



10 June 2016

Our reference: LEX 19380

Adi Berry

By email: foi+request-1976-b90aa3ab@righttoknow.org.au

Dear Adi

Your Freedom of Information Request

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**). I have taken your request to be for:

'...access to details of cases of child protection and child first that involved emotional abuse and/or neglect from 2005 onwards. In particular, details such as the number of reports made per year, the nature of these reports and outlines of these reports (the most that can be reasonably disclosed within the extent of the law), the demographics of these children and families, suburbs with the highest number of reports/cases, and the outcomes of these reports of emotional abuse and/or neglect cases. Details of the processes involved in these cases will also be of great assistance. All details requested are pertaining only to cases of emotional abuse and/or neglect. A comparison of this data of cases against data of physical and sexual abuse cases will also be greatly appreciated'.

Your request was received by the Australian Government Department of Human Services (the department) on 1 June 2016 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 1 July 2016. The period of 30 days may be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

The department will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable. No charge is payable for providing a person with their own personal information.

Your Address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is foi+request-1976-b9xxxxxx@xxxxxxxxxxx.xxx.xx. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Consultation about the scope of your request

I cannot identify the documents you want and I am asking you to give me specific details about the information you are after. If you decide not to give this information, I will have to refuse your FOI request as a 'practical refusal reason' exists. For a more detailed explanation of what this means see **Attachment A**.

How to send us a 'revised request'

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us that you do not want to revise your request.

If you do not do contact us during the consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be specific about what documents you actually want. This could help the department find the documents.

At **Attachment B** is a form which you can use to revise your request in writing. We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

Contact officer

During the consultation period you are welcome to ask for assistance in revising your request and filling out the form. You can contact an FOI Practitioner:

- in writing to the address at the top of this letter
- via email to XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXXXX.XXX.XX

Note: When you contact us please quote the reference number **FOI LEX 19380**.

Your response will be expected by **23 June 2016**. If no response is received, your matter will be taken as withdrawn.

Disclosure Log

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

Exclusion of junior department employee details

The department is working towards ensuring that all employees have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response

to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

If you have any questions please email freedomofinformation@humanservices.gov.au.

Yours sincerely

FOI Registration Officer
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services

What I took into account

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'...access to details of cases of child protection and child first that involved emotional abuse and/or neglect from 2005 onwards. In particular, details such as the number of reports made per year, the nature of these reports and outlines of these reports (the most that can be reasonably disclosed within the extent of the law), the demographics of these children and families, suburbs with the highest number of reports/cases, and the outcomes of these reports of emotional abuse and/or neglect cases. Details of the processes involved in these cases will also be of great assistance. All details requested are pertaining only to cases of emotional abuse and/or neglect. A comparison of this data of cases against data of physical and sexual abuse cases will also be greatly appreciated'.

I am not able to reasonably identify what documents you want because it appears your request has been directed to the wrong department.

The Commonwealth Department of Human Services is responsible for the development of service delivery policy and provides access to social, health and other payments and services. The Commonwealth Department of Human Services offers a range of health, social and welfare payments and services through Medicare, Centrelink and Child Support.

The Victorian Government Department of Human Services plans, funds and delivers community and housing services. They are also responsible for child-centred, family-focused services to protect children and young people in Victoria from significant harm caused by abuse or neglect within the family. The Victorian Government Department of Human Services has 24 Child and Family Information, Referral and Support Teams (Child FIRSTs) across the state. Each Child FIRST provides a central referral point to a range of community-based family services and other supports within each of the Child FIRST catchment areas.

Your requests references '...details of cases of child protection and child first...', which is more aligned with the functions and structure of the Victorian Government Department of Human Services. We therefore believe you should direct your request to the Victorian Government Department of Human Services. Information about how to make an FOI request to the Victorian Government Department of Human Service is available at <http://www.dhs.vic.gov.au/for-individuals/applying-for-documents-and-records/freedom-of-information>.

Under sections 24AA(1)(b) and 24 of the *Freedom of Information Act 1982*, I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in paragraph 15(2)(b) (identification of documents).

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn under at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Section 24AB(7) (subsection 6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

We can provide some documents to you without an FOI request.

4. If your request can be completed without a formal FOI request, do you want us to send the documents this way?

Yes

No

HOW TO SEND THIS FORM

By post to:

FOI Team
Department of Human Services
PO Box 7820
CANBERRA BC ACT 2610

Reference number FOI LEX 19380.

OR

Email to:

freedomofinformation@humanservices.gov.au

Reference number FOI LEX 19380. You do not have to include your signature in your email.