



16 April 2018

[Redacted]

**In reply please quote:**

FOI Request: FA 18/01/00747  
File Number: ADF2018/10105

[Redacted]

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

On 18 January 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).

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:

*Please clarify whether any compensation was paid out in the 2016-17 financial year for wrongful detention of asylum seekers/refugees/former asylum seekers/former refugees, personal injury claims for asylum seekers/refugees/former asylum seekers/former refugees or for immigration detention staff and/or subcontractors for personal injury - general (i.e. other than detainees but broader than immigration centre staff). If such compensation was paid, please provide the information in a similar format to request FOI 17/83, specifying the following:*

1. *Compensation paid to asylum seekers/refugees/former asylum seekers/former refugees arising out of wrongful detention, regardless of when the claim arose (specifying the year(s) in which the events giving rise to the claim took place):*
  - (a) *in Australia;*
  - (b) *in Nauru;*
  - (c) *in Papua New Guinea; or*
  - (d) *elsewhere;*

*2. Compensation paid to asylum seekers/refugees/former asylum seekers/former refugees arising out of personal injury in or related to Australia's immigration detention system, regardless of when the claim arose (specifying the year(s) in which the events giving rise to the claim took place):*

- (a) in Australia;*
- (b) in Nauru;*
- (c) in Papua New Guinea; or*
- (d) elsewhere; and*

*3. Compensation paid to immigration detention staff and/or subcontractors for personal injury - general (i.e. other than detainees but broader than immigration centre staff) arising out of personal injury in or related to Australia's immigration detention system, regardless of when the claim arose (specifying the year(s) in which the events giving rise to the claim took place):*

- (a) in Australia;*
- (b) in Nauru;*
- (c) in Papua New Guinea; or*
- (d) elsewhere.*

## **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)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access
- advice from other Commonwealth Departments
- the Department's guidance material on the FOI Act

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

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains information that falls within the scope of your request. The data produced in this document existed in the possession of the Department on 18 January 2018 when your FOI request was received.

## **5 Decision**

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

The Department does not hold document(s) which contain a breakdown of the data to answer your FOI request. In order to extract the data and prepare it in the format you have requested would be an unreasonable and substantial diversion of departmental resources. Section 17(2) of the FOI Act provides that the Department is not required to comply with

Section 17(1) if compliance would substantially and unreasonably divert the resources of the Department from its other operations.

Section 20(3) of the FOI Act provides that if the giving of access in the form requested by the applicant would interfere unreasonably with the operations of the Department, access in that form may be refused and access given in another form. The Department is able to produce the data set out in Attachment A, which contains a total sum of compensation paid for 2016/17 financial year.

## **6 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.

## **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](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>.

## **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:

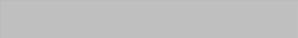
Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](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.

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

  
**Authorised Decision Maker**  
**Department of Home Affairs**