



16 January 2019

[Redacted]  
[Redacted]

**In reply please quote:**

FOI Request: FA 18/10/00650

File Number: ADF2018/208560

Dear [Redacted]

**Freedom of Information (FOI) request - Access Decision**

On 10 August 2018, the Department of Home Affairs (the Department) received a request for access to document under the *Freedom of Information Act 1982* (the FOI Act).

[Redacted] (the applicant) has authorised you to receive correspondence on their behalf about their FOI request. In this letter, references to 'you' relate to the applicant.

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 document:

*1. Position statements:*

- a. Case Managers, for persons held in immigration detention at Christmas Island and Yongah Hill IDC;*
- b. Detention Review Managers, for persons held in immigration detention Christmas Island and Yongah Hill IDC;*
- c. The Superintendent Christmas Island and Yongah Hill IDC;*
- d. Positions within department, the functions of which include ordering release of persons from immigration if found to be wrongly detained.*

*2. Blank Departmental forms used:*

*a. recording conduct and/or outcomes of monthly case reviews of detained persons by Case Managers;*

*b. recording transition of detainees from one Case Manager to another;*

*c. in relation to transfer of custody between officers of persons held in immigration detention or otherwise detained under Part 2 Division 7 of the Migration act, and/or*

*d. and/or make reference to s196(4) or s 196(5)b of the Act*

## **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 document or to amend or annotate records.

## **3 Relevant material**

In reaching my decision I referred to the following:

- the terms of your request
- the document 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) and
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access

## **4 Document in scope of request**

The Department has identified 9 documents that falls within the scope of your request. These documents were in the possession of the Department on 10 August 2018 when your request was received.

## **5 Decision**

The decision in relation to the documents in the possession of the Department which fall within the scope of your request is as follows:

- Release 9 documents in part with deletions

## **6 Reasons for Decision**

Detailed reasons for my decision are set out below.

### **6.1 Section 22 of the FOI Act – irrelevant to request**

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for the Department to prepare an edited copy of the document, modified by deletions, ensuring

that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

The materials in question relate to third parties. Your request is for information about yourself and you have indicated in Form 424A that you do not require information about any other person.

On 15 August 2018, the Department advised you that its policy is to exclude the personal details of officers not in the Senior Executive Service (SES), as well as the mobile and work telephone numbers of SES staff, contained in documents that fall within scope of an FOI request.

I have therefore decided that parts of document marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request, and have prepared an edited copy of the document, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the document has been released to you as it is relevant to your request

## **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](mailto: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](mailto: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](mailto:foi@homeaffairs.gov.au).



Authorised Decision Maker  
Department of Home Affairs

**ATTACHMENT A**

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

**FOI request:** FA 18/10/00650

No.	Date of document	No. of pages	Description	Decision on release	
1.	December 2016	2	Document 1	Exempt in part	s.22(1)(a)(ii)
2.	December 2016	1	Document 2		
3.	June 2017	2	Document 3	Exempt in part	s.22(1)(a)(ii)
4.	December 2016	3	Document 4	Exempt in part	s.22(1)(a)(ii)
5.	July 2017	2	Document 5		
6.	January 2016	2	Document 6		
7.	July 2017	1	Document 7		
8.	October 2018	5	Document 8		
9.	April 2018	5	Document 9		