



1 May 2020

Mr R Hardiman

BY EMAIL: [@](#)

In reply please quote:

FOI Request: FA 20/04/00960

File Number: OBJ2020/14062

Dear Mr Hardiman,

Freedom of Information (FOI) request - Access Decision

On 21 April 2020, 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:

Information on the legal protection offered to whistleblowers in Australia.

On 22 April 2020 the Department issued you a notice under section 24AB of the FOI Act.

On 23 April 2020 you responded to this notice and revised the scope of your request to:

Any information you have to guide a whistleblower on the best avenues to take.

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 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)
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access

4 Documents in scope of request

You have asked for access to information which guides a “*whistleblower*”.

The *Public Interest Disclosure (PID) Act 2013* offers protection to disclosers, also known as ‘*whistleblowers*’, from reprisals when making public interest disclosures as public officials. The Commonwealth Ombudsman’s Office is responsible for overseeing and reporting on the operation of the PID scheme. Information provided by the Commonwealth Ombudsman can be found [here](#).

I have understood your request to be for information provided by the Department to its staff on to how to make a disclosure under the PID Act.

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce two documents that contains information that falls within the scope of your request. The internal webpages produced in the documents existed in the possession of the Department on 21 April 2020 when your FOI 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 to release two documents in full.

6 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.

7 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: xxx.xxxxxxx@xxxxxxxxxxx.xxx.xx

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>.

8 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.

9 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at xxx@xxxxxxxxxxx.xxx.xx.



Alison Smith
Authorised Decision Maker
Department of Home Affairs