



9 November 2018

In reply please quote:

FOI Request: FA 18/06/01283

File Number: ADF2018/14762

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 26 June 2018, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

On 26 June 2018, you requested access to the following documents:

Documents held by the Department in relation to the Australian Border Force College relating to the following:

- 1) cases or allegations of bullying, harassment or discrimination/mental and emotional injury suffered by current and former staff, instructors and students;*
- 2) compensation and workplace injury claims by current and former staff, instructors and students;*
- 3) the suicide of current and former staff, instructors and students;*
- 4) staff turnover;*
- 5) the number and proportion of students who have left the college before completing their course;*
- 6) Fairfax Media coverage of the ABF College on June 19;*
- 7) current and former staff, instructors and students of the ABF College speaking to journalists..*

On 5 July 2018, the Department sought to clarify the scope of each part of your request with you, noting that it had the potential to capture a large number of documents and did not initially reference a specific timeframe.

On 6 July 2018, you agreed to modify the scope of your request to the following:

- 1) *A consolidated report of any cases or allegations of bullying, harassment or discrimination/mental and emotional injury suffered by current and former staff, instructors and students employed at or attending the ABF College, and across the ABF, since 1 July 2015 to the current date. In the event that a consolidated report is not available, a final investigation report of any such cases. Any identifying personal information can be regarded as outside the scope of my request.*
- 2) *A summary report of any compensation and workplace injury claims made by current and former staff, instructors and students employed at or attending the ABF College, and across the ABF, between July 1 2015 and the current date. In the event that a summary report is not available, a copy of the initial incident report. Any identifying and sensitive personal information, including medical information, can be regarded as outside the scope of my request.*
- 3) *A summary report of any suicide of current and former staff, instructors and students employed at or attending the ABF College, and across the ABF, from July 1 2015 to the current date. Any identifying and sensitive personal information, including medical information, can be regarded as outside the scope of my request.*
- 4) *Statistics relating to staff turnover at the ABF College from July 1 2015 to the current date*
- 5) *The number and proportion of students who have left the ABF College before completing their course from July 1 to the current date*
- 6) *Documents and correspondence created by ABF Senior Executive between June 19 and the current date regarding Fairfax Media coverage of the ABF College*
- 7) *Documents and correspondence created by senior executives from June 19 to the current date discussing any current and former staff, instructors and students of the ABF College speaking to journalists*

On 9 August 2018, the Department again sought to further clarify part 1 of your request, noting that the modified scope had the potential to substantially and unreasonably divert the resources of the Department from its operations.

On 9 August 2018, you agreed to modify part 1 of the scope of your request as follows:

- 1) *A final investigation report of any cases where allegations of bullying, harassment, discrimination, mental/emotional injury have been substantiated in relation to staff, instructors and students whilst located at the ABF College for the period 1 July 2015 to 26 June 2018.*

Part 2-7 of your request remain as agreed on 6 July 2018.

2 Authority to make decision

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 records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access

4 Documents in scope of request

The Department has identified eight documents as falling within the scope of your request. These documents were in the possession of the Department on 26 June 2018 when your request was received.

Attachment A is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

5 Decision

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is as follows:

- Release two documents in full
- Release relevant information in six documents

6 Reasons for Decision

Detailed reasons for my decision are set out below.

6.1 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.

On 28 June 2018, 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. As such, that information has been deleted as irrelevant to your request.

Document 1, relating to part 1 of your request, contains identifying personal information which you have expressly agreed may be regarded as outside the scope of your request. The document also contains information which does not consist of "*allegations of bullying, harassment or discrimination/mental and emotional injury*". As such, that information has been deleted as irrelevant to your request.

Document 3, relating to part 3 of your request, contains identifying and sensitive personal information, which you have expressly agreed may be regarded as outside the scope of your request. As such, that information has been deleted as irrelevant to your request.

Part 4 of your request is specifically for statistics relating to staff turnover at the ABF College. Information contained in this document which is not relevant to staff turnover at the ABF College has been deleted as irrelevant to your request.

Part 6 of your request is for documents regarding Fairfax Media coverage of the ABF College. Document 6.2 contains information on a number of unrelated matters. Those that do not relate to Fairfax Media coverage have been deleted as irrelevant to your request.

I have therefore decided that parts of documents marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request. I have 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.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 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:

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

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

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>.

9 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 Home Affairs as the relevant agency.

10 Contacting the FOI Section

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



**Authorised Decision Maker
Department of Home Affairs**

ATTACHMENT A

SCHEDULE OF DOCUMENTS REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

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	Date of document	No. of pages	Description	Decision on release	
				Relevant information released in full	22(1)(a)(ii)
1.	9/06/2016	7	Decision Notice – Investigation into an alleged breach of the APS Code of Conduct	Relevant information released in full	22(1)(a)(ii)
2.	01/07/2015 – 19/06/2018	6	Report of Comcare Claims - ABF Support and ABF Operations	Release in full	
3.		3	Minute to Secretary and ABF Commissioner	Relevant information released in full	22(1)(a)(ii)
4.	May 2018	4	Additional Budget Estimates Brief	Relevant information released in full	22(1)(a)(ii)
5.	Undated	1	Statistics – number and proportion of students who have left the ABF College before completing their course from 1 July 2015 to 28 June 2018	Release in full	
6.1	19/06/2018	3	Media Enquiry	Relevant information released in full	22(1)(a)(ii)
6.2	21/06/2018	2	Email For information – Operational Practices Command update #5	Relevant information released in full	22(1)(a)(ii)
6.3	28/06/2018	2	Home Affairs/ABF Question Time Brief Border Force Training College under fire	Relevant information released in full	22(1)(a)(ii)