



16 August 2017

Our reference: LEX 31257

Mr Jackson Gothe-Snape

By email only: foi+request-3784-6bdbfb41@righttoknow.org.au

Dear Mr Gothe-Snape

Your Freedom of Information request

I refer to your request dated 8 August 2017, and received by the Department of Human Services (**department**) on the same day, for access under the *Freedom of Information Act 1982 (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.

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

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 31257**.

Your response will be expected within 14 days of this letter. If no response is received, your matter will be taken as withdrawn.

Department of Finance and the Independent Parliamentary Expenses Authority

Please note that the Department of Finance regularly published reports on Parliamentarian's Expenditures. For example, you can access the Minister Tudge's expenditure reporting for the period of 1 July 2016 – 31 December 2016 here:

http://www.finance.gov.au/sites/default/files/P39_TUDGE_Alan.pdf.

Future reports will be published by the Independent Parliamentary Expenses Authority (IPEA). The IPEA is the Commonwealth statutory authority, established on 1 July 2017, with responsibility for reporting and auditing parliamentary travel and work expenses.

Accordingly, you may wish to withdraw your request on the basis of this publically available information.

Further assistance

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

Yours sincerely

Bruce
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:

'Can you please provide the travel expenses, invoices, receipts, credit card statements and reimbursements for the most expensive trip taken by a Minister or Assistant Minister in your Department's portfolio area in 2016-17.'

I am not able to reasonably identify what documents you want because it is not clear what you mean when you refer to 'trip' or 'most expensive':

- Trip could refer to a single journey with a single destination or it could refer to an overall itinerary with multiple destinations. In addition, it is not clear whether you are referring to trips undertaken in the Minister's personal capacity, in his capacity as the Federal Member for Aston, or in his capacity as the Minister for Human Services; and
- Expense may have several different meanings in budget contexts. For example, 'expense' could relate to the cost in terms of distance travelled, man-hours, wages, supplies, meals or office fees. In addition, it is not clear whether you are seeking the expenses relating only to the Minister or whether you are including circumstances where departmental staff members travelled with the Minister.

Furthermore, I also note that it is likely that your request would also be voluminous, even if the meaning of 'trip' and 'most expensive' was clearly identified. For example, in order to process the request, the department would be required to review every journey taken by the Minister, identifying and calculating all relevant costs and then determining which of the trips were in scope of your request.

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.