



Australian Government

**Fair Work Building
& Construction**

4 November 2016

BR

By email:

foi+request-2191-086da3da@righttoknow.org.au

Dear BR

Freedom of Information Act 1982: Internal Review

By email dated 6 October 2016 you requested an internal review of a decision made by Mr Vallence on 3 October 2016. That decision was to the effect that enquiries had been undertaken but none of the documents sought by you were found to exist.

Authority to undertake internal review

My authority to undertake an internal review is found in the delegation made by the Director of the Fair Work Building Industry Inspectorate on 21 September 2016. This is available on the website at www.fwbc.gov.au/about/delegation-and-appointments.

Documents considered in reaching my decision

In reaching my decision on this internal review I have had regard to the following:

- Your original FOI request by email dated 31 August 2016
- The results of enquiries undertaken to locate any documents falling within the descriptions specified in your request.
- The Freedom of Information Act 1982.
- Office of Australian Information Commissioner guidelines and other material relevant to internal reviews.

Terms of original request

On 31 August 2016 you sought access to the following documents:

1. Documents evidencing, concerning or referring to the disclosure to FWBC and/or the Minister of complaints lodged by a co-worker against Nigel Hadgkiss for sexual harassment at the Office of the Director of Public Prosecutions (NSW) in 2011, as reported in the media and Parliament of NSW.

2. Documents evidencing, concerning or referring to the disclosure to FWBC and/or the Minister of disciplinary action taken against Nigel Hadgkiss for sexual harassment at the Office of the Director of Public Prosecutions (NSW) in 2011, as reported in the media and Parliament of NSW.

By letter dated 3 October 2016, Mr Vallence, the original decision maker, advised that the documents sought do not exist.

In your request for an internal review dated 6 October 2016 you state:

Mr Vallence has failed to set out in his letter the actual documents requested, namely:

"1. Documents evidencing, concerning or referring to the disclosure to FWBC and/or the Minister of complaints lodged by a co-worker against Nigel Hadgkiss for sexual harassment at the Office of the Director of Public Prosecutions (NSW) in 2011, as reported in the media and Parliament of NSW.

2. Documents evidencing, concerning or referring to the disclosure to FWBC and/or the Minister of disciplinary action taken against Nigel Hadgkiss for sexual harassment at the Office of the Director of Public Prosecutions (NSW) in 2011, as reported in the media and Parliament of NSW."

Mr Vallence has also failed to set out in his letter the purported enquiries undertaken to find the documents requested.

Decision

I have taken all reasonable steps to find documents within the terms of your request held by this agency, and I am satisfied that such documents do not exist.

I have relied on the enquiries undertaken by the original decision maker, and I have made additional enquiries within the agency to identify whether documents within the terms of your request exist.

No charges

I confirm that no charges apply to your request.

Review of my decision

If you are dissatisfied with this internal review you may apply to the Office of the Australian Information commissioner (OAIC) for a review of my decision. More details about that process can be accessed on the OAIC's website at www.oaic.gov.au.

Yours sincerely,



Murray Gregor
Regional Manager Southern - VIC/TAS