



Australian Government

Comcare

19 June 2019

Our reference: 2019/5868

Mike Trembly

By email: foi+request-5470-e644e1d1@righttoknow.org.au

Dear Mr Trembly,

Your freedom of information request – consultation letter

Thank you for your email of 10 June 2019, seeking access under *Freedom of Information Act 1982* (FOI Act) to the following:

'all documents that have been provided by your agency to The Heads of Workplace Authority for which your senior executive is currently the chair for this organisation. Please ensure documents relevant to the ACC jurisdiction of New Zealand are included'

I am writing to ask you to provide further information about the documents you are requesting.

Notice of intention to refuse

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

Sections 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists where the request does not satisfy the requirements in paragraph 15(2)(b), identification of documents.

Section 15(2)(b) of the FOI Act states the request must:

- b) provide such information concerning the documents as is reasonably necessary to enable a responsible officer of the agency, or minister, to identify it...

Why your request is not clear

I am satisfied that a practical refusal reason exists in relation to your request because the request does not enable a responsible officer of Comcare to identify the documents being sought.

This is because:

- You refer to 'The Heads of Workplace Authority for which your senior executive is currently the chair for this organisation.' I have conducted preliminary searches and are unable to identify this particular organisation. You may be referring to the Heads of Workers' Compensation Authorities forum.

- You seek access to *'all documents that have been provided by your agency'*. Assuming that you were referring to Heads of Workers' Compensation Authorities forum, I note that Comcare provides a secretariat function for the forum. Accordingly, Comcare may circulate a range of documents, even if they are not endorsed or prepared by Comcare. Accordingly, it is not clear whether you are seeking documents written by Comcare or some other forms of documents, such as minutes, agenda items, e-mails, or a particular working document.
- You have sought *'documents relevant to the ACC jurisdiction of New Zealand'*. The term 'relevant' is a broad request. Being specific about the information you are seeking will assist us to identify documents. For example, you may be seeking documents that refer to New Zealand laws only.

Assistance to revise your request

If you wish to revise the scope of your request, you may wish to consider:

- Amending your request to refer to Heads of Workers' Compensation Authorities
- Specifying whether you are seeking documents provided by Comcare in its role as a Secretariat or documents that were provided in Comcare's role as a member or some other kind of documents (such as meeting minutes or agendas).
- Specifying whether you are seeking documents which specifically refer to New Zealand law.

Further, you have not specified a date range in which you are seeking documents from. If your request captures a large number of documents or involve complex searches, it may be too large to process. I will contact you in this event.

What should you do?

Within 14 days from the day after you receive this letter (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 do contact us during the consultation period or do not do one of things set out above before the end of the consultation period, your request will be taken to have been withdrawn.

Your response will be expected by **4 July 2019**.

If you need more time to respond, please contact me within the consultation period to discuss your need for an extension of time.

Please note that 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.

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 GPO Box 9905, Canberra, ACT, 2601
- via email to foi@comcare.gov.au

Note: When you contact us please quote the reference number **2019/5868**.

Contacts

Should you require clarification of any matter discussed in this letter, please contact me by email to foi@comcare.gov.au.

Yours sincerely

Liz
FOI Officer