



21 July 2016

By email

Dear BR,

Your Freedom of Information request dated 23 June 2016

The Office of the Fair Work Building Industry Inspectorate (known as Fair Work Building & Construction) (**FWBC**) received an email on 23 June 2016, where you requested access to information under the *Freedom of Information Act 1982* (Cth) (**the FOI Act**). The receipt of the FOI request was confirmed to you on 5 July 2016. The FOI request is attached.

I note that you specified in the FOI request that all correspondences regarding the request be sent to the initial email you used to contact FWBC. I also note that section 15(5) of the FOI Act provides that the relevant period to process a request and give notice of the decision reached is 30 days from the date it was received.

Your FOI application stated eight categories of documents for which you sought access to under the FOI Act, and all documents that are relevant to it are set out in the table below. Further, my decision relating to any exempt information are also explained.

FOI decision

My authority to make an FOI decision comes from a delegation made by the Director of the Fair Work Building Industry Inspectorate on 14 October 2015. The relevant delegation is accessible on FWBC's website (<http://www.fwbc.gov.au/delegation-and-appointments/>).

Search of the relevant documents

FWBC caused a search of documents to be held in the terms stated in your eight categories and thirty documents have been identified as relevant to your request. Copies of these documents are attached.

The documents, and my decision in relation to each, are set out in the following table.

Table of documents

FOI request Category	Document reference	Description	Decision
1	Document 1	Procedures for handling suspected Code of Conduct breaches	Full Release
	Document 2	Public Interest Disclosure Act 2013 – Principal Officer's Procedure	Full Release
	Document 3	Guide for handling conduct issues	Partial Release
2	Document 4	Bullying and Harassment Policy	Full Release
3	Document 5	Performance Development Framework	Partial Release

5	Document 6	Answer to the Senate Estimate Question on Notice attaching the Bullying and Harassment Action Plan	Full Release
6	Document 7	Bullying and Harassment Intranet articles published between 26 May 2014 and 7 June 2016	Partial Release
	Document 8	Bullying and Harassment Intranet article dated 24 October 2012 and full Transcript	Full Release
7	Document 9	Executive Board Meeting October 2013	Partial Release
	Document 10	Executive Board Meeting November 2013	Partial Release
	Document 11	Executive Board Meeting April 2014	Partial Release
	Document 12	Executive Board Meeting May 2014	Partial Release
	Document 13	Executive Board Meeting October 2014	Partial Release
	Document 14	Executive Board Meeting November 2014	Partial Release
	Document 15	Executive Board Meeting December 2014	Partial Release
	Document 16	Executive Board Meeting February 2015	Partial Release
	Document 17	Executive Board Meeting March 2015	Partial Release
	Document 18	Executive Board Meeting April 2015	Partial Release
	Document 19	Executive Board Meeting May 2015	Partial Release
	Document 20	Executive Board Meeting June 2015	Partial Release
	Document 21	Executive Board Meeting July 2015	Partial Release
	Document 22	Executive Board Meeting August 2015	Partial Release
	Document 23	Executive Board Meeting September 2015	Partial Release
	Document 24	Executive Board Meeting October 2015	Partial Release
	Document 25	Executive Board Meeting November 2015	Partial Release
	Document 26	Executive Board Meeting December 2015	Partial Release
	Document 27	Executive Board Meeting February 2016	Partial Release
	Document 28	Executive Board Meeting April 2016	Partial Release
	Document 29	Executive Board Meeting June 2016	Partial Release
8	Document 30	Managing Underperformance Guide	Partial Release

Documents released in full

As the table above indicates, I have decided to release in full four documents:

- Document 1
- Document 2
- Document 4
- Document 6
- Document 8

These documents are attached.

Category 4

For this category, you have asked for access to the following document:

Managing and Reporting Bullying and Other Unacceptable Behaviour Policy.

FWBC does not have a policy document of that name. Regarding policies, procedures or guides that relate to bullying, I refer you to the 'Bullying and Harassment Policy' (Document 4).

Partial Released documents

I have decided to release in part copies of the remaining twenty-six documents that are set out in the table above. This group of documents relate to **Categories 1, 3, 6, 7, and 8** of your FOI request. These documents are, or relate to, the policies, procedures, plans or guides, and intranet announcements relevant to what your categories sought.

I have formed a view that whilst the documents generally fall within the scope of the request there are also information within them that are exempt under the FOI Act. I have further formed the view that the exempt information do not so expansively cover any of the twenty-six documents such that an edited copy of each document cannot be provided to you under section 22 of the FOI Act.

The following sets out the exemptions that are contained in the partially released documents.

Documents 3, 5, 7 and 30: edited content in relation to personal information

For these documents I have decided to disclose copies where personal information has been redacted. The personal information exemption is found in section 47F of the FOI Act and such information may be withheld from disclosure under that exemption. I have decided that it is appropriate to redact this information under section 22 in order to de-identify staff or contractors of FWBC.

A copy of the documents redacted in this way are attached.

Documents 9 to 29: edited content in relation to personal and irrelevant information

These documents relate to **Category 7** of your FOI request and are minutes of meetings of FWBC's Executive Team.

For these documents I have decided that it is appropriate to de-identify the personal information of staff or contractor of FWBC (under section 47F) and to redact information that are irrelevant to or that does not fall within the scope of your FOI request (under section 22 of the FOI Act).

Section 22 provides that where it is possible, an edited copy of a document that would not disclose exempt or irrelevant information may be disclosed for the purpose of responding to an FOI request. The removal of irrelevant information relates to Executive Team discussion topics that fall outside the scope of your request which related to bullying or harassment.

The redactions only cover these exemptions, leaving the meetings discussion covered by the scope of Category 7 in a state that can be sensibly understood. A copy of the documents redacted in this way are attached.

No Charges

I confirm that no charges apply to your request

Internal Review and Complaints

I am not the principal officer of FWBC.

As a result, you are entitled to seek an internal review of the decision. You have 30 days from the date of this letter to seek an internal review application. You may do so in writing to Mr Brian Corney, Chief Counsel, Fair Work Building Industry Inspectorate, at either of the following contact addresses:

By post:
GPO Box 9927 MELBOURNE VIC 3001 Australia

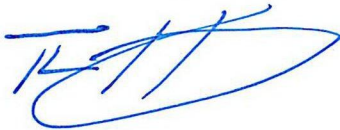
By email:
foi@fwbc.gov.au

You may also submit an information review request to the Office of the Australian Information Commissioner (OAIC) about the processing of your FOI request. More details about such a process can be accessed from the OAIC's website:

<http://www.oaic.gov.au/>

If you have any questions about this matter, I can be contacted on (03) 8509 3012 or by email at tim.honey@fwbc.gov.au.

Yours faithfully,



Tim Honey
General Manager, Legal (Eastern)
Fair Work Building & Construction