



ACT

Government

Justice and Community Safety

2024/82

'B'

Via email: foi+request-10991-55baab74@righttoknow.org.au

Dear 'B'

DECISION ON FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application under the [Freedom of Information Act 2016](#) (the Act), received by the Justice and Community Safety (JACS) Directorate on 29 December 2023, in which you sought access to:

I am formally requesting specific operational documentation pertinent to the Alexander Maconochie Centre.

My interest lies in obtaining detailed planning and operational documentation for the years 2021 to 2024 in the following key areas:

1. Pest Control Measures and Treatment:

a) Comprehensive planning documentation, guidelines, or reports pertaining to pest control practices within the facility.

2. Financial Planning for Appliances:

a) Detailed planning documentation, procedural guidelines, or records associated with the financial planning and acquisition of appliances, with a particular focus on whitegoods and for detainee grooming.

3. Detainee Nutrition:

a) Thorough planning documentation and guidelines for detainee nutrition, including meal plans and considerations for allergies.

b) Insights from an accredited nutritionist in Australia regarding adherence to quality standards over the last two years.

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Decision

I have identified 20 documents containing information within the scope of your access application. These are outlined in the *Schedule of documents*.

I have decided to:

- grant partial access to 11 documents
- grant full access to nine documents

Please see the reasons outlined in the 'reasons for decision' at [Attachment A](#).

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. My response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS' disclosure log at: <https://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

The review of decision application form is available at:

<https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact JACSFOI@act.gov.au or phone (02) 6207 2167.

Yours sincerely



Bruno Aloisi
Information Officer
5 March 2024

Attachment A – Reasons for decision

1. Material considered

In reaching my decision, I considered:

- your original access application
- the documents containing the information that fall within the scope of your access application
- consultations with third parties
- consultations with JACS officers
- *Freedom of Information Act 2016*
- *Human Rights Act 2004*

2. Reasons for my decision

As a decision maker, I am required to determine whether the information is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per Schedule 1 of the Act
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in Schedule 2

I have included below the factors relevant to my decision on access.

2.2 Public interest test

I have assessed the information against the factors favouring disclosure and factors favouring non-disclosure in Schedule 2. On balance, I have decided that the information is in the public interest to disclose. I have included below the relevant factors for your information.

2.1 Factors favouring disclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
 - (iii) inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community;
 - (iv) ensure effective oversight of expenditure of public funds.

2.2 Factors favouring nondisclosure in the public interest

- (a) disclosure of the information could reasonably be expected to do any of the following:
 - (ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*;
 - (xiii) prejudice the competitive commercial activities of an agency.

Redactions have been applied the personal information of non-SES ACT Corrective Services (ACTCS) staff and third parties to protect their right to privacy under the *Human Rights Act 2004*.

Redactions have been applied to contemporary quotes obtained by ACT as the release of this information may prejudice ACTCS's ability to obtain competitive quotes in future and prejudice its commercial activities.

3. Summary of my decision

In conclusion, I have decided to:

- grant partial access to 11 documents
- grant full access to nine documents