



## ATTACHMENT A

### DECISION RECORD

#### Request Details

FOI Request: FA 15/09/00144

File Number: ADF2015/46348

#### Scope of Request

You have requested access to the following documents:

*'reports, ministerial/executive briefing notes and attachments, photos CCTV, and Senate Estimates briefings, since 1 January 2015, relating to the Australian Border Force (ABF), specifically:*

- 1. the decision making behind their uniforms;*
- 2. the number and relate cost of media and communications staff;*
- 3. the involvement of Social Cohesion as referenced in the press release put out announcing the establishment of the ABF, and*
- 4. the terms of reference.'*

#### Authority to make decision

I am an officer authorised under section 23 of the FOI Act to make decisions to in respect of requests to access documents or to amend or annotate Departmental records.

#### Relevant material

In reaching my decision, I have considered the following:

- the terms of your request;
- the documents relevant to your request;
- the FOI Act;
- Guidelines published by the Office of the Australian Information Commissioner under s 93A of the FOI Act, and
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access.

## **Reasons for Decision**

My reasoning in relation to each part of your request is set out below:

### **Part 1 - the decision making behind their uniforms;**

The Department has undertaken reasonable searches in relation to your request for reports, ministerial/executive briefing notes and attachments, photos CCTV, and Senate Estimates briefings, since 1 January 2015, relating to the decision making behind the Australian Border Force (ABF) uniforms. No documents were in the possession of the Department on 1 September 2015 when your request was received that fell within the scope of this part of your request. As such, the Department has no records to produce.

My decision in relation to this part of your request is based on the application of section 24A of the FOI Act.

### **Part 2 - the number and relate cost of media and communications staff;**

The Department has identified one document that falls broadly within the scope of your request, so far as it relates to the number and related cost of media and communications staff within the Department as a whole. The ABF does not maintain a separate communication capability outside the Department's Communications and Media team. As such, no information is available that would provide the number and related cost of media and communications staff relating specifically to the ABF.

In terms of the document that has been identified as relating to the number and related cost of media and communications staff within the Department as a whole, I have decided to release that document to you in part with deletions.

My reasoning in relation to the release of that document is set out below:

### **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 3 September 2015, 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 document would disclose information that could reasonably be regarded as irrelevant to your request, being a mobile and direct work number of an Acting SES staff member. I have therefore prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the document has been released to you as it is relevant to your request.

**Part 3 - the involvement of Social Cohesion as referenced in the press release put out announcing the establishment of the ABF**

The Department has undertaken reasonable searches in relation to your request for reports, ministerial/executive briefing notes and attachments, photos CCTV, and Senate Estimates briefings, since 1 January 2015, relating to the involvement of Social Cohesion as referenced in the press release put out announcing the establishment of the ABF.

The Department has been unable to identify a press release relating to the establishment of the ABF in which the term "Social Cohesion" has been referenced. I am satisfied that no documents were in the possession of the Department on 1 September 2015 when your request was received that fell within the scope of this part of your request. As such, the Department has no records to produce.

My decision in relation to this part of your request is based on the application of section 24A of the FOI Act.

**Part 4 - the terms of reference.'**

The Department has undertaken reasonable searches in relation to your request for reports, ministerial/executive briefing notes and attachments, photos CCTV, and Senate Estimates briefings, since 1 January 2015, relating to the terms of reference of the ABF.

No document constituting a "Terms of Reference" exists in relation to the establishment of the ABF. The *Australian Border Force Act 2015* details the structure, roles and powers of the Australian Border Force, the Australian Border Force Commissioner and persons performing work for the Department and for related purposes. I am satisfied that no documents were in the possession of the Department on 1 September 2015 when your request was received that fell within the scope of this part of your request. As such, the Department has no records to produce.

My decision in relation to this part of your request is based on the application of section 24A of the FOI Act.



**Authorised Decision Maker  
Department of Immigration and Border Protection**

*/s/* November 2015

## ATTACHMENT B

### Relevant Legislation

#### Section 22 - Access to edited copies with exempt or irrelevant matter deleted

- (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.

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