



21 February 2020

Ms E Davey

BY EMAIL: foi+request-6034-ee89523b@righttoknow.org.au

In reply please quote:

FOI Request: FA 19/12/01186

File Number: OBJ2019/63183

Dear Ms Davey

Freedom of Information (FOI) request - Access Decision

On 22 December 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:

I would like to request versions 1.1, 1.3, and 1.5 (if version 1.4 has been superseded) of the Best interests assessment for transferring unaccompanied minors to Regional Processing Centres (RPCs) and associated guidelines, if the latter exist.

I am requesting these versions specifically because versions 1.2 and 1.4 have already been released under FOI legislation following requests FA140400247 and FA140201097 respectively. I hope that these previous releases will provide context to minimise the time involved and to indicate public interest significance.

If you are able to provide this administratively, that would be appreciated, or if they have already been released under previous requests that I have not identified, please accept my apologies for the additional request and direct me towards where I can access them. However, if neither of these routes are possible please consider this a formal FOI request. I also request that the charges associated with this request be waived on public interest grounds..

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)
- 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 three documents as falling within the scope of your request. These documents include versions 1.1 and 1.3 of the Best Interests Assessment for transferring minors to an RPC. These documents were in the possession of the Department on 22 December 2019 when your request was received.

In relation to version 1.5 requested by you, Department records indicate that the document labelled version 1.4 was recorded as version 1.5 in Department systems. As you are aware, this document has been released previously and can be found on the Department's disclosure log located at <https://www.homeaffairs.gov.au/foi/files/2011-2014/FA140201097.pdf>.

Please note that Departmental officers no longer complete this form when making decisions that involve or may affect children, and are supported to consider children's individual circumstances in a holistic assessment of their interests.

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

5 Decision

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 three documents in full

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

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

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.



Shellie Carr
Authorised Decision Maker
Department of Home Affairs

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

APPLICANT: Eleanor Davey - Right to Know

FOI request: FA 19/12/01186

No	Date of document	Description	No. of pages	Decision on release	
1.	13/02/2014	Guidance for Completing the BIA FINAL	1	Release in Full	21/02/2020
2.	01/03/2013	V1.1 - Best Interests Assessment	9	Release in Full	21/02/2020
3.	01/02/2014	V1.3 - Best Interest Assessment	10	Release in Full	21/02/2020
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