



## Department of Health and Human Services

50 Lonsdale Street  
Melbourne Victoria 3000  
Telephone: 1300 650 172  
GPO Box 4057  
Melbourne Victoria 3001  
[www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)  
DX 210081

Our ref: F19/0932

Ms Else Kennedy

Sent via email to: [foi+request-5479-cccb3288@righttoknow.org.au](mailto:foi+request-5479-cccb3288@righttoknow.org.au)

Dear Ms Kennedy

### Freedom of Information Request

I refer to your request under the *Freedom of Information Act 1982* (the Act) requesting access to:

*'I am requesting information under the Freedom of Information Act 1982 (FOI Act) related to radiation monitoring of Building 164 (also known as the former Australian Radiation Laboratory) at the University of Melbourne's Parkville campus. Walls, ceilings, floors and soil surrounding Building 164 were contaminated with Ra-226. As I understand, the Victorian Department of Health and Human Services is the state radiation regulator and would have been responsible for monitoring this building for health and safety purposes. I request copies of any reports related to the monitoring of this building from the period 1978 - 2018.'*

Preliminary enquiries relating to your request have been undertaken. The wording of your request and the search efforts that would be required to fulfil it, place your request within section 25A(1)(a) of the Act, in that "the work involved in processing the request...would substantially and unreasonably divert the resources of the agency from its other operations."

I have been advised by the relevant program area that given you are seeking copies of reports spanning a 40 year time frame, historical files would need to be retrieved and examined to locate reports related to the monitoring of building 164. The retrieval of these files would be a very time consuming process. The diversion of staff from their core operations to retrieve all of the requested documents would be an improper diversion of the department's resources and would therefore present a substantial and unreasonable diversion of resources.

I have also been advised that the University of Melbourne contracted Australia's Nuclear Science and Technology Organisation (ANSTO) to perform radiation monitoring associated with ensuring the demolition and removal of building 164.

Therefore, and in accordance with section 25A(6)(a)(i) of the Act, I am providing you with written notice of my intention to refuse to grant access to the documents you have requested, unless the terms of your request are sufficiently narrowed. In accordance with section 25A(6)(a)(ii) I am providing you with a reasonable opportunity to consult with me with a view to removing the grounds for refusal by re-scoping the terms of your request.

In an effort to assist you in avoiding refusal under section 25A, I suggest that you reword your request to be for:

*'Copies of reports prepared by ANSTO in relation to the monitoring of building 164 that have been provided to the department.'*

Please note that acceptance of my suggestion does not imply that such documents will be released without exemptions being applied. The documents that fall within the scope of your request will be assessed in accordance with the Act to determine if exemptions apply.

In consideration of the above, should you wish to proceed with your request as suggested, I must inform you that you are required to pay charges to cover the provision of documents relevant to your request.

Pursuant to the *Freedom of Information (Access Charges) Regulations 2014* (the Access Charges Regulations) you are liable to pay charges for access to documents requested under the Act. Additionally, if the department's estimate of charges exceeds \$50.00, you are required to pay a deposit before the request can proceed (Section 22(4) of the Act).

### **Access charges**

I have calculated the following charges, based on information provided by the relevant division.

It has been estimated that it may take four hours to locate the documents that are relevant to your request. Search time is charged at the rate of 1.5 fee units per hour which equates to \$22.22 per hour (1 fee unit is \$14.81 effective 1 July 2019). Standard printing is charged at 20 cents per page.

Four hours search time at \$22.22 per hour = \$88.88.

The total estimate of charges for access to the documents you have requested is therefore \$88.88.

In accordance with Regulation 9 of the Access Charges Regulations, if the estimate of charges exceeds \$50.00 but is less than \$100.00, the deposit is \$25.00. Consequently if you wish to proceed with the request you are required to pay a deposit of \$25.00.

Please refer to the table in the attached Document Access Deposit form regarding the estimate of charges. Please read the attached form carefully and complete the form indicating whether or not you wish to proceed with the request and return to the Freedom of Information unit C/- the address provided. If you wish to proceed with the request, please enclose a cheque or money order payable to the Department of Health and Human Services for the deposit amount of \$25.00.

Please note that in accordance with section 22(5) of the Act, where payment of a deposit of access charges is required, the request shall be deemed to have been received the day that a deposit payment of access charges is received by the department. Therefore, the 30 day statutory time period for processing of the request will commence upon receipt of this payment.

## Charges can be reduced

Section 22(6) of the Act allows for the department to discuss with you practicable alternatives for altering your request or options for reducing the anticipated charges. One option for you to reduce the anticipated charges is by requesting the department to waive the 30 day statutory period specified in the Act. It may also be possible to reduce the anticipated charges without waiving the need for the department to meet the 30 day statutory period.

If you wish to have a discussion with the department regarding practicable alternatives for altering your request, or reducing the anticipated charges, please contact me using the contact details provided below.


Please complete and return the attached form or respond in writing by **26 August 2019** for your request to proceed. Should you not respond by this date, I will interpret this to mean that you do not wish to proceed with your freedom of information request.

## Review rights

You have the right to complain to the Office of the Victorian Information Commissioner regarding these charges. I have enclosed a fact sheet which provides more information on this process.

Should you wish to discuss practicable alternatives for altering the request in order to reduce the calculated charges, I can be contacted at the address indicated in the letterhead of this letter, or via email at [foi@dhhs.vic.gov.au](mailto:foi@dhhs.vic.gov.au) or on (03) 9096 2004. Please quote our reference number (F19/0932) in any correspondence.

Yours sincerely



**Stephanie Hamilton**  
Manager, Freedom of Information  
Legal and Executive Services

25 / 07 / 2019

Enc.

1. Document Access Deposit Form
2. Fact Sheet – Office of the Victorian Information Commissioner – Complaints



Department of Health and Human Services  
Freedom of Information unit

## Document Access Deposit

Please note the calculated charges below and the payment amount required in order for your freedom of information request to proceed. Please complete this form and return it to the address below so that the request can continue to be processed.

CALCULATED CHARGE TABLE			
File no: F19/0932	Applicant Details: Ms Else Kennedy		
Access Charge	Unit	Rate of Charge	Amount
Search Time	4 Hours	1.5 fee units (currently \$22.22 per hour)	\$88.88
TOTAL ESTIMATED CHARGES			\$88.88
DEPOSIT TO BE PAID BY 26 AUGUST 2019			\$25.00

☐ I wish to proceed with my request and enclose payment of **\$25.00**.

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

Position: \_\_\_\_\_

Please return to:

**Freedom of Information unit**  
Department of Health and Human Services  
GPO Box 4057  
MELBOURNE VIC 3001

# Freedom of Information Complaints

## Factsheet

If you are not satisfied with the way that the department processed your freedom of information request, you may lodge a complaint with the Office of the Victorian Information Commissioner (the Commissioner).

## Types of Complaints

The Commissioner can investigate actions taken by agencies in processing requests.

Examples include:

- if the department advises you that the documents cannot be located or that the documents do not exist
- if you feel that the department's response to a freedom of information request has been unreasonably delayed beyond the statutory time period.

## Timeframe for making a complaint

A complaint must be made within 60 days of the action or conduct which is the subject of the complaint.

## How to make a complaint

Complaints must be made in writing and addressed to:

Victorian Information Commissioner  
Office of the Victorian Information Commissioner  
PO Box 24274  
Melbourne Victoria 3001  
Phone: 1300 006 842  
[enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Complaint application forms are available on the Commissioner's website: [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au)

To receive this publication in an accessible format phone (03) 9096 8449, using the National Relay Service 13 36 77 if required, or email [foi@dhhs.vic.gov.au](mailto:foi@dhhs.vic.gov.au)

Authorised and published by the Victorian Government, 1 Treasury Place, Melbourne.

© State of Victoria, Department of Health and Human Services, September 2017.

This fact sheet was created by the Department of Health and Human Services for information purposes only. It is not a replacement for independent legal advice.