Australian Government

Department of Human Services

23 November 2016

Our reference: LEX 23842

Mr Jackson Gothe-Snape

By email: foi+request-2734-af9f335b@righttoknow.org.au

Dear Mr Gothe-Snape

Your Freedom of Information request

I refer to your request dated 15 November 2016 and received by the Department of Human Services (the **department**) on the same day for access under the *Freedom of Information Act 1982* (the **FOI Act**).

I cannot identify the documents you are requesting and I am asking you to give me specific details. 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, please provide more specific information about the documents you are requesting. This will assist the department to process your request.

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.

During the consultation period you are welcome to ask for assistance in revising your request. You can contact the department:

- in writing to the address at the top of this letter; or

- via email to FOI.LEGAL.TEAM@humanservices.gov.au

Note: When you contact us please quote the reference number **FOI LEX 23842**.

Your response will be expected by **7 December 2016.** If no response is received, your matter will be taken as withdrawn.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

FOI 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:

> 'the topics list for briefs created in preparation for hearings of Senate 2016-2017 Supplementary Budget Estimates.'

I am not able to reasonably identify what documents you are requesting. This is because it is not clear which document you mean when you refer to 'topics list' and it is not clear which particular briefs you are requesting a 'topics list' for.

Under sections 24AA(1)(b) and 24 of the Freedom of Information Act, 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.