



**Australian Government**  
**Department of Social Services**

Mr Ben Fairless  
via 'Right to Know' website

**By email:** [foi+request-1042-61e749ea@righttoknow.org.au](mailto:foi+request-1042-61e749ea@righttoknow.org.au)

Dear Mr Fairless

**Freedom of Information (FOI) Request No. 14/15-159**

I refer to your FOI request received by the Department of Health on 19 April 2015 and transferred to the Department of Social Services (the Department) on 27 April 2015, in which you requested access under the Freedom of Information Act 1982 (the FOI Act) to the following documents:

- "- all complaints/feedback/correspondence in relation to the decision to deny "conscientious objectors" of Vaccination access to Government money*
- Any response provided by the department in relation to those complaints/feedback/correspondence*
- Any internal discussion in relation to the complaints/feedback/correspondence*

*To assist the Department, I specifically exclude:*

- Duplicates of documents (I only require 1 copy of each document)*
- The personal information of individual members of the public (this does not extend to individuals who are representing a specific organisation)"*

I am authorised to make decisions under subsection 23(1) of the FOI Act.

**Notice of intention to refuse your FOI request**

I am writing to notify you of my intention to refuse your request under section 24 of the FOI Act. I am satisfied that a practical refusal reason exists under subparagraph 24AA(1)(a)(i), in that processing your request would amount to a substantial and unreasonable diversion of the Department's resources.

Accordingly, I am initiating a request consultation process under section 24AB of the FOI Act, and I encourage you to contact me within 14 days of receiving this notice to discuss your request further (more information is provided below).

**Substantial and unreasonable diversion of resources**

I have consulted with departmental officers in:

- the Family and Students Payments Policy Branch;
- the Ministerial, Parliamentary and Executive Support Branch; and
- the Early Childhood Education Care Payments to Families and Services Branch;

regarding the number and nature of documents held by the Department which are likely to be relevant to your request, and the work involved in processing your request.

I am advised that preliminary searches have identified more than 250 documents, consisting of more than 700 pages, which contain material relevant to your request.

The volume of material identified in these preliminary searches is significant due to the broad scope of your request as it is currently worded, and because a number of areas are involved with the Department's functions and activities to which your request relates.

In light of the significant volume of material falling within the scope of your request as currently worded, it is conservatively estimated that processing your request would take in excess of 130 hours, including location, retrieval, scheduling, and decision making time, including consultation with numerous third parties.

Decision making would also involve consideration of the applicability of likely exemptions, including, but not limited to: legal professional privilege (section 42); and personal privacy of individuals (section 47F); and the redaction of material accordingly.

I note your specific request not to receive personal information of individual members of the public – that material would need to be redacted from the documents as being out of scope of the request as a significant number of the identified documents come from members of the public. I also note that you did not extend this exclusion to individuals representing a specific organisation. The personal privacy exemption may still apply to those individuals and they are required to be consulted accordingly. Due to the scope of your request as it is currently worded, and the nature of the documents which are currently in scope, material may therefore need to be redacted in respect of the vast majority of pages.

The Department estimates that this would require a Departmental officer with FOI experience to work full-time on your request for more than 3 weeks (based on 7 hours working time per day). I consider this to be a fair and accurate estimate of the work involved to process your request as it is currently worded.

Accordingly, I consider that the work required to process your request as it is currently worded would substantially and unreasonably divert the resources of the Department from its other operations.

### **Request consultation process**

As required by section 24AB of the FOI Act, I am now writing to provide you with an opportunity to make a written submission in support of your request as currently worded, or to revise the scope of your request so that the practical refusal reason no longer exists.

For example, you may wish to specifically limit the date range for documents coming within scope. I note that that you have asked for documents in relation to *'the decision to deny "conscientious objectors" of Vaccination access to Government money'*. I have interpreted this to refer to the announcement made by the Prime Minister on 12 April 2015 that the Commonwealth Government will end the conscientious objector exemption on children's vaccination for access to taxpayer funded Child Care Benefits, the Child Care Rebate and the Family Tax Benefit Part A end of year supplement from 1 January 2016. You may wish to confirm my interpretation but make clear that you only wish to receive documents received by the Department from 12 April 2015 to the date of your request (i.e. 19 April 2015.)

You may also wish to limit your request to certain types of documents, or reduce the request to only one of the 3 parts of the request.

You have **14 days** from the day you receive this letter to contact me and do one of the following:

- (a) withdraw your request;

(b) make a revised request; or

(c) indicate that you do not wish to revise the request.

You can contact me by writing to the following address:

Attention: FOI Coordinator

Information Team, TOP CW2  
Commercial, Child Care, Disability and Information Law Branch  
Legal Services Group  
Department of Social Services  
PO Box 7576  
Canberra Business Centre ACT 2610

Alternatively, you can send an email to [foi@dss.gov.au](mailto:foi@dss.gov.au)

If you do not contact the Department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

If you have any questions about this matter, please do not hesitate to contact me via [foi@dss.gov.au](mailto:foi@dss.gov.au).

Yours sincerely



Clare McLean  
Principal Legal Officer and FOI Coordinator  
Information Team  
Commercial, Child Care, Disability and Information Law Branch  
Legal Services Group

12 May 2015

