



24 September 2019

Our reference: LEX 46629

RK Crosby

Only by email: foi+request-5571-c7ffb8ac@righttoknow.org.au

Dear RK Crosby

Decision on your Freedom of Information Request

I refer to your request received by the Department of Human Services (**department**) on 10 August 2019, for access under the *Freedom of Information Act 1982 (FOI Act)*, made in the following terms:

I would like to know how many people disabled by migraine are currently in receipt of Disability Support Pension.

Please provide any document or documents that detail the number of people with Migraine listed as their disability or illness, currently in receipt any Centrelink benefit, broken down by type of benefit. If the document can indicate the percentage of DSP or Centrelink clients affected by migraine, or if additional documents (such as the entire number of clients) can be provided in order that we can calculate percentages, that would also be very useful.

If such a document does not exist, please provide any document you have (if any) that indicates the prevalence of migraine among Centrelink clients.

Note I am only looking for numbers (in order to try and calculate fiscal impact of new migraine prevention drugs currently being blocked by PBAC), not the personal details of any Centrelink client.

My decision

The department has created one document under section 17 of the FOI Act that relates to part of your request.

I have decided to grant you **full access** to the document.

Please see **Attachment A** for a schedule of the document being released.

For the part of your request for:

Please provide any document or documents that detail the number of people with Migraine listed as their disability or illness, currently in receipt any Centrelink benefit, broken down by type of benefit.

I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate documents for this part of your request, and I am satisfied that they do not exist. Please see **Attachment A** for the reasons for my decision.

How we will send your document to you

The document is attached.

Assessment of FOI processing charges

On 4 September 2019, the department notified you, pursuant to section 29 of the FOI Act, of the preliminary assessment of charges in the amount of \$45 (**preliminary charges**). This amount was based on an estimate of the time that would be involved to create a document in discrete form, as per the FOI Act, and to process your request. The charge was calculated in accordance with regulation 9 of the *Freedom of Information (Charges) Regulations 1982* (**Charges Regulations**).

On 19 September 2019, the department received confirmation that the charge for LEX 46629 had been paid, in full.

In accordance with regulation 10 of the Charges Regulations, I have considered the actual time taken to process the request to determine whether the preliminary charges ought to be adjusted.

I have decided that the reconsidered charges are a fair and accurate reflection of the time taken to create the document and process the request, and likely to be underestimate of the time taken or charge that can be assessed under the Charges Regulations. On that basis, I have decided not to adjust the charges, and have fixed the charges under regulation 10 of the Charges Regulations.

You can ask for a review of our decision

If you disagree with any part of my decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the department or an Australian Information Commissioner review. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

Further assistance

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

Yours sincerely

Robert

Authorised FOI Decision Maker
Freedom of Information Team
Employment Law and Freedom of Information Branch | Legal Services Division
Department of Human Services



SCHEDULE OF DOCUMENTS FOR RELEASE
CROSBY, RK - LEX 46629

Doc No.	Pages	Date	Description	Decision	Comments
1.	1	16/8/19	Number of Disability Support Pensioners with migraine provided as at least one of medical conditions that was assessed and the percentage of Disability Support Pensioners who have migraine listed as a medical condition	Release in full	



REASONS FOR DECISION

What you requested

'I would like to know how many people disabled by migraine are currently in receipt of Disability Support Pension.

Please provide any document or documents that detail the number of people with Migraine listed as their disability or illness, currently in receipt any Centrelink benefit, broken down by type of benefit. If the document can indicate the percentage of DSP or Centrelink clients affected by migraine, or if additional documents (such as the entire number of clients) can be provided in order that we can calculate percentages, that would also be very useful.

If such a document does not exist, please provide any document you have (if any) that indicates the prevalence of migraine among Centrelink clients.

Note I am only looking for numbers (in order to try and calculate fiscal impact of new migraine prevention drugs currently being blocked by PBAC), not the personal details of any Centrelink client'.

What I took into account

In reaching my decision I took into account:

- your original request received on 10 August 2019;
- document that falls within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents;
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and
- the FOI Act.

Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

For the part of your request for:

Please provide any document or documents that detail the number of people with Migraine listed as their disability or illness, currently in receipt any Centrelink benefit, broken down by type of benefit.

I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate documents for this part of your request, and I am satisfied that they do not exist.

It is possible that a person on a payment other than the Disability Support Pension (**DSP**) may have provided migraine as a condition, and this may be recorded on their customer record. One example of this is having migraine included as a condition recorded in a medical certificate provided as part of the Mutual Obligation Requirements for people receiving Newstart Allowance or Youth Allowance, and some people receiving Parenting Payment and Special Benefit. This information is not recorded in a form that would allow for the data to be extracted and for a document to be readily created in a discrete form (i.e. like the data for DSP provided in the document for release). I am satisfied that it is not practical for the department to create a document that would list the number of people with a specific medical illness divided by Centrelink payment type. There is also no existing document that contains that information.

On the basis of the searches conducted and my discussions with relevant departmental officers, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the document for part of your request;
and
2. the document does not exist.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a freedom of information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of a FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982 (FOI Act)* gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of a FOI decision by:

1. an Internal Review Officer in the Department of Human Services (**department**); and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the department within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: www.oaic.gov.au
Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001
Email: enquiries@oaic.gov.au

Note 3: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at www.oaic.gov.au.
- If you have one, you should include with your application a copy of the Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.