



22 February 2021

Our reference: LEX 60430

Mr Anatoly Kern

Only by email: [foi+request-7014-129de86b@righttoknow.org.au](mailto:foi+request-7014-129de86b@righttoknow.org.au)

Dear Mr Kern

### **Decision on your Freedom of Information Request**

I refer to your revised request received by Services Australia (the agency) on 25 January 2021, for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

Of course, you can do whatever you want, freedom of information regime is a long time as completely dysfunctional thanks to way too many schizophrenic psychopaths within the legal departments spreading their insane views around. (as well as lack of real oversight)

Substantially you are requesting to clarify the type of document and the date range for it, both of which I don't really know, it could be a legal note, email, letter, training instruction, internal policy. (I can't really accept that you are so incompetent to be unaware of s25c of CSRCA)

As I have noted before, you should ask yourself (dhs legal) as the ones, who play a crucial role in killing over a thousand of people every year and who is directly responsible for 'So when' question or refer the search inquiry to NCP UB55Y (look it up by employee id) or anyone from the department of Serial Criminals not willing to take the responsibility for those killing.

Though it could have been in the public interest to see the requested information as it shows how violent serial criminals within the government using psychopaths mirroring technique against their victims abusing existing safety measures and procedures.

### **My decision**

I am satisfied your request does not provide sufficient information to enable the agency to identify the documents you are seeking. Therefore, I have decided to refuse your request under section 24(1) of the FOI Act because a 'practical refusal reason' still exists under section 24AA of the FOI Act.

The reasons for my decision, including the relevant sections of the FOI Act, are set out in **Attachment A**.

### **You can ask for a review of our decision**

If you disagree with the 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 agency, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for a review of the decision. See **Attachment B** for more information about how to request a review.

**Further assistance**

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

Yours sincerely

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

## REASONS FOR DECISION

### What you requested

On 12 January 2021, you requested:

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.

### Request consultation process

On 14 January 2021, I wrote to you under section 24AB(2) of the FOI Act providing a notice of my intention to refuse your request as your request did not clearly identify the documents you were seeking access to. I gave you an opportunity to consult with the agency to revise your request so as to remove the practical refusal reason.

On 25 January 2021, you revised your request to be:

Of course, you can do whatever you want, freedom of information regime is a long time as completely dysfunctional thanks to way too many schizophrenic psychopaths within the legal departments spreading their insane views around. (as well as lack of real oversight)

Substantially you are requesting to clarify the type of document and the date range for it, both of which I don't really know, it could be a legal note, email, letter, training instruction, internal policy. (I can't really accept that you are so incompetent to be unaware of s25c of CSRCA)

As I have noted before, you should ask yourself (dhs legal) as the ones, who play a crucial role in killing over a thousand of people every year and who is directly responsible for 'So when' question or refer the search inquiry to NCP UB55Y (look it up by employee id) or anyone from the department of Serial Criminals not willing to take the responsibility for those killing.

Though it could have been in the public interest to see the requested information as it shows how violent serial criminals within the government using psychopaths mirroring technique against their victims abusing existing safety measures and procedures.

### What I took into account

In reaching my decision I took into account:

- your original request dated 12 January 2021

- your revised request on 25 January 2021
- consultations with agency officers about:
  - the nature of the requested documents
  - the agency's operating environment and functions,
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- the FOI Act.

## **Reasons for my decisions**

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

Following the request consultation process outlined above, in accordance with section 24(1)(b) of the FOI Act, I am satisfied a practical refusal reason still exists as you have not provided sufficient information to identify the requested documents. The reasons for my decision are outlined below.

### *Practical refusal reason*

Section 24AA of the FOI Act provides a practical refusal reason exists if a request for documents 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 a valid FOI request must:

provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it.

### *Why your request does not satisfy the requirement in section 15(2)(b)*

Your original and revised requests both refer to section 25C of the *Child Support (Registration and Collection) Act 1988* (Section 25C) and link section 25C to:

- a “so when question”
- criminal harassment
- violence
- causing permanent disability, and
- killing over a thousand individuals each year.

Section 25C makes reference to residency status and makes no mention of criminal harassment, death, violence or disability. Further, no part of section 25C refers to, or has any obvious connection to, the “so when question” set out in your original request. As such, it is unclear how section 25C relates to the subject matter of your request, and therefore, I am unable to identify documents that are relevant.

We also spoke with the Service Officer mentioned in your request and they were unable to provide any clarity regarding the scope.

Although you have attempted to revise your request, I am satisfied under section 24AA(1)(b) of the FOI Act your revised request does not provide sufficient information to enable a responsible officer of the agency to identify the documents you are seeking. As such, I have decided to refuse your request under section 24(1) of the FOI Act.

## 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 an 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 an FOI decision by:

1. an Internal Review Officer in the agency; 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 agency 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](http://www.oaic.gov.au)  
Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](http://www.oaic.gov.au).
- If you have one, you should include with your application a copy of the agency's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the agency'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](http://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](http://www.ombudsman.gov.au)

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