

Mr Trent Morrison-Francis

**By email only:** [foi+request-7561-d845c22c@righttoknow.org.au](mailto:foi+request-7561-d845c22c@righttoknow.org.au)

Dear Mr Morrison-Francis

**Your freedom of Information request (FOI 3/21)**

The purpose of this letter is to provide you with a decision concerning your request dated 13 July 2021 for access to documents under the *Freedom of Information Act* 1982 (FOI Act).

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

**Summary of your request**

I refer to your FOI request dated 13 July 2021. Specifically, you sought access to:

- *Please provide all internal documents held VRB in relation to the ban on face to face meetings at the VRB for veterans.*
- *Please also provide all documents internal and external (where held by the department) that relate to the refusal of a gentleman in Brisbane with a hearing difficulty being able to have his matter heard for the past two years due to the restrictions and how the board has attempted to comply with the Disability Discrimination Act.*
- *The period that this relates to his 01.01.2019 to the date of this request.*

**Documents relevant to your request**

In relation to dot point 1 of your request, I have identified 1 document as matching the description of your request, which is set out in the attached schedule (attachment 2).

**My decision**

I have decided to release in full the document identified in the schedule.

In making my decision, I had regard to:

- Your request;
- The content of the identified documents;
- The provisions in the FOI Act; and
- The FOI Guidelines (Version 1.5, June 2019).

In relation to dot points 2 and 3 of your request, I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the VRB from its core operations due to the size and broad scope. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

You have 14 days to respond to this notice in one of the ways set out below.

### **Why I intend to refuse your request**

In dot points 2 and 3 of your FOI request dated 13 July 2021, you sought access to:

- *all documents internal and external (where held by the department) that relate to the refusal of a gentleman in Brisbane with a hearing difficulty being able to have his matter heard for the past two years due to the restrictions and how the board has attempted to comply with the Disability Discrimination Act.*
- *The period that this relates to his 01.01.2019 to the date of this request*

There are potentially thousands of files that would need to be located, identified and individually examined to determine if there are documents that come within the scope of your request. Additionally, third parties may then need to be consulted. By a conservative estimate, the whole process may take over 300 hours to complete.

I am of the view that this would require the diversion of a number of VRB staff from their duties in arranging and scheduling current serving members and veterans ADR events and hearings – resulting in a substantial and unreasonable interference with the performance of the VRB's functions.

### **Request consultation process**

You now have an opportunity to revise dot points 2 and 3 of your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the VRB will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your that part of your request in relation to dot points 2 and 3
- make a revised request
- tell us that you do not wish to revise that part of your request in relation to dot points 2 and 3

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from me to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. *(Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)*

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, that part your request in relation to dot points 2 and 3 will be taken to have been withdrawn.

If you would like to discuss this matter further, please contact me by email [foi@vrb.gov.au](mailto:foi@vrb.gov.au)

#### **Your review rights**

If you do not agree with my decision, you may apply for an internal review of the decision by another delegate of the Principal Member of the Board, or an external review of the decision by the Australian Information Commissioner. Please see the [attached](#) information sheet and Fact Sheet (*attachment 1*)

If you would like to discuss this matter further, please contact me on the details above.

Yours sincerely



Ms Rhonda Blair  
Support Officer  
National Registry

Encl: Attachment 1 – Information on FOI Rights of Review  
Attachment 2 – Schedule of Documents

**Attachment 1**

**INFORMATION ON RIGHTS OF REVIEW**

**APPLICATION FOR INTERNAL REVIEW OF DECISIONS**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Your application for a review of the decision must be made in writing within 30 days of the receipt of the attached letter.

Such an application must be set out in writing, setting out your name and address, identify this decision and state the reasons why you seek a review. Such an application should be sent to:

The Principal Member  
Veterans' Review Board  
GPO Box 1631  
SYDNEY NSW 2001  
[foi@vrb.gov.au](mailto:foi@vrb.gov.au)

If you make an application for internal review and a decision is not made within 30 days of receiving the application you will be entitled to make an application within a further 30 days to the Australian Information Commissioner (OAI) for review of the original decision.

**APPLICATION FOR EXTERNAL REVIEW OF DECISIONS**

You can also ask the Australian Information Commissioner to review the decision without going through the internal review process, or if you disagree with the internal review decision.

Further information on the review and complaints process can be found on the OAI's website at:  
<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>

Contact details for the OAI can be found on this webpage: <https://www.oaic.gov.au/about-us/contact-us/>

**Attachment 2**

**Schedule of documents**

Document	Document Date	Document Title	Decision
Page from VRB website	Current and publically available	VRB hearings during Coronavirus (COVID-19) restrictions <a href="https://www.vrb.gov.au/vrb-hearings-during-coronavirus-covid-19-restrictions">https://www.vrb.gov.au/vrb-hearings-during-coronavirus-covid-19-restrictions</a>	Release in full