



30 July 2020

Our reference: LEX 57145

John

Only by email: RTK <foi+request-6528-a7ea8c16@righttoknow.org.au>

Dear John

### **Your Freedom of Information Request**

I refer to your request dated and received by Services Australia on 25 July 2020, made under the *Freedom of Information Act 1982* (the **FOI Act**) for the following documents:

'I request any document showing the dates Annette Mussolio was in the Chief Counsel position. This could be a report from a database as required by s17. I also request any document showing the dates Annette Mussolino was in the Deputy CEO Integrity position. Historical org charts show around 2015 and 2018 respectively.

For the dates Annette Musolino was given these positions, I request any document showing who the Secretary of the Department was.'

Currently your request does not sufficiently identify the documents you require and reads more like a request for information.

Services Australia is now formally consulting with you under section 24AB of the FOI Act. This letter is giving you an opportunity to provide us with specific information about the documents you need. Providing this additional information will assist Services Australia in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your freedom of information (**FOI**) request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, please see **Attachment A**.

#### **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](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

**Note:** When you contact us please quote the reference number **FOI LEX 57145**.

Your response will be expected by 13 August 2020. If no response is received, your matter will be taken as withdrawn.

### **Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

Yours sincerely

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

## **What I took into account**

You requested the following documents:

'I request any document showing the dates Annette Mussolio was in the Chief Counsel position. This could be a report from a database as required by s17. I also request any document showing the dates Annette Mussolino was in the Deputy CEO Integrity position. Historical org charts show around 2015 and 2018 respectively.

For the dates Annette Musolino was given these positions, I request any document showing who the Secretary of the Department was.'

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.

For example, your request does not specify whether you are seeking the dates of Ms Musolino's substantive appointment to the roles included in the terms of the request, or dates Ms Musolino was acting in those roles, or both. Further, it is unclear for which periods of time you are seeking access to documents.

Services Australia holds a wide range of documents which could show when an individual was in a particular position (for example, this could include all emails from the individual which display the relevant signature block). As such, I am uncertain as to what documents you are seeking that show the dates Ms Musolino was in the Chief Counsel or Deputy CEO, Integrity positions. Please specify the types of documents you are requesting. I note, if you are not specific, this part of your request may capture a large volume of documents.

Your request also appears to suggest that you are seeking organisational charts. If this is correct, it would assist if you could specify the dates that you require these charts for.

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 FOI Act**

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.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable 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.