of this FOI request.

4 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.

In accordance with section 54C(3) of the FOI Act, I have made a fresh decision on your FOI request.

5 Information considered

In reaching my decision, I have considered the following:

- the scope of your request
- the Department's original decision of 20 January 2020 and the evidence gathered for that decision
- your submissions in relation to your reasons for requesting an internal review
- the documents falling within the scope of your request
- advice from departmental officers with responsibility for matters relating to the information to which you sought access
- the FOI Act, and
- the Australian Information Commissioner's guidelines relating to the interpretation, operation and administration of the FOI Act (the FOI guidelines).

6 Internal Review Decision

I have decided to affirm the original decision of the Department dated 20 January 2020 ("the original decision") in relation to the documents previously identified by the Department as falling within the scope of your request.

7 Reasons for Internal Review Decision

I have considered the submissions made by you in relation to your reasons for requesting an Internal Review.

The Department has undertaken additional reasonable searches for documents within the scope of your request. These activities consisted of:

- Searches of Legend, TRIM, and the former Airport Policy network drive (Airport Policy are listed as the owner in Legend) by Operational Policy Branch.
- Requests to the ABF College for information about the document
- Consultation with Operational Policy Branch, Port Operations Command and Traveller Operational Policy in relation to your internal review request.

No further documents were located as result of these activities.

As per section 24A(b)(i) of the Act and further clarified by the FOI Guidelines at 3.88, I am satisfied that the Australian Border Force has made all reasonable efforts to locate the document, and have not been able to locate it.

For this reason, I refuse access to the document under section 24A of the Act.

8 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.

9 Your Review Rights

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 <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

10 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 Home Affairs as the relevant agency.

11 Contact

Should you wish to discuss my decision, please do not hesitate to contact via email at foi.reviews@homeaffairs.gov.au.

FOI Reviews Officer
Position 60007879
Authorised Decision Maker
Department of Home Affairs