



Decision and Statement of Reasons made under the *Freedom of Information Act 1982*

Decision and reason for decision of Jessy (Position Number 62320730), Information Law Section, Legal Services and Audit Branch, Department of Veterans' Affairs

Applicant: Mr Alan Ashmore

Decision date: 29 November 2021

FOI reference number: LEX 46551

Sent by (email, post etc): Via Email: foi+request-8029-037a5fb4@righttoknow.org.au

Dear Mr Ashmore,

Freedom of Information Request: FOI 46551

Decision

1. The Department of Veterans' Affairs (**the department**) has undertaken a reasonable search of its records and has identified 1 document relevant to your request.
2. I have made a decision to grant access to the document falling within the scope of your request in full.
3. The document that I have chosen to release in full is set out in **Schedule 1**. Where I have decided to remove material considered to be irrelevant to your request, I have provided access to an edited copy of the document, modified by deletions in accordance with section 22(2) of the *Freedom of Information Act 1982 (Cth)* (**FOI Act**).

Authority to make decision

4. I, Jessy (Position Number 62320730), Information Access Officer, Information Law Section, am authorised to make decisions in accordance with section 23(1) of the Freedom of Information Act 1982 (FOI Act).

Summary

5. On 28 October 2021 you made a request for access to a document in the possession of the department. Your request sought access to:

“As DVA changed the way they report their complaints and complements in their Annual Report I am seeking the total number of complaints and complements for the 2020-2021 financial year”

6. On 23 November 2021, I administratively issued an email to you enclosing a table that encompassed the data you were seeking and requesting that you agree in writing to withdraw your request for LEX 46551 by 25 November 2021.
7. As the department has not received confirmation from you that you withdraw this request, I am issuing this decision noting that the information has previously been issued to you through administrative access.
8. I have decided not to impose a charge in relation to this request, in accordance with Regulation 8 of the *Freedom of Information (Charges) Regulations 2019*.

Material taken into account

9. In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based and the reasons for my decision to grant full access to the document follows.
10. I have taken the following material into account in making my decision:
 - the terms of your request;
 - the types of information and documents that are in the department’s possession;
 - the content of the document that falls within the scope of your request;
 - Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth.
 - the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines);

Access to documents

11. The document released to you in accordance with the FOI Act is enclosed.

Information Publication Scheme

12. The Information Publication Scheme requires the department to publish information released in response to individual requests made under the FOI Act, except in specified circumstances.
13. I am of the view that details of your request should be made available on the department's FOI Disclosure Log. As such, details of your request will be published on the department's FOI Disclosure Log which can be accessed at <http://www.dva.gov.au/about-dva/freedom-information/foi-disclosure-log>. Please note that the department does not publish details of FOI applicants, it only publishes details of the FOI request and the documents released in response to the request.

Yours sincerely,

Jessy (Position Number 62320730)

Information Access Officer

Information Law Section

Legal Services and Audit Branch

29 November 2021



Schedule of documents

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Doc No.	Date of document	Document description	Pages	Decision	Exemption provision
1	27.09.2021	Client Feedback for Supplementary Budget Estimates	1	Full access	s 22



Your rights of review

14. If you are dissatisfied with my decision, you may apply for internal review or request the Office of the Australian Information Commissioner (**OAIC**) review my decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.
15. If you are dissatisfied with my decision you may apply for Information Commissioner Review of the decision through the Office of the Australian Information Commissioner (**OAIC**). In accordance with section 54E(b) of the FOI Act, internal review is not available as the Department did not finalise your FOI request within the prescribed statutory timeframe.

Internal review

16. Under section 54 of the FOI Act, you may apply in writing to the department for an Internal Review of my decision. The Internal Review application must be made within 30 days of the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.
17. You can make your application for Internal Review in one of the following ways:

Post: Legal Services and Audit Branch, Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601

Facsimile: (02) 6289 6337

Email: Information.Law@dva.gov.au

OAIC review

18. Under section 54L of the FOI Act, you may apply to the OAIC to review my decision. An application for review by OAIC must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: Director of FOI Dispute Resolution

Office of the Australian Information Commissioner
GPO Box 5218, Sydney NSW 2001

Facsimile: (02) 9284 9666
Phone: 1300 363 992
Email: FOIDR@oaic.gov.au

1. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Contact us

2. If you wish to discuss this decision, please do not hesitate to contact the Information Law Section using the following details:

Online: <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/access-information>

Post: Information Law, Legal Services and Audit Branch
Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601

Facsimile: (02) 6289 6337
Phone: 1800 838 372
Email: Information.Law@dva.gov.au