



17 April 2019

In reply please quote:

FOI Request: FA 19/01/00203
File Number: ADF2019/6563

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 7 January 2019, 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

You have requested access to the following documents:

- 1) *Emails exchanged between John Brayley and Michael Pezzullo and/or Michael Outram in August and September 2017 regarding the "three options" referred to in John Brayley's email to Michael Pezzullo and Michael Outram on Sunday 3 September 2017 at 1:05 am*
- 2) *Emails exchanged between John Brayley, Michael Outram, and/or Mandy Newton in August and September 2017 concerning John Brayley's possible resignation and*
- 3) *Any replies to John Brayley's email of 3 Sept 2017 at 1:05 am.*

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)
- consultation responses from third parties consulted in accordance with the FOI Act

4 Documents in scope of request

The Department has identified seven documents as falling within the scope of your request. These documents were in the possession of the Department on 7 January 2019 when your request was received.

5 Decision

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is to release relevant information in seven documents in full.

5.1 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 8 January 2019, 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. Some information marked “s22(a)(a)(ii)” consists of non-SES staff names and direct contact details of SES staff.

Documents 2 and 7 contain information that does not relate to the “three options” referred to in Dr Brayley’s email of 3 September 2017, nor does it relate to any aspect of Dr Brayley’s “possible resignation”. These emails do not constitute a reply to Dr Brayley’s email of 3 September 2017.

As such, I have decided that parts of documents marked ‘s22(1)(a)(ii)’ 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:

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 <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

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 Home Affairs as the relevant agency.

9 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