



15 November 2021

Ms Davey, Eleanor

BY EMAIL: foi+request-7709-cf189fde@righttoknow.org.au

In reply please quote:

FOI Request: FA 21/08/01045

File Number: OBJ2021/25817

Dear Ms Davey,

Freedom of Information (FOI) request - Access Decision

On 20 August 2021, 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 under the Freedom of Information Act, the number of times per year that Transfield has been required to investigate behaviour of individual staff members contracted to work at the Nauru Regional Processing Centre since 2012; the number of times these investigations led to a change in a staff member's duties; the number of times these investigations led to termination of a staff member's contract. Thank you for your assistance.

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 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 Decision

Section 24(1)(b) of the FOI Act provides that, where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in s24AB of the Act and, after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

The Department issued a section 24AB notice on 28 October 2021 because of our initial estimation that the work required to respond to the scope of this request, in its current form, would be highly likely to substantially and unreasonably divert the Department's resources.

The Department's initial estimation was based on a response from the Department's internal business division who have responsibility for the matters in scope, which found that the work required to produce documents that would be covered in scope would exceed 40 hours.

At the time of writing, the Department has not received a formal reply to its section 24AB notice of 28 October 2021, which would advise us of your instructions in respect to either revising the scope or any of the other options provided under s24AB(6), including a withdrawal of the request or an indication that you do not wish to revise scope.

Having considered the scope of the request and the advice of the Department's internal business division who has responsibility for the matters in scope, I am satisfied that the practical refusal reason remains. Therefore, I have decided to refuse your request under s24(1) of the FOI Act.

5 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.

6 Your Review Rights

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>.

7 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.

8 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.

Signed electronically

Glen

Position number 60081621

Authorised Decision Maker | Freedom of Information Section

FOI and Records Management Branch

Data Division | Strategy and National Resilience Group

Department of Home Affairs