

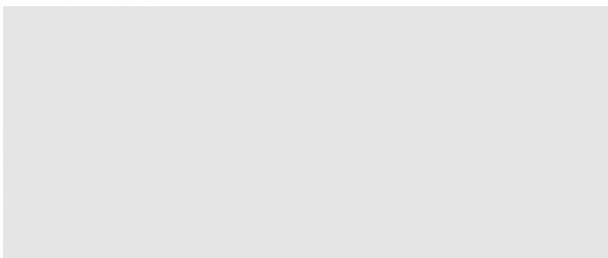


Australian Government
**Australian Customs and
Border Protection Service**

Customs House
5 Constitution Avenue
CANBERRA ACT 2601

26 March 2014

File No: 2014/008085



Dear [REDACTED]

Freedom of Information Request

I refer to your email dated 4 March 2014 in which you request access to documents held by the Australian Customs and Border Protection Service (ACBPS) under the *Freedom of Information Act 1982* (the FOI Act).

I am authorised under section 23 of the FOI Act to make decisions to release and to refuse access to exempt documents.

Scope of Request

You have requested access to the following documents:

"copies of the tariff concession application illustrative descriptive material and concessions stated use relating to Tariff Concession Order 1103975".

We understand that the scope of your request is limited to the illustrative descriptive material and concession stated use in the tariff concession application.

Charges

On 11 March 2014, ACBPS notified you of the estimated charges associated with processing this request in the amount of \$ [REDACTED]

On 11 March 2014, you paid the charges in full.

Decision on access

ACBPS has identified two documents that fall within the scope of your request. These documents were in the possession of ACBPS on 4 March 2014 when your FOI request was received.

I make the following decision in relation to the documents in the possession of ACBPS which come within the scope of your request:

- Release one document in part with deletions, and
- Release one document in full.

A schedule of these documents is at **Attachment A** for your reference.

I have provided detailed reasons for my decision below.

Reasons for Decision

The schedule of the two documents that fall within the scope of your request at Attachment A sets out the decision on access and, where appropriate, refers to various sections of the FOI Act. My reasoning in relation to the application of each section to particular documents is set out below.

Section 22(1)(a)(ii) of the FOI Act – irrelevant to request

I have decided that the deleted parts of document numbered 1 would disclose information that could reasonably be regarded as irrelevant to your request. Therefore, the irrelevant information has been deleted from the documents.

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

Legislation

I have attached an extract of the exemption provisions of the FOI Act for your information at **Attachment B**.

Your Review Rights

The FOI Act grants you rights to have my decision reviewed.

Information regarding your review rights is available in the Office of the Australian Information Commissioner's FOI Fact Sheet 12 at **Attachment C** for your reference.

Making a Complaint

At **Attachment D** is FOI fact sheet 13 from the OAIC. This sets out how you may complain to the Australian Information Commissioner if you have concerns about how ACBPS has handled your request for documents under the FOI Act.

Contact

Should you wish to discuss my decision, please do not hesitate to contact Ms Rebecca Azzopardi, FOI Coordinator on 02 6275 5621 or via email at foi@customs.gov.au.



Ben Hickey
Director, Tariff Concessions and Drawbacks
Australian Customs and Border Protection Service

ATTACHMENT A

Schedule of Documents

Doc	Date of document	No. of pages	Description	Decision on release
1.	02/03/2007	5	Application form for TCO 07 03433	Release in part Section 22(1)(a)(ii)
2.		2	IDM documents	Release in full

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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