



29 October 2019

Dave101

**BY EMAIL:** 'foi+request-5458-eb3fece4@righttoknow.org.au'

**In reply please quote:**

FOI Request: FA 19/06/00153

File Number: OBJ2019/35227

Dear Dave101

**Freedom of Information (FOI) request - Access Decision**

On 2 June 2019, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

**1 Scope of request**

You have requested access to the following documents:

- 1) Can you please provide all information relating to mosquito fumigation techniques on all contracts under the department. This may include fogging but not limited to.*
- 2) Please also provide data/statistics for medical treatments or reports related to these activities. No personal information is necessary.*

**2 Authority to make decision**

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 records.

**3 Relevant material**

In reaching my decision I referred to the following:

- the terms of your request
- the documents relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- consultation responses from third parties consulted in accordance with the FOI Act
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access

## 4 Documents in scope of request

The Department has identified six documents as falling within the scope of your request. These documents were in the possession of the Department on 2 June 2019 when your request was received.

**Attachment A** is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

The Department through the relevant business areas has undertaken reasonable searches in Departmental systems and document holdings. The Department does not hold existing documents containing the information in relation to part 2 as falling in the scope of your request.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

## 5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to part 2 of the request and that no documents were in the possession of the Department on 2 June 2019 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is as follows:

- Release six documents in full with irrelevant material removed.

### 5.1 Section 22 of the FOI Act – irrelevant to request

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

I have therefore decided that parts of documents marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request, and have therefore prepared an edited copy of the documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the documents have been released to you as they are relevant to your request.

## 6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

## **7 Your Review Rights**

### Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a 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.

Applications for review should be sent to:

By email to: [foi.reviews@homeaffairs.gov.au](mailto:foi.reviews@homeaffairs.gov.au)  
OR  
By mail to:  
Freedom of Information Section  
Department of Home Affairs  
PO Box 25  
BELCONNEN ACT 2617

### Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

## **8 Making a Complaint**

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)  
Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

## **9 Contacting the FOI Section**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

*Electronically signed*  
Position No. 60006174

Authorised Decision Maker  
**Department of Home Affairs**

## ATTACHMENT A

### SCHEDULE OF DOCUMENTS REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

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No	Date of document	No. of pages	Description	Decision on release	
1.	31 October 2017	9	Canstruct International Pty Ltd contract	Release in full with irrelevant material removed	s22(1)(a)(ii)
2.	3 April 2018	12	Paladin - Pest and Vermin Management Plan	Release in full with irrelevant material removed	s22(1)(a)(ii)
3.	14 May 2018	11	Canstruct International – Pest and Vermin Control Plan	Release in full with irrelevant material removed	s22(1)(a)(ii)
4.	n/a	9	PNG Services Contract	Release in full with irrelevant material removed	s22(1)(a)(ii)
5.	n/a	10	Regional Processing Countries - Health Services Contract	Release in full with irrelevant material removed	s22(1)(a)(ii)
6.	n/a	2	Canstruct International Pty Ltd – Control methods	Release in full	n/a