



Ben Little

By email: [foi+request-13417-9f064a5d@righttoknow.org.au](mailto:foi+request-13417-9f064a5d@righttoknow.org.au)

Dear Ben

### Freedom of Information Request LEX 54250 – Decision on access

I refer to the *Freedom of Information Act 1982 (FOI Act)* request made to the Department of Social Services (**the Department**) on 17 July 2025. The request seeks access to:

*Any correspondence or communication between the Department of Social Services (DSS) and The Social Deck between the dates of 28 November 2024 to 30 June 2025 that make reference to findings/recommendations/full report or summaries from the Foundational Supports consultation (as advertised through <https://engage.dss.gov.au/foundational-supports/>). This includes references to when and if findings/recommendations/full report or summaries will be available to DSS, including delays in release.*

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

### Decision – No documents exist

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

On the outset, the request seeks documents that ‘make reference to...’ would include all communications between the Department and the Social Deck between 28 November 2024 and 30 June 2025. This is too broad and does not provide such information concerning the documents sought to narrow down the possibilities to a specific topic that is a manageable size. I am therefore satisfied this part of the request does not provide sufficient information as is reasonably necessary to enable a responsible departmental officer to identify the documents sought.

However, the request is specific in seeking ‘delays in release’. Therefore, I have taken this to mean that the FOI request seeks explanation for the delay in publication of the summary and full version of the Foundational Supports Report (the report). I consider that a contractual deadline or milestone date must be postponed or expired for a delay to occur. The contract between the Department and the Social Deck does not include a due date for publication of the report nor was there an internal publication date set. Accordingly, as there is no formal contractual ‘release’ date (ie. publication date), then there are no documents held by the Department that explain the delay in publication of the full report.

As a result, we do not have possession of the documents sought by this request and have decided to refuse it under section 24A of the FOI Act.

### Additional information

Due to machinery of government changes, the functions and responsibilities of the Foundational Supports scheme now sit with the Department of Health, Disability and Ageing (DHDA). For any future FOI matters or general queries regarding the report, we suggest contacting DHDA at the information found on their website: [Contact us | Australian Government Department of Health, Disability and Ageing](#) or submitting an FOI request to [FOI@health.gov.au](mailto:FOI@health.gov.au).

## **Review rights and complaints**

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment A**.

## **Contact**

If you would like to discuss any aspect of my decision, please contact me at [foi@dss.gov.au](mailto:foi@dss.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Heather D', written in a cursive style.

Heather D  
Authorised FOI Decision Maker

8 August 2025

## **Attachments**

A – Review Rights

## INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

### Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to [foi@health.gov.au](mailto:foi@health.gov.au).

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

### Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

## COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.