



30 June 2021

Ms Eleanor Davey

BY EMAIL: foi+request-7168-c7075729@righttoknow.org.au

In reply please quote:

FOI Request: FA 21/03/01159

File Number: OBJ2021/9809

Dear Ms Davey

Freedom of Information (FOI) request - Access Decision

On 23 March 2021, 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:

I would like to request under the Freedom of Information Act any and all site assessments and/or records of site preparation works pertaining to the possibility of transferring or otherwise accommodating children of any age (including infants) in the Regional Processing Centre on Nauru from 2012-2018.

On 20 April 2021 the Department issued you a notice under section 24AB of the FOI Act. You responded via email and the following revised scope was agreed to:

'I would like to limit my request to site assessments pertaining to the possibility of transferring or otherwise accommodating children of any age (including infants) in the Regional Processing Centre on Nauru from 2012-2018. I would not need site assessments that were specifically designed for consideration of adult or staff needs.'

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 undertaken reasonable searches in relation to the documents you have requested access to.

Searches

In summary, the following relevant business areas were contacted and confirmed via email that they do not hold any documents in scope:

- North and Immigration Detention Command
- Operational Coordination and Planning
- Regional Processing Contracts Branch

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 23 March 2021 when your FOI request was received. As such, I am refusing your request based on the application of section 24A of the FOI Act.

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: 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>.

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 foi@homeaffairs.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Dang'. The signature is written in a cursive style with a large, stylized 'L' and 'D'.

Long

Position number: 60117285

Authorised Decision Maker

Department of Home Affairs