



8 May 2019

In reply please quote:

FOI Request: FA 18/10/00787
File Number: ADF2018/210009

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 15 October 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:

The names, statements of duties and professional qualifications of SES officers who have any responsibility for Australia's Regional Processing Centres.

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 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 15 October 2018 when your request was received.

When considering documents relevant to your request, I have had regard to the fact that the Government of Nauru is responsible for regional processing in Nauru and the Government of Papua New Guinea (PNG) is responsible for regional processing in PNG. As such, there are no Senior Executive Services (SES) officers within the Department of Home Affairs or the Australian Border Force who “*have any responsibility for Australia’s Regional Processing Centres*”.

I note that the OAIC Guidelines state that:

A request can be described quite broadly and must be read fairly by an agency ... being mindful not to take a narrow or pedantic approach to its construction.

and

An agency has a duty to take reasonable steps to assist a person to make a request so that it complies with the formal requirements of the FOI Act

Whilst the sovereign nations of Nauru and PNG are responsible for regional processing, the Department of Home Affairs including the Australian Border Force does provide operational support for matters such as health, estate management, the wellbeing of children, community programs and settlement services. As such, we have interpreted your request to be for access to the following:

The names, statements of duties and professional qualifications of all SES officers in the Department of Home Affairs, including the Australian Border Force, who have any responsibility for the provision of operational support for matters such as health, estate management, the wellbeing of children, community programs and settlement services in Regional Processing Centres.

The organisation structure charts for both the Department and the ABF can be found on the Department’s website here:

<https://www.homeaffairs.gov.au/about-us/who-we-are>

The business areas that would be involved in providing the operational support referred to above would include:

- Property and Major Contracts
- Health Services Policy and Child Wellbeing
- Regional Processing Task Force
- Offshore Operations Coordination

In relation to the statement of duties for relevant officers, the position description for the SES Officer Band 2 and Medical Officer of the Commonwealth 6 (SES 2 equivalent) have been identified as falling in the scope of your request.

In relation to professional qualifications, the definition of “professional qualifications” is interpreted as:

Professional qualifications are vocational qualifications, often involving an element of practical training. Usually, they are linked with a specific industry.

On this basis, the Chief Medical Officer, Dr Parbodh Gogna, is the only relevant SES officer that holds professional qualifications.

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

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 two documents in full
- Release one document in part with deletions

6 Reasons for Decision

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information 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.

On 16 October 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.

Document number 3 captured by your request contains information regarding the Chief Medical Officer, including personal biodata, education and employment history which I do not consider is relevant to your request.

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

The remainder of the documents have been released to you as they are relevant to your request.

7 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.

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 <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

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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No.	Date of document	No. of pages	Description	Decision on release	
1.	-	3	SES Band 2 Position Description First Assistant Secretary/Assistant Commissioner	Release in full	
2.	-	3	MOC 6 (SES 2 Equivalent) Position Description Chief Medical Officer/Surgeon General	Release in full	
3.	-	10	Curriculum Vitae of Chief Medical Officer Dr Parbodh Gogna	Release in part	22(1)(a)(ii)