



**In reply please quote:**

FOI Request: FA 17/05/01184

12 July 2017

To [REDACTED]  
[REDACTED]

Dear [REDACTED]

I refer to your email dated 22 May 2017 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:

*From the 1st April 2015 to the 21st May 2017, how many officers in the Department of Immigration and Border Protection (including the Australian Border Force) have::*

- 1. Acted 2 levels above their substantive position, by Division or Command.*
- 2. Acted or been placed in jobs without going through an EOI process, by Division or Command.*
- 3. Travelled more than 12 times a year, by Division or Command.*
- 4. Accumulated more than 40 hours of flex, by Division or Command.*
- 5. Had accumulated flex paid out and the number of hours that were paid out, by Division or Command.*
- 6. Been in receipt of the Executive Extended Commitment Allowance, by Division or Command.*

On 14 June 2017, you agreed to modify the scope of your request as follows:

*...how many officers in the Department of Immigration and Border Protection (including the Australian Border Force) have:*

- 1. Provide the current number of employees acting two or more levels above their substantive position by Division or Command.*
- 3. Travelled more than 12 times a year, by Division or Command. Provide the data in calendar year format.*

4. *Provide the current number of employees who have a flex balance of 40 or more by Division or Command*

*From the 1st April 2015 to the 21st May 2017, how many officers in the Department of Immigration and Border Protection (including the Australian Border Force) have:*

5. *Had accumulated flex paid out and the number of hours that were paid out, by Division or Command.*
6. *Been in receipt of the Executive Extended Commitment Allowance, by Division or Command.*

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 Decision on access**

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two (2) documents that contain the requested information. The data produced in these documents existed in the possession of the Department on 22 May 2017 when your FOI request was received.

I have decided to release the two (2) documents that fall within the scope of your request in full.

## **5 Disclosure log**

In accordance with section 11C of the FOI Act, documents released are subject to publication on the Department's website unless certain circumstances exist. I have considered the exceptions and find that these documents are required to be published.

## **6 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](mailto: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>.

## **7 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](mailto: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.

## **8 Contact**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@border.gov.au](mailto:foi@border.gov.au).

Yours sincerely



FOI Decision Maker | Freedom of Information Section  
FOI, Privacy and records Management Branch | Corporate Services Division  
Department of Immigration and Border Protection

Email: [foi@border.gov.au](mailto:foi@border.gov.au)