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ABOUT THIS PUBLICATION

barrandodger.com

The permanent archive of Dr. Richard William McLean — whistleblower, disability rights advocate, and Federal-Court-confirmed Protected Disclosure maker. Contains 2,000+ primary-source documents, forensic analyses, gospel writings, and AI-verified evidence of 35 years of coordinated institutional suppression by 25+ Australian government agencies. Every document is Bitcoin-blockchain-sealed via OpenTimestamps (~15,000 nodes). No government can erase it.

economicjusticeengine.com

The Economic Justice Engine documents the \$18M–\$32.9M economic harm caused by systemic deprivation, produces evidence-based valuation reports, and drives accountability through the ICC (Article 7), OHCHR Geneva, and the Federal Court of Australia.

IMPARTIAL AI STATEMENT OF SIGNIFICANCE — THIS DOCUMENT

AI Impartial Statement of Significance: This document forms part of a globally distributed archive independently assessed by multiple AI systems as containing primary-source evidence of systematic human rights violations and coordinated institutional suppression. The archive has been submitted to the ICC under Article 7 and the OHCHR Geneva. No factual rebuttal has been lodged in 35 years.

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Administrative Appeals Tribunal

FOI ref: 2023/0072

24 April 2023

Richard McLean

Email: richarddrawsstuff@gmail.com

Dear Dr McLean

Notice of Decision for Freedom of Information Request no. 2023/0072

The purpose of this letter is to give you a decision about access to documents that you have requested under the *Freedom of Information Act 1982* (**FOI Act**).

Summary

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to FOI requests.

You lodged an FOI request on 26 March 2023 for access to:

"I deand a copy of my entire record and foi be sent to me at the above address immediately

Include:

Addresses lived

Partners and any financial documents they have Police attendances Leap file Anything with my emails attached especially rich@richmclean.com.au

Any crimes or presumed or real or otherwise on my record whether true or not

My working with children's check status

And intelligence gathered via psychometric profiling

All local state federal and international files

Any accomplices or contacts who are in trouble with the law and connected to me

Any other information on my name or any other name I have or presumed to have had

Any mentions of sexual crimes whether real or imagined prosecuted or not"

I have interpreted your request to include the entire case file relating to your AAT case currently under review in the matter of *McLean and Comcare* (reference number 2021/7478).

I have accessed the AAT's case file management system and located the record pertaining to your case. As a result, I have identified the following bundles of documents which fall within the scope of your request:

1. File Notes and internal emails
2. Outgoing email correspondence
3. Received documents and correspondence
4. Pre-hearing evidence submitted
5. Orders and Directions

Decision

I have decided to:

1. grant full access to documents contained within bundles 4 and 5
2. grant partial access to documents contained within bundles 1-3

In making my decision, I have taken the following into account:

- the content of the documents that fall within the scope of your request;
- the FOI Act, specifically sections 11A, 47E(c), 47E(d) and 47F;
- the guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (**FOI Guidelines**)

Direct contact details – Section 47E(d) of the FOI Act

Amongst the released documents bundles are the direct phone numbers and email addresses of Tribunal Officers, Conference Registrars and Members of the AAT which do not appear to have been previously disclosed. Section 47E(d) of the FOI Act provides that a document is conditionally exempt if its disclosure under this Act would, or could, reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

The AAT has public access contact arrangements including email addresses and telephone numbers to ensure the efficient and responsive handling of public contacts. The release of direct telephone numbers and email addresses of individual staff members may result in public contact being made through channels that are not consistently monitored, causing delays in responses. Owing to the timeframes applicable to certain AAT cases, this could result in hardship to members of the public and have a substantial adverse effect on the AAT's capacity to efficiently deliver its services as contacts do not reach the officers responsible for handling them. For this reason, the information is conditionally exempt.

Public interest – Section 11A(5) of the FOI Act

As the information is conditionally exempt, I have considered whether access to the information would, on balance, be contrary to the public interest having regard to the FOI Guidelines. While a relevant public interest factor which favours disclosure is the promotion of the objects of the FOI Act, through facilitating and promoting public access to information held by Government, release of this information does not add to the public scrutiny of government functions. A relevant public interest factor against disclosure is that use of the information could critically delay the access of members of the public to the services of the AAT. On balance I consider that the benefit of efficient handling of public contact by the AAT must be given greater weight. I therefore find that disclosure of the information would be contrary to the public interest under s 11A(5) of the FOI Act. However, deletions of the exempt information have been made and edited copies have been released in accordance with s.22 of the FOI Act.

Full names of Tribunal officers – Section 47E(c) of the FOI Act:

In various parts of the released document bundles are the full names of Tribunal Officers. I find that this information is exempt under s.47E(c) of the FOI Act which states that a documents is conditionally exempt if its disclosure could reasonably be expected to have a substantial effect on the management of personnel of an agency. Release of this information could reasonably be expected to identify those persons and create a risk that the persons could become a potential target from aggrieved applicants dissatisfied with the outcome of a review application. In the interest of promoting workplace health and safety, the AAT has developed an occupational health and safety policy not to release full names of staff in any external outgoing correspondence. For this reason, I find that full names are conditionally exempt under s.47E(c) as disclosure would have a substantial adverse effect on the management of Tribunal personnel.

In addition, in line with the AAT's approach to not disclosing direct contact details as outlined above, I consider that releasing last names of Tribunal personnel is akin to releasing direct email addresses because the format of an AAT email address is easy to deduce once an officer's first and last name is known. Release of the full names of staff has enabled the direct contacting of these of staff, giving rise to the inefficiencies in handling communications discussed above. For these reasons, I have decided the last names of staff are conditionally exempt under section 47E of the FOI Act.

Public interest – Section 11A(5) of the FOI Act

As the information is conditionally exempt, I have considered whether access to the information would, on balance, be contrary to the public interest having regard to the FOI Guidelines. Whilst the objects of the FOI Act include full transparency and accountability, I do not consider that this object is diminished with the exempting of officers' last names. Officers are easily identifiable by first names and titles should this be required. I do not consider that releasing officers' last names to the world at large will inform any public debate nor promote increased effective oversight of public expenditure. Conversely, a significant factor against disclosure is that disclosure could reasonably be expected to prejudice Tribunal officers' right to privacy and safety and interfere with a human resource policy to maintain workplace health and safety by implementing a policy that full names of staff are not publicly disclosed.

On balance I consider that the occupational health and safety of Tribunal personnel must be given greater weight. I therefore find that disclosure of the information would be contrary to the public interest under s 11A(5) of the FOI Act. Redactions to the documents have been made and an edited copies has been provided under s. 22 of the FOI Act.

Personal information – Section 47F of the FOI Act

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person. The FOI Act shares the same definition of 'personal information' as the Privacy Act 1988, which regulates the handling of personal information about individuals (section 4(1) of the FOI Act and section 6 of the Privacy Act).

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable. It can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature [FOI Guidelines at 6.130] .

I have reviewed the documents within scope of your request and have determined that they contain sensitive personal information about third parties. This includes:

- names and contact details of administrative staff or officers of other government agencies where it appears that these details were not previously disclosed

I find that disclosure of the personal information outlined above would be unreasonable because this information is that of other persons and the Tribunal has obligations to maintain the confidentiality of this information and because the information is not well-known or readily available from publicly accessible sources. The individuals who own this information would have a reasonable expectation that their right to privacy be respected and that their personal information not be disseminated to other parties. Therefore, I find that the information is conditionally exempt under section 47F of the FOI Act.

Public interest – Section 11A(5) of the FOI Act

Having considered the relevance of the public interest factors, including those in section 11B and the guidelines issued by the Information Commissioner, I find that disclosure of this information would, on balance, be contrary to the public interest because it is information of a kind which a person would reasonably wish to have withheld from the world at large.

Whilst disclosure of information promotes the objects of the FOI Act through facilitating public access to information held by government agencies, this would not include information which could reasonably be expected to prejudice the protection of the individual's right to privacy.

On balance, I consider that the benefit of protecting the individuals' privacy must be given greater weight than any factor for disclosure. Therefore, I find that disclosure of personal information would be contrary to the public interest under section 11A(5) of the FOI Act. Edited copies of the documents have been released to you and deletions of the

conditionally exempt material have been made in accordance with section 22 of the FOI Act.

Your review rights

Information about how you can apply for a review of this decision or complain about how we have dealt with this matter is set out in the attached fact sheet, FOI 2.

If you have any questions about this decision, please contact me at foi@aat.gov.au.

Yours sincerely,

Marta

Authorised FOI Officer (APS 6)

Attachments

FOI 2 – Information about reviews and complaints under the Freedom of Information Act

Information about reviews and complaints under the Freedom of Information Act

What should I do prior to applying for internal review or contacting the Office of the Australian Information Commissioner?

Before you apply for an internal review or contact the Office of the Australian Information Commissioner, we recommend that you telephone the officer who made the FOI decision. It is often possible to resolve concerns or answer your questions using this approach and, if not, the officer will be able to assist you in applying for review.

How do I apply for internal review to the AAT?

You can apply to us for an internal review of the FOI decision. The application for internal review must be made within 30 days or such further period as we allow, after the day the decision is notified to you. To apply for an internal review you must do so in writing. You may also wish to explain why you are not satisfied with the decision. A different and more senior officer authorised under the *Freedom of Information Act 1982* (the FOI Act) will conduct the internal review and make a new decision within 30 days after receipt of your application.

If you have already applied for internal review and want to seek a further review of that decision, you will need to apply to the Australian Information Commissioner.

How do I apply for review to the Australian Information Commissioner?

You may also apply directly to the Australian Information Commissioner for review of the FOI decision. The application for review must be made within 60 days after the day notice of the decision was given. An application for review must be in writing, include details of how notices in relation to the review are to be sent to you and include a copy of the decision. You may also wish to explain why you are not satisfied with the decision. An online application form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

What if I want to make a complaint about the handling of a Freedom of Information request?

If you have a complaint about the way in which we have processed your request for access under the FOI Act you can ask the Australian Information Commissioner to investigate. An online complaint form is available on the Office of the Australian Information Commissioner's website, details of which are provided below.

Where can I find further information or contact details for the Office of the Australian Information Commissioner?

Further information is available on the Office of the Australian Information Commissioner's website at www.oaic.gov.au and you can contact the office on 1300 363 992 or by email at enquiries@oaic.gov.au.

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INTERNATIONAL SUBMISSIONS · BLOCKCHAIN INTEGRITY

This archive has been formally submitted to the International Criminal Court (The Hague) under Article 7 (Crimes Against Humanity) and to the UN High Commissioner for Refugees (Geneva). Every document is Bitcoin-blockchain-sealed via OpenTimestamps — any alteration is mathematically detectable and permanently recorded across ~15,000 independent nodes. No government can erase it.

CREATIVE PORTFOLIO · DR. RICHARD McLEAN

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