



Australian Government
Department of Social Services

11 February 2016

Mr Ben Fairless

By email: foi+request-1513-2b51e0db@righttoknow.org.au

Dear Mr Fairless,

I refer to your request received by the Department of Social Services (the Department) on 25 January 2016, in which you requested access to the following:

"Can you please provide a copy of any complaints received in relation to the decision to introduce "No Jab, No Pay" legislation?"

I am happy to exclude duplicates of documents and personally identifiable information."

On 9 February 2016, the Department notified you of its intention to refuse your request on the basis that the work involved would amount to a substantial and unreasonable diversion of the Department's resources, and recommended that you revise your scope in order to remove the practical refusal reason. On the same date, you revised the scope of your request as follows:

"complaints from the Northern Territory and Western Australia from October to December 2015".

Third Party Consultation

Personal information

Your request covers documents which contain personal information about individuals.

Under section 27A of the FOI Act, if it appears to the Department that the individual might wish to contend that the documents are conditionally exempt under section 47F and access to the documents would, on balance, be contrary to the public interest, the Department must give the individual a reasonable opportunity to make such a submission in support of the contention.

Section 27A also requires the Department to have regard to any submission so made before making a decision to give access to the document.

I note that in your request you stated that you did not wish to receive 'personally identifiable information'. However, given that the contents of the documents falling within scope of your request contain facts, opinions and subjective statements of numerous third parties, which may identify them, the Department must act in accordance with section 27A of the FOI Act and provide relevant third parties with the opportunity to make a contention of the release of this information should they reasonably wish to do so.

Timing for consultation with third parties

Given that consultation with third parties is required, subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 days. Accordingly, this will give the Department 60 days within which to notify you of its decision on access to the documents.

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on the Department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

If you have any queries about this matter, please do not hesitate to contact the Department's Information Team at foi@dss.gov.au.

Yours sincerely,



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