

QUESTION TAKEN ON NOTICE

BUDGET ESTIMATES – 26 – 27 MAY 2014

IMMIGRATION AND BORDER PROTECTION PORTFOLIO

(BE14/380) PROGRAMME – Australian Customs and Border Protection Service

Senator Conroy (Written) asked:

I note on page 13 of the Review that one of the findings has been redacted under section 37 (1)(a) of the FOI Act, which relates to a breach to, or administration of, the law. Which law was broken or could not be properly administered if that finding had been made public?

Answer:

Section 37(1) of the *Freedom of Information Act 1982* (Cth) (FOI Act) relevantly states that:-

- (1) *A document is an exempt document if its disclosure ... would, or could reasonably be expected to:*
- (a) *prejudice the conduct of an investigation of a breach, or possible breach, of the law, or a failure, or possible failure, to comply with a law relating to taxation or prejudice the enforcement or proper administration of the law in a particular instance.*

As of the date of the decision, the information concerned related to the conduct of administrative investigations instituted by both the Australian Customs and Border Protection Service (ACBPS) and the Department of Defence, which were ongoing. Those investigations related to potential lapses in professional conduct by relevant personnel. This conduct included a possible breach of the *Public Service Act 1999* for ACBPS officers.