



In reply please quote:

FOI Request: FA 16/10/01599
File Number: ADF2016/61402

22 November 2016



Dear 

I refer to your email dated 18 October 2016 in which you request access to documents held by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

1 Scope of Request

You have requested access to the following documents held by the Department:

'In relation to Tariff Concession Order 0614327:

1. *The application for tariff concession order form;*
2. *Any documents provided in respect of the tariff concession order application, including but without limitation to:*
 - a. *illustrative descriptive material;*
 - b. *brochures, sample advertising;*
 - c. *product manuals;*
 - d. *product safety sheets;*
 - e. *product specification sheets;*
3. *Any objections received in respect of the applications;*
4. *Any internal or external correspondence in relation to the tariff classification of the goods subject of the Tariff Concession Order, and*
5. *Any documents relating to or evidencing the decision by the Australian Customs Service to make the TCO's.'*

This letter is to notify you of the Department's decision on access to the documents subject to your request.

2 Charges

On 8 November 2016, the Department notified you of the estimated charges associated with processing this request in the amount of [REDACTED]. On 18 November 2016, you paid the charges in full.

3 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.

4 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.

5 Relevant Documents

The Department has identified three documents that are relevant to your request. These documents were in the possession of Department on 18 October 2016 when your FOI request was received.

I note that Tariff Concession Order (TCO) 0614327 was operative from 1 January 2007, following a series of tariff changes which resulted in the revocation of TCO 9703636. You will note from folio 3 that the TCO 9703636 is annotated as "destroyed".

A search of the relevant records management system confirms that the file relating to TCO 9703636, being C1997/9703636, was destroyed on 2 May 2005 in accordance with the Customs Records Disposal Authority (CRDA) Class 2736. I have included a copy of the file record for your reference.

As such, the only records held by the Department which relate to TCO 0614327, formerly TCO 9703636 are those that have are set out in the schedule of documents at **ATTACHMENT A**.

6 Decision on access

The decision in relation to the documents in the possession of the Department which come within the scope of your request is to release the relevant parts of the three documents to you in full.

7 Reasons for Decision

I am satisfied that I have been provided with all the documents that are relevant to your request.

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 20 October 2016, 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 documents would disclose information that could reasonably be regarded as irrelevant to your request, and have therefore 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.

8 Legislation

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

9 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:

Freedom of Information Section
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

OR

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

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>.

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 Immigration and Border Protection as the relevant agency.

11 Contact

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



**FOI Officer | Freedom of Information Section
Information Management Branch
Corporate Services Division
Department of Immigration and Border Protection**

ATTACHMENT A

Schedule of Documents

FOI request: FA 16/10/01599

File Number: ADF2016/61402

No.	Date of document	No. of pages	Description	Decision on release	
1.	29/8/2006	1	Description of Imported Goods	Relevant information released in full	22
2.	1/1/2007	1	WCO Tariff Changes	Relevant information released in full	22
3.	20/6/2017	2	Tariff Concession Revocation Order	Relevant information released in full	22

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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