



28 August 2017

Our reference: LEX 31395

Mr Justin Warren

By email: foi+request-4028-158bf13f@righttoknow.org.au

Dear Mr Warren

Your Freedom of Information request

I refer to your requests (LEX 31395, LEX 31396, and LEX 31397), dated 15 August 2017 and received by the Department of Human Services (the **department**) on the same day, for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

LEX 31395: 'Final versions of documents produced as part of the contract with Data61, described as Contract 1 in Question on Notice BI-25. This work was undertaken between 30 January 2017 and 2 February 2017 with a contract value of \$46,200 (incl. GST).'

LEX 31396: 'Final versions of documents produced as part of the contract with Data61, described as Contract 2 in Question on Notice BI-25. This work was undertaken between 14 – 31 March 2017 with a contract value of \$55,000 (incl.GST).'

LEX 31397: 'Final versions of documents produced as part of the contract with Data61, described as Contract 3 in Question on Notice BI-25. This contract covered the period 8 May 2017 – 30 June 2017 with a contract value of \$44,000 (incl.GST).'

I have decided to treat the above three requests as a single request under section 24(2) of the FOI Act (the **combined request**). This is because I am satisfied that the requests relate to documents, the subject matter of which is substantially the same. The reference for the combined request is LEX 31395.

I cannot identify the documents you want and I am asking you to give me specific details about the information you are seeking in your current combined request. 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 actually want. This could help the department identify 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. 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 31395**.

Your response will be expected by **11 September 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

Jack

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:

'Final versions of documents produced as part of the contract with Data61, described as Contract 1 in Question on Notice BI-25. This work was undertaken between 30 January 2017 and 2 February 2017 with a contract value of \$46,200 (incl. GST).

Final versions of documents produced as part of the contract with Data61, described as Contract 2 in Question on Notice BI-25. This work was undertaken between 14 – 31 March 2017 with a contract value of \$55,000 (incl.GST).

Final versions of documents produced as part of the contract with Data61, described as Contract 3 in Question on Notice BI-25. This contract covered the period 8 May 2017 – 30 June 2017 with a contract value of \$44,000 (incl.GST)'.

The terms of your combined request are broad and its scope is uncertain. The terms do not enable a responsible officer of the department to identify the documents being sought by your request, and the department is unable to conduct reasonable searches for the documents you are seeking. Depending on the interpretation of its scope, different documents may fall within your current combined request.

The terms of your request could reasonably be taken to be for documents produced in connection with the contracts you have identified, being documents produced prior to, but in connection with, the contracts by the department and Data61, as well as those produced under the contract. Alternatively, you may be seeking documents produced under the contracts only, or, you may be seeking access to the contract documents themselves.

Depending on what documents you are seeking contract documents, invoices, correspondence, and reports could fall within the scope of your request. For this reason, in addition to clarifying what you mean by 'documents produced as part of the contract', it would assist the department if you could provide specific information about the types of documents 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.