



## Request consultation process due to existence of a practical refusal reason under section 24AB of the *Freedom of Information Act 1982*

Information Law, Legal Services & Assurance, Department of Veterans' Affairs

**Applicant:** Verity Pane  
**Notice date:** 6 September 2018  
**FOI reference number:** FOI 23863

**Requested documents:**

*"...Under s 17 of the FOI Act, I apply for a one page summary document to be compiled from information held in your agency's information systems, that sets out the number of DVA clients, by age group, that were referred to SPOC management by the Coordinated Care unit and Client Liaison Unit (to be listed separately).*

*As per the relevant ANAO report, the Client Liaison Unit (CLU) was established by DVA in September 2007, and the Coordinated Care (CC) unit in January 2010, following criticisms made by various preceding reviews.*

*DVA implemented the Case Coordination program to case manage clients identified (Level 3 or Level 2) as being at increased risk of self-harm or harm to others, who have multiple complex needs (although recent veterans who were at risk, such as Jesse Bird, were not managed by this unit). The Client Liaison Unit was established to case manage clients identified (Level 1) as vulnerable or having complex behaviours.*

*DVA breaks veterans into age groups referred to as 'young veterans' (64 and under) and 'veterans' (65 and over), based on historical retirement age. For the purpose of this FOI, we will stick to this age split.*

*Format of compiled document:*

*Unit.....FY15/16.....FY16/17.....FY17/18*  
*CLU - > 65*  
*CLU - 65+*  
*CC - > 65*  
*CC- 65+*

*The purpose of this FOI is to determine what DVA itself has determined are the numbers of vulnerable veterans, by age group, it has, by reference to the number of referrals it makes (which, as the Jesse Bird case reflects, will be a lower number than the actual number of vulnerable veterans DVA is communicating with, but gives some indicative evidence)..."*

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Dear Verity Pane,

**Freedom of Information Request: FOI 23863**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (FOI Act) received 8 August 2018.

I, Position Number 62210022, am an officer authorised by the Secretary of the Department of Veterans' Affairs (the Department) to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the *Freedom of Information Act 1982* (the FOI Act).

This is a notice of an intention to refuse access to the documents you have requested because a 'practical refusal reasons' exist under section 24(1) of the FOI Act. I am issuing this notice under section 24AB(2) of the FOI Act.

The practical refusal reason applicable to your request is that the work involved in processing your request would substantially and unreasonably divert the resources of the Department from its operations as specified in section 24AA(1)(a)(i) of the FOI Act due to its size and complexity.

**Section 24AA**

Under section 24AA(2) of the FOI Act, the agency must have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the filing system of the agency;
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request);
- making a copy or an edited copy, of the document; and
- notifying any interim or final decision on the request.

I consider that all of the above factors have a bearing on your request. The reasons why a practical refusal reasons exists in relation to your request is set out below.

***Why I intend to refuse your request***

**Request is substantial**

Following initial enquiries, I estimate that **246.6 hours** of processing time is required to deal with this request. The reasons for this are as follows:

- Your request asks the Department to create a document under section 17 of the FOI Act. To do so, the Department needs to retrieve data that is not readily available, review that data and assemble it in the manner you have requested. This requires, for example:
  - a) initial searches and retrieval of data that may be relevant to your request;
  - b) extraction and sorting the data into Financial Years;

- c) extraction of the relevant information into a new document;
  - d) sorting the data into the categories you have requested (e.g. CLU - > 65); and
  - e) removal of identifying information.
- It has been estimated that there are approximately 3,669 records that need to be examined. Over the past 17 months the CCS program has received a total of 1,733 referrals, averaging at 101.5 per month. This means that for the scope of the request, the projection is actually 3,669 clients or 1,223 referrals per financial year.
  - It is estimated that a total of 244.6 hours would be required to search, retrieve, assess and transpose the data you seek into an accessible format (equivalent to 81.53 hours per Financial Year). This estimate is based on a sample of 20 clients, which represent an estimated 20 per cent of the monthly average of 101.5 referrals. Undertaking this task revealed that:
    - a) it would take three (3) minutes on average to access and review one (1) record; and
    - b) it would take an additional one (1) minute per record to transpose the data into a central record that would form the basis of the section 17 document.
  - This sample took over an hour to complete. As 20 clients represent .0054 per cent of the total clients, it is reasonable to assume that it would take 244.6 hours to undertake this task for all relevant records.
  - The relevant document once finalised, will have to be analysed and a decision made before it can be released to you. I do not consider at this stage, that any of the information is likely to be exempt from disclosure under the FOI Act. As such, I estimate that it would take approximately one (1) hour to draft the Statement of Reasons, the Schedule of Documents and to finalise the section 17 document, noting on initial review that exemptions are unlikely to apply.

The above estimate does not take into account the time taken to initially respond to your request, send search requests, undertake a sample or to issue this notice to you. This would bring the total time to process your request to at least 246.9 hours.

Taking these factors into account, I have concluded the request as it currently stands is substantial.

### **Request is unreasonable**

For the purpose of providing this notice, I have considered whether the substantial resource burden would be unreasonable having regard to the following:

- 244.6 hours of processing time is, at face value, an unreasonable burden for a single FOI request. The Coordinated Client Support program provides a single point of contact service to vulnerable and at risk clients of the Department, assisting their navigation of the Department's business and ensuring support linkages where required. The business area (in this case the Client Co-ordinated Support Team) would need to divert a full-time resource for more than six (6) weeks, or to allocate multiple resources to lessen the time required to respond to your request. This team would not be able to process this request without it negatively impacting the service to the Department's clients.
- Due to the broad nature of your request, the fact that the data is not readily accessible, and that your request requires specific data to be extracted and represented in a specified way, means the request is onerous and unreasonable.

Taking these factors into account, I have concluded the request as it currently stands is unreasonable, as well as substantial (as outlined above).

### **What you should do?**

You can revise the request in a form that would remove the grounds for refusal. Please note that even if you do modify your request, it is possible that a practical refusal reason under subsection 24AA(1)(a)(i) may still exist or the Department may need further time to process your revised request – this will depend on the terms of your final request. As far as is reasonably practicable, we are happy to provide you with further information to assist you in making your request in such a form that removes the practical refusal ground.

Because of the type of information you seek and the work involved to obtain that information, there are limited ways in which the practical refusal reason can be removed. If you are able to refine the timeframe you would like information for that would assist. For example, you may wish to consider limiting your request to be for a period of three (3) months, instead of covering a period of three (3) Financial Years.

Please note you have **14 days** from the date you receive this notice to either:

- withdraw the request;
- make a revised request; or
- indicate that you do not wish to revise the request.

If you do not respond in one of these ways within 14 days the request will be taken to have been withdrawn pursuant to section 24AB(7) of the FOI Act. If you indicate you do not wish to revise your request, the Department will proceed to make a decision on whether to refuse the request on resource grounds under section 24(1).

If you need more time to respond, please contact Information Law within the 14 day period to discuss your need for an extension of time.

Please note under section 24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of the things listed above.

If you would like to revise your request or have any questions, please contact Information Law using the details listed below:

**Post:** Legal Services & Assurance, Department of Veterans' Affairs  
GPO Box 9998, Canberra ACT 2601  
**Facsimile:** (02) 6289 6337  
**Email:** [informationlaw@dva.gov.au](mailto:informationlaw@dva.gov.au)

Yours sincerely

**Position Number 62210022**  
Information Law  
Legal Services & Assurance

6 September 2018