



## Attachment A

### DECISION RECORD

#### Request Details

FOI Request FA 17/02/00030  
File Number ADF2017/16884

#### Original scope of request

1. On 19 January 2017 you requested:

*In 2016, the Department applied to the Fair Work Commission for the termination of protected industrial action.*

*Under the Freedom of Information Act, please provide the following documents:*

- 1. the record of the decision to make the application; and*
- 2. any media talking points in relation to the application.*

*If there were multiple instances of such an application during 2016, please consider this a request for the above documents for all such instances.*

#### Documents in scope

2. I have identified seven documents which are relevant to your FOI request. These documents are detailed at Attachment B - Schedule of Documents.

#### Authority to make decision

3. I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate Departmental records.

#### Information considered

4. In reaching my decision, I have considered the following:
  - The *Freedom of Information Act 1982*;
  - The documents as listed in the Schedule of Documents;
  - Consultations with relevant business areas; and
  - The Australian Information Commissioner's guidelines relating to access to documents held by government.

## **Decision**

5. Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.
6. This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reason(s) for each of the deletions in the document (s.22(3) of the FOI Act).
7. Exempt material is deleted pursuant to s.22(1)(a)(i) and irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act.

## **Part 1 of your request**

8. I have consulted with the following relevant business areas in the Department; Chief Operating Officer, ABF Commissioner's Office, Deputy Commissioner Operations, People Division, Legal Division and Operations Group. All of these areas have conducted searches of their holdings, and no record of the decision to make the application to the Fair Work Commission was identified.
9. As no documents exist that fall within the scope of your request, I am refusing your request for access under s.24A(1) of the FOI Act.

## **Part 2 of your request**

10. Seven documents, totalling 22 pages, relevant to your request, have been located and are released to you in full, with irrelevant material deleted under s.22(1)(a)(ii) of the FOI Act.

## **Deletion of irrelevant material under s.22(1)(a)(ii) of the FOI Act**

11. I find that the documents relevant to your request contain material which is irrelevant to your FOI request. I have withheld or deleted that material accordingly. These deletions are detailed in the documents released.
12. The material deleted under s.22(1)(a)(ii) comprises names and contact details for non-Senior Executive Service Departmental staff. The intention to treat this information as irrelevant was advised to you in the Department's acknowledgment letter sent to you on 2 February 2017. You did not raise any objections to this approach.

*(signed electronically)*

  
Authorised decision maker  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)

22 March 2017



**Attachment B**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

**FOI Request FA 17/02/00030**

<b>No.</b>	<b>Date of document</b>	<b>Folio</b>	<b>Description</b>	<b>Relevant legislation (FOI Act)</b>	
1.	4/05/2016	1-2	Media statement	Released in full	
2.	05/04/2016	3-6	Talking points	Irrelevant material deleted	s.22(1)(a)(ii)
3.	05/04/2016	7-9	Talking Points	Irrelevant material deleted	s.22(1)(a)(ii)
4.	01/08/2016	10-12	Talking Points	Irrelevant material deleted	s.22(1)(a)(ii)
5.	30/09/2016	13-18	Talking Points	Irrelevant material deleted	s.22(1)(a)(ii)
6.	30/09/2016	19-20	Media release	Irrelevant material deleted	s.22(1)(a)(ii)
7.	05/10/2016	21-22	Media release	Irrelevant material deleted	s.22(1)(a)(ii)