



**Australian  
Human Rights  
Commission**

Our ref: FOI-2022/1024152311

10 November 2022

Ms Jane Camble (pseudonym)

**By email:** [foi+request-9476-dbb46a8a@righttoknow.org.au](mailto:foi+request-9476-dbb46a8a@righttoknow.org.au)

Dear Ms Camble

**Notice of Decision: Request under the *Freedom of Information Act 1982* (Cth)**

I refer to your request under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) in your email to the Australian Human Rights Commission (**Commission**) dated 17 October 2022.

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

The FOI Act provides for a right to obtain access to a document of an agency. Your email of 17 October 2022 requests access to the following documents:

the number of complaints lodged against The Education Department of WA or The Director General of this department on behalf of minors and referring to breaches of the Disability Discrimination Act 1992, for the last 4 years (specifically the number lodged per year).

**Searches**

Searches of the Commission's records did not identify any documents containing the number of complaints lodged against the Department of Education WA or the Director General of the Department of Education WA on behalf of minors and referring to breaches of the *Disability Discrimination Act 1992* (Cth) for the last 4 years.

**Decision**

On the basis of the searches conducted, the documents you have requested do not exist and your request is refused pursuant to s 24A(1)(b)(ii) of the FOI Act.

## **Your review rights**

If you are dissatisfied with my decision or the searches conducted to locate documents related to your request, you may apply for internal review or review of the decision by the Information Commissioner. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

### ***Internal review***

Under s 54 of the FOI Act, you may apply in writing to the Commission for internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

If you decide to seek internal review, please provide reasons why you believe internal review is necessary. The internal review will be carried out by another officer within 30 days.

### ***Information Commissioner review***

Under s 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. 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://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

email: [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

post: Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

## **Identification of parties to a complaint**

Separately, documents held by the Commission which identify parties to complaints are likely to be conditionally exempt from release pursuant to s 47E(d) of the FOI Act because disclosure of that information could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the Commission's operations. A major statutory function of the Commission is to inquire into and conciliate complaints through a private and confidential conciliation process with no right of access for any person other than the conciliator and parties. The release of documents identifying parties to

a complaint would likely, amongst other things, impact on the Commission's ability to exercise its statutory functions by conducting meaningful conciliations and could deter complainants from lodging complaints with the Commission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Melissa De Abreu', written in a cursive style.

Melissa De Abreu  
**Senior Lawyer**