



**Australian
Human Rights
Commission**

Our Ref: F2015/29

23 October 2015

Ms Brooke Sheehan
Right to Know Organisation

By email: foi+request-1259-e6205deb@righttoknow.org.au

Dear Ms Sheehan

Request for documents under the *Freedom of Information Act 1982 (Cth)*

I refer to your 30 September 2015 request under the *Freedom of Information Act 1982 (Cth)* (FOI Act), lodged with the Department of Employment, for:

... any documentation and information relating to the ability of Aldi Australia to reject [prospective] respective employees on the basis of mental illness, such and [sic] depression and bipolar. I wish to see any documentation that may exempt Aldi from hiring on this basis.

1 Transfer of your FOI request to our agency

On 7 October 2015, the Information Law Team of the Department of Employment emailed you, stating:

We understand that the Australian Human Rights Commission (AHRC) is responsible for overseeing the application of the *Disability Discrimination Act 1992 (Cth)*, which provides protection for individuals against discrimination based on disability, including discrimination by employers or potential employers. We have been further advised that the AHRC also has powers under that Act to grant temporary exemptions from some provisions in certain circumstances.

In view of the above, it would seem that the subject matter of your request is more closely connected with the functions of the AHRC. Accordingly, we are writing to inform you that your request has been transferred to the AHRC under section 16 of the FOI Act on the basis that it is more closely connected with the functions of that agency.

The AHRC has accepted the transfer and will contact you shortly in relation to this matter.

2 Searches

On receipt of your FOI request following the transfer referred to above, I reviewed the Commission's public register of exemption decisions to determine whether there are any exemptions in place (or whether there were any in the past) for Aldi, from any provision of the *Disability Discrimination Act 1992* (Cth) (Act).

The register is on the Commission's website, at:

<https://www.humanrights.gov.au/our-work/legal/exemptions/exemption-applications-under-disability-discrimination-act-1992-cth>

This register includes all exemption applications, all exemption decisions which are still in force and all past exemption decisions which have expired.

From this register, you will see that there are no exemptions for Aldi from the Act.

3 Decision

Pursuant to section 24A(1)(b)(ii), I have decided to refuse access to the documents you have requested as they do not exist.

4 Avenues of review

If you are dissatisfied with my decision or the searches we conducted to locate documents related to your request, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

4.1 Internal review

Under section 54 of the FOI Act, you may apply in writing to the Commission for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible please include reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

4.2 Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>

email: enquiries@oaic.gov.au

post: GPO Box 2999, Canberra ACT 2601

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Anastacia Totoeva', written in a cursive style.

Anastacia Totoeva
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Legal

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