

14 January 2021

Our reference: LEX 60430

Mr Anatoly Kern

Only by email: foi+request-7014-129de86b@righttoknow.org.au

Dear Mr Kern

Your Freedom of Information Request

I refer to your request dated and received by Services Australia (the **agency**) on 12 January 2021 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following document:

I am looking to obtain a copy of the internal staff instruction on how to respond to "So when" question, which is completely pronounced as "So when are you going to comply with the limitation of s25c and accept responsibility for knowingly participating in criminal harassment actions, unlawfully using violence and causing permanent disability."

If you are having issues locating this document I am sure that NCP UB55Y would be of your service on that, or anyone from the department of Serial Criminals that is causing the death of more than a thousand people every year, but not taking the responsibility for it.

Practical Refusal Reason

Currently your request does not sufficiently identify the document you require. The agency is therefore 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 the agency in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your FOI request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, including some suggestions on what to consider when revising your request, 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 the agency 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 60430.

Your response will be expected by **28 January 2021**. If no response is received, your matter will be taken as withdrawn.

Timeframe for processing your request

The agency received your request on 12 January 2021 and the 30 day statutory period for processing your request commended from the day after that date. However, we note the consultation period referred to above is not included in this 30 day time period. The period of 30 days may also be extended if we need to consult third parties or for other reasons.

Charges

The agency 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.

Your address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised that your electronic address is foi+request-7014-129de86b@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 wish to advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Administrative release of documents

The agency 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 the agency'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

The agency 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

Alexandra
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 access under the FOI Act to the following documents:

I am looking to obtain a copy of the internal staff instruction on how to respond to "So when" question, which is completely pronounced as "So when are you going to comply with the limitation of s25c and accept responsibility for knowingly participating in criminal harassment actions, unlawfully using violence and causing permanent disability."

If you are having issues locating this document I am sure that NCP UB55Y would be of your service on that, or anyone from the department of Serial Criminals that is causing the death of more than a thousand people every year, but not taking the responsibility for it.

Your request is unclear

Currently your request does not sufficiently identify the documents you require. Section 15(2)(b) of the FOI Act requires that you must provide such information concerning a document as is reasonably necessary to identify it.

For example, your request makes reference to complying with 'the limitation of s 25C'. I am seeking clarification as to what you mean by 'the limitation of s25c.' I have conducted preliminary consultations within the agency and I have been advised that it is not clear what type of information you are seeking.

As a large service delivery provider, the agency is responsible for administering a broad variety of programs and payments. To allow us to identify the documents you are requesting, we would be grateful if you could please provide further detail describing the requested document. For example, 's25C' appears to refer to a legislative provision. Providing the precise citation of the relevant legislation will assist the agency identify the document you are requesting.

Assistance to revise your request

In order to allow the agency identify the documents you are requesting, we would recommend you revise your request by specifying:

- the citation of the legislation which includes 's25C'
- the meaning of 'the limitation of s25C'
- the type of document you are requesting (e.g. policy documents, training documents, documents relating to a debt, relating to Centrelink or medicare etc.) and
- a date range for the creation of the document, if known (for example, 1 January 2019
 1 January 2020).

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 FOI 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.

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