



18 March 2020

Our reference: LEX 53336

Mr Anatoly Kern (Right to Know)

Only by email: foi+request-6176-1eb37892@righttoknow.org.au

Dear Mr Kern

Your Freedom of Information Request – Acknowledgement and Consultation

I refer to your request dated 5 March 2020, and received by Services Australia (formerly known as the Department of Human Services) on the same date, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'I am aware that Child Support department records separately critical incidents. I am looking for the documents related to these records'

Consultation – your request gives rise to a practical refusal reason

I am consulting with you regarding your request because it is broad and does not sufficiently identify the documents you are seeking.

I am asking you to clarify your request so that Services Australia is able to identify the documents you require.

If you decide not to make any revisions, I may have to refuse your request on the basis that a 'practical refusal reason' exists.

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 Services Australia find 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; or
- via email to FOI.LEGAL.TEAM@servicesaustralia.gov.au

Note: When you contact us please quote the reference number **FOI LEX 53336**.

Your response will be expected by **1 April 2020**. If no response is received, your matter will be taken as withdrawn.

Your address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is foi+request-6176-1eb37892@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Charges

Services Australia will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable. No charge is payable for providing a person with their own personal information.

Administrative release of documents

Services Australia has administrative access arrangements (**arrangements**) for the release of certain documents without the need for a formal FOI request. Unless you advise us otherwise, in processing your request we may provide you with documents under these arrangements where appropriate. The arrangements do not extend to information or materials of third parties. You will be notified when documents are released to you under the arrangements.

Disclosure log

Please note that information released under the FOI Act may be published in a disclosure log on Services Australia's website. Section 11C of the FOI Act requires this publication, however it is subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Exclusion of junior staff details

Services Australia is working towards ensuring that all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

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

Yours sincerely

Colette
Freedom of Information Team
Employment Law and FOI Branch | Legal Services Division
Services Australia

What I took into account

You requested access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

'I am aware that Child Support department records separately critical incidents. I am looking for the documents related to these records'

As your request currently stands, I am unable to identify the documents falling within the scope of your request, and am therefore unable to process your request.

Specifically, I am seeking clarification from you in relation to the term you have used: 'critical incidents'. Preliminary investigations identified that a Services Australia considers a critical incident to be any incident that brings out a strong emotional response in a person. This term could be understood to mean:

- serious customer aggression incidents;
- armed hold up or hostage situations;
- the death of any person in or closely connected to the workplace;
- major fires or emergency events; or
- reported incidents of threats of self-harm by a person.

Could you please confirm whether you are seeking access to documents relating to one or more of these 'critical incidents'. Alternatively, could you please advise whether you are seeking access to documents relating to some other type of 'critical incident'. Without further information I am unable to identify the documents falling within the scope of your request, and am therefore unable to process your request.

Assistance to revise your request

To enable Services Australia to process your request, you may wish to consider:

- clarifying what the term 'critical incidents' is referring to in the context of this request (for example, by confirming the specific type of critical event you are requesting documents for);
- confirming whether you are seeking documents of 'critical incidents' generally, or just documents which were created in relation to a 'critical incident' involving yourself;
- specifying the types of documents you are requesting, for example reports on individual 'critical incidents', policy documents on 'critical incidents' generally or documents notifying Child Support of a 'critical incident'; and
- limiting the date range of your request.

If you do not revise, I intend to refuse your FOI request as a 'practical refusal reason' exists under sections 24AA(1)(b) and 24 of the FOI Act. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in section 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 (identification of documents).

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable a responsible officer of Services Australia to identify the documents that are being requested.

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to Services Australia or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn 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.