



22 June 2017

Our reference: LEX 30072

Mr Anatoly Kern

By email: foi+request-3601-6be44d2f@righttoknow.org.au

Dear Mr Kern

Your Freedom of Information request

I refer to your request, dated 3 June 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. 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 30072**.

You should respond within two weeks of the date of this letter. If no response is received by the department within this timeframe, your matter will be taken as withdrawn.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 am looking to understand the factual basis behind #21fathers campaign from Australian Brotherhood of Fathers in correlation to the actions of Child Support Smart Centers.

I am using the publicly available stats from <http://www.mindframe-media.info/for-media/reporting-suicide/facts-and-stats> for the reference.

Could you please provide the following information, for 2015 year:

- 1) The number of cases closed due to terminating event of a death of the payer.
- 2) Out of this cases, the number of cases, where during previous year/same year there were actions done by Child Support Smart Centers, under s 72a/72d.'

I am not able to reasonably identify what documents you want.

In relation to your description of a case as 'closed', this is not a term that is used under the Child Support legislation and I am not able to identify the specific cases that fall within this category.

The Child Support Guidelines advise that a 'liable parent terminating event' occurs if a parent liable to pay child support dies. The effect of a child support terminating event, including a liable parent terminating event, as described in the Child Support Guidelines is:

'The Registrar must amend or end an assessment to take into account a terminating event (CSA Act section 74). The assessment is amended or ended on the date of effect for the terminating event (CSA Act section 12).'

Please clarify whether your request relates to instances where, due to a terminating event, the Registrar has amended an assessment, has ended an assessment, or both.

More information about terminating events is in the Guides to Social Security Law - Child Support Guide, which is available [here](#).

In relation to the relevant terminating event, I am not sure whether your request specifically relates to the terminating event being the death of the payer as the result of suicide, or whether your request relates to the terminating event being the death of the payer (which may or may not be the result of suicide).

To assist me to continue processing your request can you please be more specific about the nature of the information you are seeking.

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.