



Australian Government
Department of Employment

Mr Gaius Maxwell
c/o Right to Know Organisation
foi+request-1974-d8a5e121@righttoknow.org.au

Dear Mr Maxwell,

1. I refer to your following emails, requesting access under the *Freedom of Information Act 1982* (Cth) (FOI Act):
 - to the Department of Employment (the Department), titled "*Freedom of Information request - Work-for-the-dole, Jobactive KPI, performance review, and audit documentation*" and dated 31 May 2016;
 - to the Minister for Employment, titled "*Freedom of Information request - Work-for-the-dole and Jobactive performance reviews*" and dated 31 May 2016;
 - to the Minister for Social Services, titled "*Freedom of Information request - How a participant is placed with an employment service provider*" and dated 30 May 2016.
2. On 3 June 2016, the Minister for Employment and the Minister for Social Services transferred their respective requests to the Department under section 16 of the FOI Act, on the basis that the subject matter is more closely connected to the functions of the Department.
3. Section 24(2) of the FOI Act provides that, for the purposes of practical refusal, two or more requests may be treated as a single request if the requests relate to the same document(s) or to documents with substantially the same subject matter.
4. I am satisfied that all three of your requests relate to substantially the same subject matter and, accordingly, the Department will treat them as a single request.

Clarification of the scope of your request

5. For your information, the FOI Act provides a right to obtain access to documents held by an agency or Minister, rather than to information generally.
6. You have asked for a mixture of information and documentation and, in particular, you have requested answers to questions rather than describing documents to which you seek access. The Department is unable to process your request in its current form.
7. On this basis, I am writing to you under section 24AB(2) of the FOI Act to notify you of my intention to refuse your request, because I am satisfied that a practical refusal reason under section 24AA(1) exists. This is because your request as currently worded does not satisfy the requirements of subsection 15(2)(b) of the FOI Act. That is, it does not provide sufficient information to enable the Department to identify documents to which you are seeking access.

Request Consultation Process (section 24AB)

8. Before making a decision to refuse your request on the above grounds, I am providing you with an opportunity to make submissions in support of your request as currently worded, or to clarify or revise the scope of your request, so that the practical refusal reason will no longer exist.

9. Should you choose to revise your request, you may wish to consider the extent to which the information you seek is publicly available. For example, there are a number of documents available on the Department's website which may assist you:

- Request for Tender for Employment Services 2015-2020 (<https://docs.employment.gov.au/node/34505>)
- Performance Framework Guideline (<https://docs.employment.gov.au/documents/performance-framework-guideline>)
- Eligibility, Referral and Commencement Guideline (<https://docs.employment.gov.au/documents/eligibility-referral-and-commencement-guideline>).

10. 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.

11. You can contact me by writing to the following address:

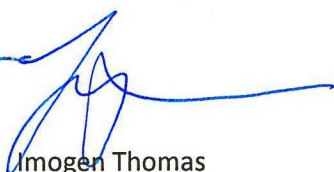
Attention: Imogen Thomas
Information Law, Practice Management and Corporate Advising Branch
LOC: C12MT1-LEGAL
GPO Box 9880
CANBERRA ACT 2601

Alternatively, you can send an email to foi@employment.gov.au.

12. If you do not contact the Department within this period, your FOI request will be taken to have been withdrawn under section 24AB(7) of the FOI Act.

13. If you have any questions about this matter, please contact the Department's FOI hotline on 02 6240 7310 and request to speak to me or send an email to foi@employment.gov.au.

Yours sincerely



Imogen Thomas
Government Lawyer
Information Law Team
Information Law, Practice Management and Corporate Advising Branch

9 June 2016