



Australian Government
Department of Immigration and Citizenship

13 August 2013

Ms Sandra Down

Sent by email to: foi+request-301-23aed7d3@righttoknow.org.au

In reply please quote:

FOI Request FA 13/07/01156

File Number ADF2013/23688

Dear Ms Down

Freedom of Information request – Release of documents

This letter refers to your request received on 14 July 2013 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

Incident Detail Report I-70PHVY from the Department's Compliance, Case Management, Detention and Settlement Portal. I also request any documents attached to the detailed report.

Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents.

My decision is to partially release a copy of the documents requested. A statement of reasons for my decision is in the attached Decision Record.

The documents considered in my decision are listed in the Schedule of Documents, which should be read with the attached Decision Record.

Review rights

Internal review

If you disagree with my decision, you have the right to apply for an internal review by the department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the department must make a review decision within 30 days.

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Applications for review should be sent to:

Freedom of Information
Department of Immigration and Citizenship
PO Box 25
BELCONNEN ACT 2616

Or email: foi@immi.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of my decision.

You must apply in writing within 60 days of this notice. You can lodge your application in one of the following ways:

Post	GPO Box 2999 CANBERRA ACT 2601
or	GPO Box 5218 SYDNEY NSW 2001
Online	www.oaic.gov.au
Email	enquiries@oaic.gov.au
Fax	+61 2 9284 9666
In person	4 National Circuit BARTON ACT
or	Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision to which you are seeking review and your contact details. You should also set out why you are seeking a review of the decision.

For further information about review rights under the FOI Act please see FOI fact sheet 12 'Freedom of information – Your review rights', available online at www.oaic.gov.au.

How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at www.oaic.gov.au.

If you are unhappy with the department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

Contacting the FOI section

If you wish to discuss this matter, I can be contacted using the details provided below.

Client service information

Information about our Client Service Charter and how to make a compliment, complaint or suggestion, is included in the Client Service Information attachment.

Contacting the department

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at www.immi.gov.au.

Yours sincerely



Amy Thompson

Position number: 60001861
FOI Officer
FOI and Privacy Policy Section
Department of Immigration and Citizenship
Email foi@immi.gov.au

Attachments

Client Service Information

Decision Record

Schedule of Documents

Documents released under the FOI Act as listed in the decision record

CLIENT SERVICE INFORMATION

Client Service Charter

Our Client Service Charter explains our service commitment to you. We are committed to service delivery that is timely, open and accountable, and responsive to your needs. The Charter explains how you can help us and how you can provide feedback or make a complaint. You can read our Client Service Charter on our website, or in a printed copy available from any of our offices.

Service satisfaction

The department remains committed to ensuring that all clients, both in Australia and overseas, receive not only fair and reasonable treatment, but also an efficient standard of service that is sensitive to each client's needs.

To provide a compliment, complaint or suggestion you can:

- telephone the Global Feedback Unit on 13 31 77 during business hours
- complete a feedback form online at www.immi.gov.au
- write to:
The Manager
Global Feedback Unit
GPO Box 241
Melbourne VIC 3001
Australia
- contact us directly through any of our offices.



Australian Government
Department of Immigration and Citizenship

DECISION RECORD

Request Details

FOI Request FA 13/07/01156
File Number ADF2013/23688

Scope

Incident Detail Report 1-70PHVY from the Department's Compliance, Case Management, Detention and Settlement Portal. I also request any documents attached to the detailed report.

Documents in scope

1. Incident Report related to Incident 1-70PHVY – containing 10 pages.

Information considered

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- The FOI Guidelines issued by the Australian Information Commissioner
- Departmental documents (identified above);
- Consultation with relevant business area; and
- Publically available material.

Reasons for decision

I have considered the document within the scope of your request and applied exemptions in part as detailed in the Schedule of Documents. You should read the Schedule in conjunction with the exemptions below.

FREEDOM OF INFORMATION ACT 1982 - SECT 47F(1)

Public interest conditional exemptions—personal privacy

- (1) *A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

The documents exempt in part, under section 47F(1) of the FOI Act contain personal information relating to third parties. I believe that disclosure of this information would lead to the third parties being identified and the information says something about the individual that is not already publically known.

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In my view it is not reasonable to assume that the third parties would expect their personal information to be disclosed to you. I am satisfied the disclosure of this information would be unreasonable.

Having formed the view that the information is of a kind to which section 47F(1) does apply, I am required to consider whether disclosure of the information would be contrary to the public interest, I have considered:

Arguments in favour of release

- Applicants exercising their rights under FOI;
- Accountability of departmental procedures; and
- Advance the fair treatment of individuals and other entities in accordance with the law in their dealings with agencies

Arguments against disclosure

- it is a core Government concern to maintain the integrity of the information it holds and in the maintaining of an individual's privacy. The department is obliged to take action to prevent the unreasonable disclosure of an individual's personal information; and
- that to release the documents would involve unreasonable disclosure of an individual's personal information.

I give the greatest weight to an individual's right to maintain the privacy of personal information held by the department I find it outweighs any public interest that could arguably be served in claiming that disclosure of this information is in the public interest.

I am satisfied that the documents I have exempt in part under section 47F(1) contain personal information and the disclosure would be contrary to the public interest.

FREEDOM OF INFORMATION ACT 1982 - SECT 22

Deletion of exempt matter or irrelevant material

- (1) *This section applies if:*
- (a) an agency or Minister decides:*
 - (i) to refuse to give access to an exempt document; or*
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*
 - (b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:*
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and*
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
 - (i) the nature and extent of the modification; and*
 - (ii) the resources available to modify the document; and*
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

The information deleted under section 22(1) of the FOI Act is considered exempt or irrelevant to your request. While the FOI Act extends a legally enforceable right of any person to seek access to documents held by an agency, section 22(1) allows a decision maker to remove exempt material or information that is reasonably regarded as irrelevant to the request.

The information identified as being 'reasonably regarded as irrelevant' to your request is the metadata attached to the 'Detailed Incident Report' at the time it is printed from the electronic system. The department considers that this material is outside the scope of your request and is therefore reasonably regarded as irrelevant for the following reasons:

- The data is attached to the document after the date your request is received.
- This metadata does not appear on the reports when viewed in the electronic system and as such it is not considered to be a part of the report.

In accordance with section 22 I have prepared an edited copy of the documents for release.

SCHEDULE OF DOCUMENTS TO DECISION RECORD

Request Details

FOI Request FA 13/07/01156

File Number ADF2013/23688

Folio	Description	Decision	Legislation
1 - 10	Incident Detail Report – 1-70PHVY	Refused and exempt in part	s.47F(1) s.22(1)(a)(ii)



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Department of Immigration
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Sensitive
Incident Detail Report

As at 01/08/2013

Incident Summary

Incident Number: 1-70PHVY
Type: Assault - Serious
Level: Critical
Version: 2
Status: Closed
Location: Curtin IDC
Occurred On: 05/05/2011 01:20:00 PM
Informed By: Service Provider Staff

DIAC Notified: 05/05/2011 05:25:00 PM
DIAC Notified By: TERRI REWETI
DIAC Contact: TROY SOKOLOFF
Initial Release On: 06/05/2011 11:58:07 AM
Version Released On: 07/05/2011 10:24:02 PM
Transport ID:
Sensitive: N

Client s. 47F(1)

Client had an alteration with his room mate s. 47F(1) was stabbed in the hand, leg neck, foot with a pen, and hit in the head.

Summary:

Informed On: 05/05/2011 05:00:00 PM
Location Details: Echo Compound Room 89
CIDC

Organisation: Serco
CCTV Recording Number:

Participants

Client

Participation Type:
Service Number:
Family Name:
Given Name(s):
Date of Birth:
Minor:

s. 47F(1)

Client was armed:
Interpreter:
Interpreter Id:
TIS Job No:
Comments:

s. 47F(1)

Client

Participation Type:
Service Number:
Family Name:
Given Name(s):
Date of Birth:
Minor:

s. 47F(1)

Client was armed:
Interpreter:
Interpreter Id:
TIS Job No:
Comments:

s. 47F(1)

s. 47F(1)

Incident Details

s. 22(1)(a)(ii)

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Page 1 of 8

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This document may contain 'personal identifiers' and 'personal information' as defined under the Migration Act 1958 or Australian Citizenship Act 2007, and can only be used for purposes under these Acts.

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Incident Detail Report

As at 01/08/2013

Version: 2 Created On: 06/05/2011 07:11:37 PM Created By: IAN CATLEY

Description: **S. 47F(1)**

Version: 2 Created On: 07/05/2011 10:21:27 PM Created By: IAN CATLEY

Description: **s. 47F(1)**

Version: 1 Created On: 06/05/2011 10:45:42 Created By: IAN CATLEY

Description: **S. 47F(1)**

Attachments

File Name: **s. 47F(1)** File Date: 07/05/2011 11:36:45 PM
Comments: Post incident Review.

File Name: Officers report Niel Spooner File Date: 06/05/2011 11:43:43 AM
Comments: Niel Spooners Officers report.

s. 22(1)(a)(ii)

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Page 2 of 8

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Incident Detail Report

As at 01/08/2013

File Name: Officers report Kirsty Bawden File Date: 06/05/2011 11:32:45 AM
Comments: Kirsty Bawden Officers report.

s. 22(1)(a)(ii)

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Page 3 of 8

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OFFICER REPORT FORM

Center: CIDC

Subject of Report: Client Altercation

Date: 5th May 2011

Officers name: Kirsty Bawden

Time: 1500hrs

Incident Location: Echo Room 89

Clients Involved	Client ID	Names of staff involved
S. 47F(1)		SPOONER, Neil
		BAWDEN, Kirsty

Details: Please provide all details – time, place, what was said/heard, what did you do/ what did others do/ what the outcome?

S. 47F(1)

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OFFICER REPORT FORM

Signature: *[Handwritten Signature]*

Signature : _____

Action taken:			
Feedback provided to staff	Y	N	Signature:

>Note any action taken on Client Personal File/Care Plan

Duty Manager Action

Action taken:

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OFFICER REPORT FORM

Subject of Report: CLIENT ALTIATION

Center: CIDC

Officers name: Neil Spooner

Date: 5-5-11

Incident Location: Echo Rm 89

Time: 1500

Clients Involved	Client ID	Names of staff involved
[REDACTED]	S. 47F(1)	SPOONER - NEIL
[REDACTED]	[REDACTED]	BAWDEN - KIRSTY
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Details: Please provide all details – time, place, what was said/heard, what did you do/ what did others do/ what the outcome?


[REDACTED]

Signature:

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OFFICER REPORT FORM

S. 47F (1)

Signature : 

Action taken:			
Feedback provided to staff	<input type="checkbox"/> Y	<input type="checkbox"/> N	Signature:

>Note any action taken on Client Personal File/Care Plan

Duty Manager Action

Action taken:			
Signature			

Please complete an Incident Report and attach this form.

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OFFICER REPORT FORM

S. 47F (1)

Signature: *[Handwritten Signature]*

Action taken:			
Feedback provided to staff	<input checked="" type="checkbox"/> Y	<input type="checkbox"/> N	Signature:

>Note any action taken on Client Personal File/Care Plan

Duty Manager Action

Action taken:			
Signature			

Please complete an Incident Report and attach this form.

Released by DLAC under the Freedom of Information Act 1982

Post Incident Review

To:	Mark Bonaccorso	Curtin Centre Manager
From:	Ian Catley A/CSM	
Date:	7 th May 2011	
Incident:	Assault/ Serious 5 th May 2011	
Suspect:	s. 47F(1)	
Incident Rating:	Critical	
Staff Names:	N/A	
Client Names:	s. 47F(1)	
Portal Incident ID Number:	1-7OPHVY	

1. Causes and Contributing Factors:



2. Analysis and Evaluation of actions taken in response to the Incident including the conduct of Service Provider Personnel:

SERCO Staff conducted there duties as per the Serco Policy The incident report was created by Client Services Manager Ian Catley on the 6th May 2011. CSM Terri REWETI advising DIAC on call manager Troy SOKOLOFF.

3. Identify any gaps in processes, procedures and training requirements:

This incident report was out of time for reporting times. Incident took place on the 5th MAY 2011 Incident report was created on the 6th May 2011.

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4. Recommendations to make any necessary changes to processes, procedures and training in accordance to the Quality Management System:

Training for the CSM of the importance of time frames and the contractual requirement with DIAC for incident reporting .

5. Any other actionable information:

Nil

Ian Catley
CSM
Curtin IDC