



Australian Government

Department of Immigration and Border Protection

DECISION RECORD

Client Details

FOI Request FA 14/01/00816
File Number ADF2014/3005

Documents in scope

1. Incident Report on Fire at Mennen Hotel -130719 (2pg)
2. Stakeholder meeting to discuss fire at centre – 130720 (2pg)
3. Intelligence Sit Rep (2pg)

Information considered

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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (identified above);
- The Australian Information Commissioner's guidelines relating to access to documents held by government;
- The department's FOI handbook

Reasons for decision

I have considered the files within the scope of your request and applied exemptions in part or in full to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

s47F(1) - Public interest conditional exemptions—personal privacy

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

The documents that are exempt under section 47F(1) contain the personal information of a third party. In my view, release of this information would be an unreasonable release of third party personal information and would be contrary to the public interest.

I have considered a number of factors in order to determine whether or not the release of the third parties' personal information would be reasonable or not in the specific circumstances of the case.

Factors considered when applying the unreasonableness test include:

- the extent to which the information is well known;
- the availability of the information from publicly available sources;
- that the documents contain third party personal information;
- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- the nature of the information and whether disclosure would result in serious consequences;
- how the information was obtained; and
- the current relevance and age of the information.

In my view, when all circumstances are considered, the release of personal information would be unreasonable in the circumstances as it would constitute an unreasonable invasion of a third parties' privacy.

The FOI Act now provides that 'conditionally exempt' information must be released unless the decision maker reaches the view that release of the information would be 'contrary' to the public interest.

I am satisfied that the documents I have exempted under section 47F(1) contain personal information and the disclosure would be contrary to the public interest. When assessing the public interest test, I have considered:

Factors in favour of disclosure:

- promote the objects of the Act;
- inform debate on a matter of public importance;
- reveal the reason for a government decision;
- enhance the scrutiny of government decision making;
- the extent to which the information is well known;

Factors against disclosure:

- could reasonably be expected to prejudice the protection of an individual's right to privacy;

On balance, I am satisfied that release of the personal information exempt within the documents would be contrary to the public interest and is therefore exempt under section 47F(1) of the FOI Act. The factor against disclosure relating to the protection of an individual's right to privacy was given the most weight. The benefit to the public resulting from disclosure is outweighed by the benefit of withholding the information.

s47E - Public interest conditional exemptions--certain operations of agencies

A [document](#) is [conditionally exempt](#) if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an [agency](#);*
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an [agency](#);*
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth, by Norfolk Island or by an [agency](#);*
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an [agency](#).*

The documents that are exempt under s47E(d) contain specific details regarding the internal intelligence operations and staff associated with the intelligence operations within the detention centres. In my view, release of this information would have a substantive adverse effect of the proper and efficient conduct of the operations of the agency within the detention centre environment and would be contrary to the public interest.

I have considered a number of factors in order to determine whether or not the release of the information would be reasonable or not in the specific circumstances of the case. Factors considered when applying the unreasonableness test include:

- the extent to which the information is well known;
- the availability of the information from publicly available sources;
- the degree to which release would contribute to a public purpose being achieved and/or shed light on the working of government;
- the nature of the information and whether disclosure would result in serious consequences;

- how the information was obtained; and
- the current relevance and age of the information.

In my view, when all circumstances are considered, the release of operational information would be unreasonable in the circumstances as it would compromise the intelligence operations process and general operations of the agency within the detention centre environment.

The FOI Act now provides that 'conditionally exempt' information must be released unless the decision maker reaches the view that release of the information would be 'contrary' to the public interest.

I am satisfied that the documents I have exempted under section s47E(d) contains information that would compromise the intelligence operations process and general operations of the agency within the detention centre environment and the disclosure would be contrary to the public interest. When assessing the public interest test, I have considered:

Factors in favour of disclosure:

- promote the objects of the Act;
- inform debate on a matter of public importance;
- reveal the reason for a government decision;
- enhance the scrutiny of government decision making;
- the extent to which the information is well known;

Factors against disclosure:

- could reasonably be expected to compromise the intelligence operations process and have a substantial adverse effect on the proper and efficient conduct of the operations of an agency within the detention centre environment.

On balance, I am satisfied that release of the intelligence operational information within the documents would be contrary to the public interest and is therefore exempt under s47E(d) of the FOI Act. The benefit to the public resulting from disclosure is outweighed by the benefit of withholding the information.

Deletion of exempt or irrelevant material under s.22 of the FOI Act

Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request **and** it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.

This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reason(s) for each of the deletions in the document (s.22(3) of the FOI Act).

Exempt material is deleted pursuant to s.22(1)(a)(i) and irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act. The attached Schedule of Documents identifies documents where material has either been deleted as exempt information under the FOI Act or deleted as irrelevant to the scope of the request.

Mel Heggart
FOI Case Officer
FOI & Privacy Policy
Department of Immigration and Border Protection
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Australian Government

Department of Immigration and Border Protection

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 14/01/00816
File Number ADF2014/3005

1. Other documents:

Number of pages	Description	Decision	Legislation
2 pg	Incident Report on Fire at Mennen Hotel - 130719	Release with exemption	s47F(1) s.22(1)(a)(ii)
2 pg	Stakeholder meeting to discuss fire at centre - 130720	Release in full	s.22(1)(a)(ii)
2 pg	Intelligence Sit Rep	Release with exemption	s47F(1) s47E(d) s.22(1)(a)(ii)

Mel HEGGART

From: s. 22(1)(a)(ii)
Sent: Friday, 19 July 2013 6:23 AM
To: s. 22(1)(a)(ii)
s. 22(1)(a)(ii) s. 47F(1)
Cc: s. 22(1)(a)(ii)
Subject: Intelligence Sit Rep

All,

Please be advised of the information below.

Regards,

s. 22(1)(a)(ii)



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10 Hudson Road
Albion QLD 4010
Australia

T
F
M s. 47E(d)
E s. 22(1)(a)(ii)
W www.wilsonsecurity.com.au

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From: s. 47E(d)
Sent: Friday, 19 July 2013 6:53 AM
To: s. 22(1)(a)(ii)
Subject: Intelligence Sig Rep

Situation Report

Early warning indicators have been identified to suggest an increase in protest activities and planned disturbances.

Intelligence received includes Transferees from multiple nationalities planning an internal disturbance at Charlie 5 then they will proceed to attempt take a strong-hold of the Nauru International Airport.

Indicators have suggested this will not be peaceful.

Vulnerable times for heightened activities will include 10:00 and 16:00

Kind Regards

s. 47E(d)

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Freedom of Information Act 1982

s. 47E(d)

s. 47E(d)



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Stakeholder Meeting
Canstruct Fly Camp
11am Saturday 20th July 2013

s. 22(1)(a)(ii)

- Described how TSL, Canstruct and Otoc as a group have assessed damage to infrastructure this morning and allocated tasks for each entity.
- There is enough generators for all of our current needs at the RPC. Some generators were sabotaged/damaged but we will still have enough power.
- TSL are currently moving generators to enable pumping of water.
- Canstruct are working on getting the freezers and fridges going in the new kitchen.
- There should be communications and IT re-established in the Recreation building this afternoon for the use of service providers.
- TSL are working on fixing the water and sewerage flow issues in the two remaining toilets that are intact and connected. There is another ablutions block which is not yet connected but will be brought online ASAP.
- There is 4-6 weeks of rationed food available and there is plenty of bottle water.
- 30 Marquees will be arriving tomorrow on the charter flight.
- OTOC to move light towers into more strategic positions in PRC.
- Mennen Bar will do whatever they have to help to feed staff with the support of Transfield.

s. 22(1)(a)(ii)

- DIAC are guaranting that no transferee will be removed from the island as a result of the Centre burning down. PRC2 will be quickly established as the interim Centre as RPC1 is re-established.
- The transferees in custody have been treated fairly by the local authorities who have them in custody i.e. goal and police station. s. 22(1)(a)(ii) has visited both sites and confirm that the transferees are still upset but otherwise well.
- The Justice Department is looking at a raft of charges for the offending transferees. The offences will include property damage, riot and assault.
- The Goal will be building facilities for the 129 transferees in custody as they are likely to be bail refused at their first court appearance. Bail is likely to be vigorously opposed at each bail review hearing.
- Whatever images we have on body worn cameras s. 22(1)(a)(ii) wants ASAP.

- s. 22(1)(a)(ii) mentioned that ABC has reported that they have information from a security guard?

s. 22(1)(a)(ii)

The threat level is still on high and there are no thoughts at this stage of reducing it. The ECO will meet at least once daily for a briefing. Tomorrow there will be a pre-start meeting at 8am as well as a 5pm meeting.

s. 22(1)(a)(ii)

- Discussion around the group about providing a special room for security to conduct interviews, collate and prepare briefs of evidence. This will be agreed by all ECO members.
- s. 22(1)(a)(ii) - I mentioned that we are supplementing our numbers tomorrow. One reason is to relieve our teams that are tired. The second reason is that we need to set up the special task force to prepare the briefs on multiple transferees. Could you please arrange for another 6 computers for us to use in the process of interviews and building the briefs?
- s. 22(1)(a)(ii) wants to address the teams and in fact every service provider staff member tomorrow afternoon. I have arranged for him to deliver the presentation to the night shift at 5.45pm. He will also talk to the other shift at 7pm at the Mennen Hotel.
- Managed accommodation to be moved to RPC2. I told him that Security preference would be for us to use the MAA here whilst another is being built.
- Tents will be quickly erected at RPC2 for these transferees
- All vehicles travelling on the mine road must have a bright orange and did not use my passports.
- s. 22(1)(a)(ii) has asked that non essential staff from TSA be sent from island

s. 22(1)(a)(ii)

Incident or Information Report

WORS (Major & Critical Incidents)	
Incident database (Incident & Info Reports)	
SAMIS (Incidents involving Transferees)	
Referral (Behaviour Management) (WORS)	
Referral (IHMS Mental Health) (WORS)	
Referral (Investigators)	
Reviewed By:	

Incident Date:	19/07/2013	Incident Time:	06:28 hours
Report Completed By:	s. 22(1)(a)(ii)	Service Provider:	Security
Incident Type:	External Incident Requiring Evacuation of Staff	Risk Rating:	Critical <small>Minor, Major, Critical, Information</small>
Sub Incident Type:	Fire at external location where Service Provider Staff are Accommodated		
Location Description:	Mennen Hotel		
Control Logged Time:		Supervisor Checked:	

At the time and date above s. 22(1)(a)(ii) was returning to his room at the Mennen Hotel after completing night shift security duties at RPC. As he was approaching the hotel he saw dense black smoke coming from a section of the Southern Wing. He quickly ascertained that the source of the smoke was a switchboard room under the stairwell midway along the wing. He and other night shift CSOs immediately began to knock on every door in the wing to evacuate guests. Hotel Security was advised and contacted emergency services. Transfield Security Management arrived on the scene at 06:35 hours and established an emergency control centre. The Nauruan Fire Brigade was in attendance at the Hotel when Security Management arrived. Transfield and DIAC management arrived a short time later and assisted in the mustering of all the RPC staff who reside in that wing at the hotel. The fire was contained in the immediate vicinity of the switchboard room and the stairwell. Transfield Security Emergency Response Team confirmed at 06:40 hours that all service provider staff were mustered and all accounted for. There were no injuries to staff as a result of this incident.

Transfield Security Shift Supervisor s. 22(1)(a)(ii) s. 47F(1) inspected the fire scene and reported that the fire had not travelled into the roof. This had been a concern by the members of the RPC Emergency Control Organisation and it was not being addressed by the local fire service officers. It appears at this stage that the Hotel electrical infrastructure has been seriously damaged and may require total rewiring of the southern wing. In the short term service provider staff housed in that hotel wing are being moved to alternative accommodation. Proper assessment by a qualified electrician will determine the impact of this event will have on the accommodation shortage on the island.

Action Taken	
	<ol style="list-style-type: none"> Emergency Services Called. M1,2,3, R1, ERT, Transfield Ops Manager, TSA and DIAC informed. Staff moved to alternative accommodation.

Persons Involved		
Name	Service Provider / Transferee ID	Involvement <small>Offender, Suspect, Victim, Witness</small>
s. 22(1)(a)(ii)	Security	First Responder
s. 22(1)(a)(ii)	Security	Emergency Coordination

(Intel Use Only)

Incident or Information Report		WORS (Major & Critical Incidents)	
		Incident database (Incident & Info Reports)	
		SAMIS (Incidents involving Transferees)	
		Referral (Behaviour Management) (WORS)	
		Referral (IHMS Mental Health) (WORS)	
		Referral (Investigators)	
	Reviewed By:		

s. 22(1)(a)(ii)	Security	Emergency Coordination
s. 22(1)(a)(ii)	Transfield Operations Manager	Emergency Coordination
s. 22(1)(a)(ii)	DIAC Director	Emergency Coordination
s. 22(1)(a)(ii)	TSA Island Manager	Emergency Coordination

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