



Department of Health and Human Services

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Our ref: F16/0509

Ms Adi Berry
By email:foi+request1996a4b28be9@righttoknow.org.au

Dear Ms Berry

Freedom of Information Application Section 17(2) Clarification

I refer to your application under the *Freedom of Information Act 1982* requesting access to:

'I seek access to documents that outline details of child protection and child FIRST cases/reports that involved emotional abuse and/or neglect from 2005 onwards.

Details requested include the number of reports made per year, the nature of these reports and brief outlines of these reports (where possible), 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.

I also request documents that outline the process of response by the CPS or Child FIRST involved in these cases of emotional abuse and/or neglect. All details requested are pertaining ONLY to cases of emotional abuse and/or neglect (not physical and/or sexual abuse).'

Preliminary enquiries have been conducted and I write to advise that pursuant to section 17(2) of the Act, it will be necessary for you to further clarify, or specify, your request so that specific documents can be identified.

Please note that section 17(2) states:

"A request shall provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, as the case may be, to identify the document."

In accordance with this section of the Act, an applicant is required to provide such information concerning the documents they seek as is reasonably necessary to enable the department to identify the documents.

An applicant must define with as much precision as possible the documents sought. For example, information must be provided so that the documents can properly be identified by date or within a reasonable time period. In addition, applicants must make requests for specific documents or groups of documents, not for every document in a broad category.

The wording of your request requires amendment so that the particular document types relevant to your request can be identified. Your request indicates that you are seeking documents relating to "...details of child protection and child FIRST cases/reports that involved emotional abuse and/or neglect from 2005 onwards..." However you have not specified whether you are intending to capture documents regarding child protection data, child FIRST data or both. Based on this it is unclear what the focus of the documents relevant to your request should be.

Further, your use of the phrases, "nature of these reports," "brief outlines," "demographics," "outcomes of these reports" and "process of responses by the CPS" are unclear and could be interpreted in many ways and based on this it is currently not possible to make determinations about documents relevant to your request. Please specify what document types you intend to capture, or provide further details about their content, as it is unclear what details relating to case reports are relevant to your request.

Accordingly, I invite you to consult with the department with a view to amending or clarifying your request so that it is in a form that complies with section 17 of the Act and provides the information necessary to identify the documents sought.

In order to assist you with clarification you may wish to:

- clarify your request by altering the wording of your request to specify which particular documents or types of documents you seek;
- specify if your interest is child protection reports or child FIRST cases/reports;
- define what you intend to capture by using the term "outline details"
- define what you intend to capture by using the term "nature of these reports"
- define what you intend to capture by using the term "brief outlines"
- define what you intend to capture by using the term "demographics"
- define what you intend to capture by using the term "outcomes"; and
- define what you intend to capture by using the term "process of response by the CPS"

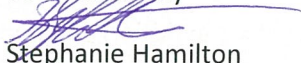
Until your request is amended as required by section 17 of the Act it cannot be processed and the 45 day period within which a decision must be made on your request has not commenced.

Please note, even with clarification, it may be determined that the work involved in processing your request would divert the resources of the department substantially and unreasonably from its other operations and further consultation may be necessary. If this is the case, you will be advised in writing.

I would appreciate it if you would respond to the issues raised above by 18 August 2016, otherwise I will assume that you do not wish to clarify your request and no further action will be taken by the department.

Should you wish to discuss the clarification of your request, I can be contacted at the address indicated in the letterhead of this letter, or via email at foi@dhhs.vic.gov.au or on (03) 9096 2004. Please quote our reference number (F16/0509) in any correspondence.

Yours sincerely



Stephanie Hamilton

Manager, Freedom of Information
People, Capability and Oversight

21 / 07 / 2016