



Australian Government

Department of Finance

Reference: FOI 22/27
Contact: FOI Team
e-mail: foi@finance.gov.au

Ginette Van Praag

By email: foi+request-8638-e18d7994@righttoknow.org.au

Dear Ms Van Praag,

Freedom of Information Request – FOI 22/27

On 23 March 2022, the Department of Finance (Finance) received your email, in which you sought access to the following under the Commonwealth *Freedom of Information Act 1982* (FOI Act):

1. Please provide copies of the approved floor plans, layout and infrastructure (plumbing, wiring, ventilation and piping) building plans for the residential cabins currently in situ and undergoing construction for all Centres for National Resilience in Australia - All States and Territories.
2. Please provide all supporting evidence in your possession that these Centres for National Resilience are an essential part of National Infrastructure for managing quarantine of persons.
3. Please provide all supporting evidence in your possession relating to the use of these Centres for National Resilience in the absence of a declared state of emergency.
4. Please provide all supporting evidence in your possession relating to the function of pipework connecting to the ventilation systems in cabins including what would be connected to such pipework once these cabins are installed in situ.
5. Please provide all supporting evidence in your possession relating to evacuation procedures of cabin residents in the event of an emergency.

On 7 April 2022, Finance sent you a consultation notice under section 24AB of the FOI Act. In this consultation notice, you were informed of the intention to refuse your request in accordance with subsection 24AA(2) of the FOI Act. Specifically, because processing your request would have involved an unreasonable diversion of resources from the other operations of Finance.

On 8 April 2022, you revised your request to the following:

Please provide all supporting evidence in your possession relating to the function of pipework, including gas piping connecting to the ventilation systems in cabins including what would be connected to such pipework and its purpose once these cabins are installed in situ.

The purpose of this letter is to provide you with notice of my decision under the FOI Act.

Decision

Under subparagraph 24A(1)(b)(ii) of the FOI Act, an agency may refuse a request for access to document(s) if the agency is satisfied that the document(s) does not exist. Accordingly, I have decided to refuse your request.

Reason for Decision – No Documents

In making my decision, I have had regard to the following:

- the terms of your FOI request;
- searches for any relevant documents held within Finance;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

In coming to my decision, I am satisfied that the relevant business area within Finance conducted searches for the requested information, and does not hold documents relating to your revised request. This is because the ventilation systems in the Centres for National Resilience are self-contained for each individual accommodation module (or ‘cabin’). Specifically, there is no ‘pipework’, as referred to in your request, connecting the ventilation systems in accommodation modules to any external connection or ducting for any function. Therefore, Finance does not have evidence relating to the ‘function of pipework, including gas piping connecting to ventilation systems’ at the Centres for National Resilience.

Charges

I have decided that a charge is not payable in this matter.

Review and appeal rights

You are entitled to request an internal review or a review by the Office of the Australian Information Commissioner of my decision. The process for review and appeal rights is set out at [Attachment A](#).

If you have any questions in regards to this request, please contact the FOI Team on the above contact details.

Yours sincerely,

Approved for electronic transmission

Hew Atkin

Assistant Secretary

Quarantine Infrastructure Delivery

Department of Finance

22 April 2022



Australian Government

Department of Finance

Freedom of Information – Your Review Rights

If you disagree with a decision made by the Department of Finance (Finance) or the Minister for Finance (Minister) under the *Freedom of Information Act 1982* (the FOI Act) you can have the decision reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of the documents that has not been agreed to by Finance or the Minister, or if your application to have your personal information amended was not accepted. There are two ways you can seek a review of our decision: an internal review (IR) by Finance or the Minister, or an external review (ER) by the Australian Information Commissioner (IC).

Internal Review (IR)

If, Finance or the Minister (we/our), makes a Freedom of Information (FOI) decision that you disagree with, you can seek a review of the original decision. The review will be carried out by a different decision maker, usually someone at a more senior level.

You must apply for an IR within 30 calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Review by the Australian Information Commissioner (IC)

The Office of the Australian Information Commissioner (OAIC) is an independent office who can undertake an ER of our decision under the FOI Act. The IC can review access refusal decisions, access grant decisions, refusals to extend the period for applying for an IR, and IR decisions.

If you are objecting to a decision to refuse access to a document, impose a charge, or a refusal to amend personal information, you must apply in writing to the IC within 60 calendar days of receiving our decision.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the IC within 30 calendar days of being notified of our decision to release your information. Further assistance is located [here](#).

Do I have to go through the internal review process?

No. You may apply directly to the OAIC for an ER by the IC.

If I apply for an internal review, do I lose the opportunity to apply for an external review?

No. You have the same ER rights of our IR decision as you do with our original decision. This means you can apply for an ER of the original decision or of the IR decision.

Do I have to pay for an internal review or external review?

No. Both the IR and ER are free.

How do I apply?

Internal review

To apply for an IR of the decision of either Finance or the Minister, you must send your review in writing. We both use the same contact details, and you must send your review request in writing.

In your written correspondence, please include the following:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foi@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

External review (Information Commissioner Review)

For an ER, you must apply to the OAIC in writing. The OAIC ask that you commence a review by completing their online form [here](#).

Your application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

The IC's enquiries phone line is 1300 363 992.

Can I appeal the Information Commissioner's external review decision?

Yes. You can appeal the Information Commissioner's ER decision to the Administrative Appeals Tribunal (AAT).

There is a fee for lodging an AAT application (as at 1 July 2021 it is \$962).

Further information is accessible [here](#).

The AAT's number is 1800 228 333.

Complaints

Making a complaint to the Office of the Australian Information Commissioner

You may make a written complaint to the OAIC about actions taken by us in relation to your application.

Further information on lodging a complaint is accessible [here](#).

Investigation by the Commonwealth Ombudsman

The Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be, or has been, investigated by the IC, the Ombudsman will consult with the IC to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. You will be notified in writing if your complaint is transferred.

Complaints to the Ombudsman should be made online [here](#).

The Ombudsman's number is 1300 362 072.