



ATTACHMENT A

DECISION RECORD

Request Details

FOI Request: FA 15/07/01723
File Number: ADF2015/39694

Scope of Request

You have requested access to the following documents:

1. *evidencing voiding of Tariff Precedent 18477900 on 9 October 2009 – referenced in "voiding emails 14 April 2015" attachment to this FOI request;*
2. *evidencing of "bulk voiding of precedents in October 2009– referenced in "voiding emails 14 April 2015" attachment to this FOI request;*
3. *containing reasons for this voiding in 1 and 2 above;*
4. *COCO 844399/2 and 844399/3 on the last line in "COCO" attachment to this FOI request;*
5. *draft of "precedent on inkjet cartridges including integrated chips..." referred to in "ACTION ITEM" on second page towards end of "12 May 2015 Technical Committee Meeting Minutes" attachment to this FOI request;*
6. *NTAC contact with TARCON informing "..them of the change in classification policy..." referred to on last two disclosed lines of second page of "12 May 2015 Technical Committee Meeting Minutes" attachment to this FOI request;*
7. *pdf attachments, as follows, to 5 May 2015 email from Senior Trade Officer, National Trade Advice Centre, Compliance Control Branch, Border Management Division as set out in attachment to this FOI request described as "5 May 2015 email from Senior Trade Officer", and*
8. *"Notice of Intent" in respect of the voiding of Tariff Precedents 15913900 and 18477900—example of Notice of Intent and explanation in attached to this email "30 Sep 2009 Precedent Voiding Notification" letter from Jennifer Reimitz.*

On 28 September 2015, you agreed to withdraw parts 1-3 and 6-8 of your request, leaving parts 4 and 5 to be processed

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 the application of each section to particular documents is set out below.

1 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.

I have decided that parts of document numbered 1 would disclose information that could reasonably be regarded as irrelevant to your request, and 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



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

6 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.

...