



26 April 2017

Our reference: LEX 29262

Mr Keith Owen

By email: foi+request-3437-a8e4ef83@righttoknow.org.au

Dear Mr Owen

Your Freedom of Information request

I refer to your request, dated 22 April 2017 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 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 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.

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

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request and filling out the form. You can contact me:

- in writing to the address at the top of this letter
- via email to FOI.LEGAL.TEAM@humanservices.gov.au

Note: When you contact us please quote the reference number **FOI LEX 29262**.

Your response will be expected by **10 May 2017**. If no response is received, your matter will be taken as withdrawn.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

Charlotte
Authorised FOI Decision Maker
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:

'I respectfully request data on the total number of Clients who have their files reviewed as a result of making critical statements against the Department of Human Services and the number of 'briefs' sent to the Minister for Human Services, the Hon Alan Tudge MP as a result of making critical statements against the Department of Human Services.

With respect to this data, I request a break up of numbers based on each Arm of the Department of Human Services:

1. Centrelink Clients
2. Family Tax Benefit Clients
3. Child Support Clients'

'I respectfully request data on the total number of Clients who have their files reviewed as a result of making critical statements against the Department of Human Services...'

I am not able to reasonably identify what documents you want because, the description of your request is too broad and could potentially capture a large range of documents. In particular where you refer to the conduct of a 'review' in response to the making of 'critical statements'.

The department will review a customer's file in a number of circumstances that may fall within the scope of your request, including where a customer has made a complaint to the department about the service they have received.

A customer may also make a critical statement against the department in the course of applying for a payment or seeking review of a decision. It is likely that in each of these circumstances the customer's record will be reviewed. However such a review may be more properly characterised as being for the purpose of assessing the customer's eligibility for a payment or for considering the merits of an appeal.

...and the number of 'briefs' sent to the Minister for Human Services, the Hon Alan Tudge MP as a result of making critical statements against the Department of Human Services...

As I have considered above, this part of your request also refers to briefs prepared as a result of a customer making 'critical statements'. Your description of critical statements is not sufficiently specific to enable me to identify the briefs you are seeking.

...With respect to this data, I request a break up of numbers based on each Arm of the Department of Human Services:

1. *Centrelink Clients*
2. *Family Tax Benefit Clients*

3. *Child Support Clients*

I cannot understand what you are seeking in relation to this part of your request. The department's programmes are Centrelink, Child Support and Medicare. Family Tax Benefit is administered by Centrelink. Please identify if you are seeking information from Centrelink, Child Support, Medicare or a combination of these. Alternatively, if you are seeking information by payment type, i.e. Family Tax Benefit, please identify which payment type or types.

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.