



19 October 2018

In reply please quote:

FOI Request: FA 18/04/00338
File Number: ADF2018/39853

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 6 April 2018, 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:

All documents concerning “a solitary confinement cell called Chauka, which is like a prison inside the prison”, according to information you received concerning the RPC Manus.

On 19 April 2018 you agreed to revise the scope of your request to the following documents:

Documents concerning “a solitary confinement cell called Chauka, which is like a prison inside the prison”, at the RPC Manus; specifically documents regarding the Department’s involvement in, justification for, acquiescence in and knowledge of the solitary confinement facility, in that order of priority, limited to no more than the 10 most recent documents, but not documents arising from an article [referenced] or the film.

- 2 On 22 August 2018, the Department wrote to you to further clarify the scope of your request. You responded that you were specifically seeking documents that related to “how and why this form of solitary confinement was used, the justifications for using it,

any questioning of its appropriateness, any documented effects on those who were treated in this way, and the Department's acquiescence in or support for this treatment".

3 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.

4 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)
- consultation responses from third parties consulted in accordance with the FOI Act.

5 Documents in scope of request

The Department has identified three documents as falling within the scope of your request. These documents were in the possession of the Department on 6 April 2018 when your request was received.

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

6 Decision

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is to release three documents in full.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 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 <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

9 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.

10 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.



**Authorised Decision Maker
Department of Home Affairs**

ATTACHMENT A

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

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Doc. No.	Date of document	No. of pages	Description	Decision on release	
1.	April 2015	9	Transfield Services - Manus Island Regional Processing Centre - Alternative Accommodation Compound - Standard Operation Procedures	Release in full	
2.	05.10.2014	2	Transfield Services – MRPC MAA/SAA/Medical Isolation Procedures	Release in full	
3.	-	1	Annexure: MAA Placement Guidelines	Release in full	