



28 July 2017

In reply please quote:

FOI Request: FA 17/05/00584

File Number: ADF2017/48519

Dear Sirs

Freedom of Information – Decision on Access

I refer to your email dated 11 May 2017 in which you requested 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:

1. *All documents relating to construction works undertaken at Weipa Customs House, Evans Landing between approximately 1966 and 1968, including but not limited to all building applications, plans, photographs and building consents;*
2. *Any asbestos registers produced in relation to Weipa Customs House, Evans Landing;*
3. *Any documents produced in relation to Weipa Customs House, Evans Landing that refer to Queensland Pastoral supplies from 1966 to 1968, and*
4. *Any documents relating to the presence and/or use of "asbestos", "A/C", "fibro", corrugated N/C", "Super Six", "Deep Six", Hardiflex", "Duraflex", "Hardiplank", "Wunderplant", "compressed A/C" or "Villaboard" at the Weipa Customs House from 1966 until 2017.'*

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

2 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.

3 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.

4 Documents in scope of request

Paragraphs 1 and 2 of your request relate to documents that are in the region of 50 years old. Generally speaking, the Department's Records Disposal Authority authorises the destruction of some documents after a period of 7 years after the last action on a matter.

Noting this, the Department has undertaken a search of its electronic records management system and identified a number of files that contain reference to Weipa Customs House in the title. These files date from 1993 only. It is further noted that a number of these files are marked as destroyed in accordance with the relevant Records Disposal Authority.

In order to ensure that any documents relevant to your request were identified, the FOI Section retrieved the files referred to above, and which are still retained by the Department. The contents of those files were reviewed and a number of documents were identified as being relevant to your request.

Through that process, a total of 28 documents were identified as falling within the scope of your request. These documents were in the possession of Department on 11 May 2017 when your FOI request was received.

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

5 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 28 documents in part with information that is not relevant to your request deleted.

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 12 May 2017 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. We have also applied that policy to the names of individuals from the Department's contract service providers and officers from other Government Departments.

In addition to that, some information within the documents relates to property at locations other than Weipa, and I have taken the view that this information is not relevant to your 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.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

7 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>.

8 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.

9 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
FOI, Privacy and Records Management Branch
Corporate Services Division
Department of Immigration and Border Protection**

ATTACHMENT A

Schedule of Documents

FOI request: FA 17/05/00584

File Number: ADF2017/48519

No	Date of document	No. of pages	Description	Decision on release
1.	Undated	3	Extract from Lease – Asbestos and Other Hazardous Substances	Release relevant information in full
2.	Undated	1	Extract – Department of Finance and Administration – Asbestos Register	Release relevant information in full
3.	Sep 1993	7	Asbestos Materials Report – Customs House - Weipa	Release relevant information in full
4.	05/01/1999	22	Asbestos Materials Management Plan for Customs House, Weipa	Release relevant information in full
5.	05/01/1999 1705	1	Email Subject: RE: Weipa - Asbestos	Release relevant information in full
6.	6/10/1999 1148	1	Email Subject: Customs House Weipa	Release relevant information in full
7.	11/10/1999	2	Letter from Australian Customs Service to Department of Finance and Administration Commonwealth Tenant Lease – Weipa Customs House, Queensland	Release relevant information in full
8.	11/10/1999	1	Fax Subject: Weipa Customs House	Release relevant information in full
9.	12/10/1999 1140	1	Email Subject: RE: Weipa Asbestos Management	Release relevant information in full
10.	13/10/1999 1801	2	Email Subject: FW: Weipa Asbestos Management	Release relevant information in full
11.	13/10/1999 2012	2	Email Subject: RE: Weipa Asbestos Management	Release relevant information in full
12.	20/10/1999 1335	3	Email Subject: FW: Weipa Asbestos Management	Release relevant information in full
13.	20/10/1999 1504	3	Email Subject: FW: Weipa Asbestos Management	Release relevant information in full
14.	22/10/1999 1357	3	Email Subject: FW: Weipa Asbestos Management	Release relevant information in full
15.	25/10/1999 1228	3	Email Subject: Weipa Asbestos Management	Release relevant information in full
16.	29/10/1999 0915	4	Email Subject: RE: Weipa House Lease	Release relevant information in full
17.	29/10/1999 1325	5	Email Subject: FW: Weipa House	Release relevant information in full

No	Date of document	No. of pages	Description	Decision on release
18.	2/11/1999	1	Fax from Australian Customs Service	Release relevant information in full
19.	17/11/1999 1328	1	Email Subject: Townsville et al	Release relevant information in full
20.	18/11/1999	3	Fax with Preliminary Report on Asbestos Materials at Weipa Customs House Subject: Weipa Customs House	Release relevant information in full
21.	6/12/1999 1700	1	Email Subject: FW Asbestos Works	Release relevant information in full
22.	7/12/1999 1125	2	Email Subject: RE: Asbestos Works	Release relevant information in full
23.	19/7/2000	5	Fax Subject: Customs House - Weipa	Release relevant information in full
24.	20/7/2000	8	Fax Subject: Customs House - Weipa	Release relevant information in full
25.	16/01/2002	4	Letter Subject: RE:- Weipa Customs House – Asbestos ceilings	Release relevant information in full
26.	31/10/2012 1417	1	Email Subject: Customs Asbestos Audit Program	Release relevant information in full
27.	31/10/2012 1456	1	Email Subject: Customs house survey	Release relevant information in full
28.	Nov 2012	21	Asbestos Building Materials Assessment Weipa DO Comms Evans Landing Florence Hibberd Drive Weipa QLD 4874	Release relevant information in full