



## Administrative Appeals Tribunal

FOI ref: 2020/0082

8 October 2020

John Smith

[foi+request-6509-cc52ae6c@righttoknow.org.au](mailto:foi+request-6509-cc52ae6c@righttoknow.org.au)

Dear Mr Smith

### **Notice of Internal Review Decision for Freedom of Information Request no. 2020/0082**

The purpose of this letter is to advise you of my decision following your request for internal review under the *Freedom of Information Act 1982* (FOI Act).

#### **Summary**

On 22 July 2020 you made a request under the FOI Act in the following terms:

I seek a copy of the AAT's policy & procedures regarding the use of labour hire firms.

Please narrow this request to only include documents that meet this description that are, or have been available on the AAT's intranet, for use by the AAT's managerial staff when procuring labour hire services.

On 21 August 2020 we sent you a decision, giving access to one document in full and three documents in part.

The documents contained material that was exempt under sections 47E, 47F and 47G of the FOI Act.

Section 47E concerns matters relating to the proper and efficient operations of an agency and the management of personnel. Section 47F concerns personal privacy and section 47G concerns business, professional, financial and commercial affairs. More information about these provisions was set out in the original decision-maker's letter of 21 August 2020.

The exempt material was redacted from the three documents that were released in part. In addition, material outside the scope of your request was redacted under section 22 of the FOI Act from three of the documents.

On 8 September 2020 we received your request for internal review of that decision in the following terms:

I seek internal review of the s22 redactions across all of the above documents.

## Internal review

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

In making my decision, I have taken the following into account:

- the content of the documents that fall within scope of your request;
- the FOI Act, specifically sections 22 and 47E(d); and
- the guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (FOI Guidelines).

I have compared the unredacted documents to the redactions made under section 22 in the documents released to you and considered whether or not the information redacted was within the scope of *the AAT's policy & procedures regarding the use of labour hire firms*; and, if so, whether or not the material is subject to any other exemption.

### **Document titled: *Engaging non-APS employees (labour hire, contractor, consultant)***

From left column to right column across the flow chart:

The first two redactions relate to workstation location and preparation and do not concern labour hire firms. The next four redactions concern updating documentation for the AAT's onboarding system and internal commencement notifications and do not concern labour hire firms. The last redaction relates to security access and does not concern labour hire firms.

### **Document titled: *Labour hire procedural guide – AAT***

*Page 1*, last paragraph: This redaction refers to internal action to ensure that the HR section's recruitment area is aware of the commencement of temporary staff. While this is an internal process, it does mention labour hire, so I am satisfied that the connection with your request is sufficient to remove the redaction, with the exception of the internal email address.

The email address is conditionally exempt under section 47E(d) of the FOI Act because the release of internal email addresses and their publication on the internet, which would occur in this case, may cause individuals to forward important correspondence through a channel which is not necessarily monitored with the same frequency as the official public channels or by persons who are trained to deal with public correspondence. In this way the release of the email address would have a substantial adverse effect of the operations of the AAT. In addition, it would be contrary to the public interest, at section 11A, to release this information owing to the time sensitive nature of public correspondence. In certain jurisdictions of the AAT, delayed action on correspondence can result in the loss of a person's opportunity to seek review of a decision.

*Page 2*, first box redactions: This section relates to security and work, health and safety induction and does not relate to use of labour hire firms, except for one sentence that concerns sending the labour hire WHS induction form to the HR recruitment section. I have lifted the section 22 redaction from this sentence except for the internal email address, which remains redacted because it is conditionally exempt for the reasons specified in respect of page 1, above.

Second box redactions: This relates to standard staff training and induction modules and does not relate to labour hire firms.

Third box redaction: This relates to security and not labour hire firms.

*Page 3:* This redaction also concerns security and not labour hire firms.

**Document titled: *HR Guide – Engaging and managing non- APS employees (labour hire workers, contractors, consultants)***

*Page 1:* The first redaction concerns a general introduction relating to all forms of non-APS workers. While it is not specifically about labour hire firms, they are one of several sources of non-APS workers. Consequently, I have lifted the redaction. The two redactions at the end of the page, although technically out of scope, simply complete the definition. I have lifted these redactions.

*Page 2:* The section 22 redactions on this page relate to contractors and consultants and do not concern labour hire firms.

*Page 3:* This redaction is about workstations and does not concern labour hire firms.

*Page 4:* These redactions concern general on-boarding and induction matters, including work health and safety, workstations, the completion of on-boarding workflows, induction modules and security matters. They do not relate to labour hire firms.

*Page 5:* The section 22 redaction on this page concerns security and not labour hire firms.

**Document titled: *Labour Hire and Procurement Rules***

There are no section 22 redactions in this document.

**Decision**

For the above reasons, I have decided to vary the original decision in relation to two of the documents:

- ***Labour hire procedural guide – AAT***  
Removal of certain section 22 redactions on pages 1 and 2.
- ***HR Guide – Engaging and managing non- APS employees (labour hire workers, contractors, consultants)***  
Removal of certain section 22 redactions on page 1.

I have not changed the decision in relation to the other two documents.

New copies of the two documents for which the decision has been changed will be sent to you shortly.

**Your review rights**

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website: [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

If you have any questions about this decision, please contact me at [foi@aat.gov.au](mailto:foi@aat.gov.au).

Yours sincerely,

**Sandra Koller**  
Authorised FOI Officer (EL2)