

FOIREQ22/00120 178

Your correspondence about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	24-Dec-2013 10:20 AM	Zatschler, Elizabeth
Notice of complaint by s22 [SEC=UNCLASSIFIED]	24-Dec-2013 10:19 AM	Zatschler, Elizabeth
Scan [SEC=UNCLASSIFIED]	24-Dec-2013 11:47 AM	Zatschler, Elizabeth
Failure to respond to a S55E notice issued by the Freedom of Information Commissioner	03-Jan-2014 10:12 AM	Azevedo, David
FYI	03-Jan-2014 10:48 AM	Azevedo, David
RE: FYI [SEC=UNCLASSIFIED]	03-Jan-2014 1:20 PM	Azevedo, David
Withdrawing all complaints and appeals with the OAIC	14-Jan-2014 7:55 PM	Azevedo, David
RE: Withdrawing all complaints and appeals with the OAIC [SEC=UNCLASSIFIED]	15-Jan-2014 8:14 AM	Azevedo, David
IC review and complaints by s22 [SEC=UNCLASSIFIED]	15-Jan-2014 8:28 AM	Azevedo, David

**Comments - 1**

Created	By	Comment
15-Jan-2014 8:42 AM	Azevedo, David	Case Closed by s 47E(d) on 15-Jan-2014 08:42

**From:** [David Azevedo](#)  
**To:** [Enquiries](#)  
**Subject:** FW: IR 13-10 [DLM=For-Official-Use-Only]  
**Date:** Monday, 13 January 2014 7:39:42 AM  
**Attachments:** [IR 13-10 Letter & Statement of Reasons.pdf](#)  
                   s 47F [REDACTED] letter re the AGS.tiff  
                   s 47F [REDACTED]'s letter of 10 April 2013.tiff  
                   DVA letter re general complaint.tiff

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Hi Enquiries

Can this please be registered as an IC review and a complaint. They can then be assigned to the normal queue for processing.

Thanks

Dave

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**From:** s22 [REDACTED]  
**Sent:** Friday, 10 January 2014 11:37 PM  
**To:** David Azevedo  
**Subject:** FW: IR 13-10[DLM=For-Official-Use-Only]

Dear Mr Azevedo

As per the FOI Act, this is a formal request for a review by the OAIC of an internal review determination made by the Department of Veterans' Affairs (DVA). The review fully affirmed the original decision to not release two documents (8 and 9 on the schedule). See attached.

I believe that, once again, it is possible that I must complain about how this FOI request was handled by DVA. Point 3 below notes that I have strong reservations over whether the officer who made the determination should have done so. I note that he is not DVA's FOI officer in Canberra. I do not know whether or not the OAIC would be concerned over this officer making the determination. If your office is not concerned, please do not treat this as a complaint but just a request for a review. I am very tired of all this, and I am sure your office must be as well.

Once again, I find myself in the vexed position of DVA having received information on the behaviour of one of its staff members, but refusing to either advise the result of the investigation, nor release the relevant documents under FOI due to their claiming Legal Professional Privilege (LPP). Before I go any further I believe DVA is deliberately using LPP to avoid its obligations under FOI. I will leave that to your office to consider its implications.

I have three reasons for seeking this appeal:

1. DVA advised on 28 February 2013 that an independent investigator was to be appointed to consider a complaint against s 47F [REDACTED]. On 10 April 2013 DVA advised that they were now seeking legal advice on this matter. I heard nothing for several months, though DVA did complete a mid year FOI request on this matter showing that the only external agency they dealt with was the Australian Government Solicitor (AGS). I subsequently wrote and asked why I had no response to the investigation. DVA responded to this letter by stating the AGS was only engaged to provide legal advice. There was no other agency conducting an

investigation. I believe DVA deliberately engaged the AGS in order to prevent release of any documents by claiming LPP. The fact that no other agency was engaged implies that the real purpose of the AGS engagement was to investigate the complaint, not for the purpose of a lawyer - client relationship. DVA has subsequently attempted to create the fiction that this is a lawyer - client relationship for the deliberate purpose of avoiding the release of relevant documents under FOI. I have attached all three letters as part of this application.

2. DVA states that *the main purpose of the draft legal advice is to provide opinions on the operation of the law in particular circumstances*. Yet, in the letter of acceptance by the AGS on 07 March 2013, the AGS states: *Thank you for asking us, in your email dated 04 March 2013 to provide your [sic] with an advice in relation*

s 22

My complaint was never about DVA's interpretation of the FOI Act. It was about the provision of misleading, even falsified, information to the OAIC. I cannot understand how any one of these documents can possibly be about 'the operation of the law in particular circumstances', unless DVA is using the tortuous logic that simply because the behaviour of the staff was associated with the FOI Act then the AGS correspondence is so protected. If that is the case, then no document provided by the AGS to any government agency can ever be released because, by definition, the activity of all government agencies are subject to, and constrained by, Commonwealth law.

1. The complaint was against DVA's senior legal officer over her handling of matters concerning your office. It was considered serious enough for DVA to engage the AGS. However, the person who made the original FOI determination, s 47F, is one of her junior officers. More importantly, he was also involved in the investigation of s 47F behaviour. He personally sought and obtained information from the complaint unit, which he never passed on to any other party. s 47F also received the AGS correspondence and prepared a summary on same, but apparently with-held this fact from the officer in charge of the investigation (s 47F received the AGS correspondence on 11 October 2013, but s 47F advised me a month later that he was expecting that advice in the next few weeks). It was this officer who then refused access to these very same documents. I believe it was inappropriate for s 47F to have made this determination.

DVA states that *the draft advice concerns serious allegations about the conduct of departmental staff. Therefore, I am satisfied that the document has real sensitivities associated with it and real harm would result from its release*. These are the public interest factors that I believe way in favour of release:

1. DVA has made no attempt to advise the results of the AGS investigation for over three months. I note that this is in direct conflict with the APSC policy on complaints against senior officers (see below for an expanded explanation). I note that, just as with the previous complaint against s 47F, DVA is refusing to provide the information as per the APSC guidelines and refused access to all documents by claiming LPP. s 47F situation is again being repeated unless the AGS correspondence is released under FOI
2. The AGS correspondence sought refers to a complaint against DVA's highest legal officer, who is responsible for the behaviour of DVA's entire legal team. It is most definitely in the public interest to either confirm or deny whether an independent reviewer has found the behaviour of DVA's Principal Legal Adviser unethical.
3. The AGS correspondence reviews allegations that DVA's legal team deliberately



misinformed the OAIC (at best), or even falsified documents that were provided in response to OAIC inquiries. It is absolutely in the public interest to know whether or not DVA's handling of FOI requests by its Canberra office, and subsequent OAIC inquiries, are conducted ethically and in a manner expected of a government agency.

4. The AGS correspondence reviews the behaviour of s 47F staff (names provided in the original complaint) who are alleged to have refused access to documents under direction. In other words, their determinations were compromised and not arrived at independently. It is definitely in the public interest to confirm or deny whether the independence of FOI officers in DVA's Canberra office is compromised. It is also definitely in the public interest to confirm or deny whether or not the AGS even considered this matter.

### **Deliberative Matter**

The only deliberative matter is the (strangely) undated document titled 'Considerations of draft legal advice s 47F'. I state that it is strangely undated because the document's author and the FOI determining officer are one and the same. I find it difficult to believe that he could not just look up on his own computer the date that the document was last modified. DVA states that *Document 9 consists of opinions and advice which were presented in order to inform a deliberative process relating to the Department's functions.* I would dispute this on the following public interest grounds:

1. I have already noted my concerns over the involvement of s 47F in both the investigation and in making the FOI determination. It would be extra-ordinary, even unbelievable, for s 47F to have provided s 47F with deliberative matter. In all seriousness, this would mean that s 47F had taken part in the investigation of his boss (s 47F), uncovered material that supported the allegation but apparently never passed it on to another party, would have subsequently received the AGS correspondence on his boss, made an assessment on its implications for his boss, then provided s 47F with recommendations on how DVA should respond to the complaint regarding his boss and possibly even recommend sanctions against his boss. Am I the only one who thinks this is a cut and paste with no real thought going into it? Quite simply, I do not believe that this is deliberative matter. How could it be? In fact, it is in the public interest to compare this document with the original AGS correspondence to confirm that s 47F has not altered it in any surprising ways.
2. DVA states that *disclosure could reasonably be expected to prejudice the fair treatment of individuals.* This complaint is a year old. DVA has made no attempt to finalise it. In other words, there is no evidence that DVA is, or ever will, act on the AGS correspondence. It is unfair treatment for both the complainant and the subject of the complaint for the results to be suppressed. I again note that the APSC guidelines on disclosure for complaints against senior officers is much higher than for lower grades.
3. DVA stated that *Disclosure could reasonably be expected to impede the administration of justice for an individual..* Refer comments in (2) above. Quite simply, it can only impede the administration of justice if they are actually going to do anything. If not, then its release is in the public interest as it actually provides the public with an assessment on the complaint against DVA's Principal Legal Adviser.
4. DVA then states that *Disclosure could reasonably be expected to prejudice the management function of an agency.* How? Seriously, how? The matters referred to in this document discuss the AGS' advice on whether or not s 47F and her team acted ethically with regards FOI. What level of detail of any management function in DVA would even be considered? Or is the reviewer actually saying that a finding of whether the legal team acted unethically in this matter would be



prejudicial? Is DVA's management going to fall apart because they may be actually expected to act according to legislation and policies? Surely it is in the public interest to confirm or deny whether DVA's management of FOI is effective and ethical. Seriously.

5. DVA then stated that *Disclosure could reasonably be expected to prejudice the proper operation of administrative processes*. Again, How? Seriously, how? Refer point (4) above. The only administrative process that the AGS could have reviewed was its processes in relation to the FOI Act. I can get on the OAIC web-site and look the bloody thing up, download templates and agency guidelines. There is enough information there that I could write the manual for these bloody idiots. How can releasing and details resulting from the AGS review of the complaint against [REDACTED] possibly prejudice its administrative processes? Why do I get the impression that this is just the tail-end of a long cut and paste listing every objection they can in the hope that one will stick.

#### **APSC advice on disclosure of complaints against senior officers**

The expected standard of behaviour (as noted in the APSC Circular 2008/3, paragraph 38) of [REDACTED] s 47F is much higher due to her position as DVA's Principal Legal Adviser. As the APSC noted, the duty of disclosure by the department over a complaint against a senior officer is also much higher. Even the APSC's sample letter states whether the officer was found to have breached the APS Code of Conduct. To date DVA has even refused to provide even that small amount of information. Note also that the officers concerned are known and the complaint is about a specific action. Just as per the previous complaint against [REDACTED] s 47F, DVA is refusing to provide information as to whether an appropriate sanction was imposed. It is not unreasonable for DVA to advise whether sanctions are applicable to [REDACTED] s 47F, even if they do not specify the type of sanction.

> Subject: IR 13-10[DLM=For-Official-Use-Only]  
 > Date: Fri, 10 Jan 2014 12:15:27 +1100  
 > From: [REDACTED] s 22  
 > To: [REDACTED] s22  
 >  
 > Dear [REDACTED] s22  
 >  
 > Request for Internal Review: [REDACTED] s22  
 >  
 > I refer to your request for internal review under the Freedom of  
 > Information Act 1982 (FOI Act) received 16 December 2013. Your request  
 > sought review of Mr Trent Babington's primary decision in relation to  
 > [REDACTED] s22  
 >  
 > Please find attached with this email a letter and a Statement of Reasons  
 > for the internal review decision.  
 >  
 > <<IR 13-10 Letter & Statement of Reasons.pdf>>  
 >  
 > The original will be posted to you today.  
 >  
 > Yours sincerely  
 >  
 > Legal Services, Assurance & Deregulation  
 > Department of Veterans' Affairs  
 >  
 >  
 > 

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 > IMPORTANT

- > 1. Before opening any attachments, please check for viruses.
- > 2. This e-mail (including any attachments) may contain confidential information  
> for the intended recipient. If you are not the intended recipient,  
> please contact the sender and delete all copies of this email.
- > 3. Any views expressed in this e-mail are those of the sender and are not  
> a statement of Australian Government Policy unless otherwise stated.
- > 4. Electronic addresses published in this email are not conspicuous publications and  
DVA does not consent to the receipt of commercial electronic messages.
- > 5. To unsubscribe from emails from the Department of Veterans' Affairs (DVA) please  
go to  
> [http://www.dva.gov.au/contact\\_us/Pages/feedback.aspx](http://www.dva.gov.au/contact_us/Pages/feedback.aspx)  
> , and advise which mailing list you would like to unsubscribe from.
- > 6. Finally, please do not remove this notice.

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s22

Nicolaou, Irene  
09-May-2022 11:08 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	13-Jan-2014 1:02 PM
Case Type:	Decline	Received By:	Wolf, Natasha
How Received:		Registered Date:	13-Jan-2014 1:02 PM
Owned By:	Azevedo, David	Registered By:	Azevedo, David
		Closed Date:	15-Jan-2014 8:38 AM
		Closed By:	Azevedo, David

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Valid
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case Primary Person:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	15-Jan-2016

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

Applicant is concerned about the decisionmaker not being the FOI Officer. Discussed with Annan. Wrote to applicant explaining this is not unusual and providing links to Agency Resource 10 and Guidelines, especially paragraphs 9.21 and 9.22. Sought applicant's withdrawal. Await response.

**Issues - 1**

**Issue Description:** Administrative deficiency  
**Is Primary Issue:** Yes  
**Issue Allegation:** incorrect application of law  
**Issue Outcome:** withdrawn

**Actions - 23 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach documents	Wolf, Natasha	14-Jan-2014	13-Jan-2014



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Move to Triage basket	Wolf, Natasha	14-Jan-2014	13-Jan-2014
Allocate to Triage Officer (CP)	FOI - Triage	14-Jan-2014	13-Jan-2014, Zatschler, Elizabeth
First Check	Azevedo, David	14-Jan-2014	15-Jan-2014
Move to Mail Assessor basket	Azevedo, David	16-Jan-2014	15-Jan-2014
Allocate to Mail Assessor User (CP)	FOI - IC reviews - Assessment	16-Jan-2014	15-Jan-2014, Azevedo, David
Assess Path (CP)	Azevedo, David	16-Jan-2014	15-Jan-2014: Valid – Preliminary Inquiry
Withdrawn			
Allocate Complaint	Allocation - FOI Case Management	16-Jan-2014	15-Jan-2014, Azevedo, David
Send Acknowledgement (CP CADM)	Azevedo, David	16-Jan-2014	15-Jan-2014
Prepare Plan (CP)	Azevedo, David	16-Jan-2014	15-Jan-2014
Seek approval of plan (CP)	Azevedo, David	16-Jan-2014	15-Jan-2014: Approved
Conduct Preliminary Inquiries (CP)	Azevedo, David	16-Jan-2014	15-Jan-2014
Analyse Preliminary Inquiries	Azevedo, David	16-Jan-2014	15-Jan-2014
Make recommendations to supervisor (CP PI)	Azevedo, David	16-Jan-2014	15-Jan-2014
Decide path (CP PI)	Azevedo, David	16-Jan-2014	15-Jan-2014: Ready to Close
Allocate Complaint	Azevedo, David	16-Jan-2014	15-Jan-2014
Prepare s73 letter for approval (CP DEC)	Azevedo, David	16-Jan-2014	15-Jan-2014
Review s73 letter (CP DEC)	O'Brien, Peter	16-Jan-2014	15-Jan-2014, Azevedo, David
Commissioner approves s73 letter (CP DEC)	Azevedo, David	16-Jan-2014	15-Jan-2014
Send s73 letter (CP DEC)	Azevedo, David	04-Feb-2014	15-Jan-2014
Await response to s73 letter (CP DEC)	Azevedo, David	04-Feb-2014	15-Jan-2014: No Response
Notify relevant parties of closure (CP DEC)	Azevedo, David	16-Jan-2014	15-Jan-2014
Close Complaint (CP DEC)	Azevedo, David	16-Jan-2014	15-Jan-2014

**Documents - 9**

Title	Date Added	By
FW: s22 [DLM=For-Official-Use-Only]	13-Jan-2014 7:39 AM	Wolf, Natasha
Your Complaint about DVA [SEC=UNCLASSIFIED]	13-Jan-2014 2:16 PM	Zatschler, Elizabeth
Withdrawing all complaints and appeals with the OAIC	14-Jan-2014 7:55 PM	Azevedo, David
RE: Withdrawing all complaints and appeals with the OAIC [SEC=UNCLASSIFIED]	15-Jan-2014 8:14 AM	Azevedo, David

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IC review and complaints by s 22 [SEC=UNCLASSIFIED]	15-Jan-2014 8:28 AM	Azevedo, David
DVA + s22 [SEC=UNCLASSIFIED]	13-May-2014 7:16 AM	Azevedo, David
RE: DVA + s22 [SEC=UNCLASSIFIED]	13-May-2014 8:30 AM	Azevedo, David
The complaint into s 47F	17-May-2014 1:50 AM	Azevedo, David
RE: The complaint into s 47F	17-May-2014 8:05 AM	Azevedo, David

**Cross References - 1**

Case	Comments
s22	

**Comments - 1**

Created	By	Comment
15-Jan-2014 8:38 AM	Azevedo, David	Case Closed by s 47E(d) on 15-Jan-2014 08:38



## Getting Started

### Before you start

- You can save this form to your computer so you can come back to it later.
- Fields marked with an asterisk (\*) must be completed before you can submit the form.
- You can save details of your original FOI request in a separate document (i.e. a Word document) and attach it to this form.
- If you have trouble completing the form please send an email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- This form is sent to the Office of the Australian Information Commissioner via a secure system to ensure your personal information is protected.

### What happens to your application?

- Staff of the Office of the Australian Information Commissioner will assess the information you have provided and decide the appropriate next steps. We will then contact you.
- We will use the information you have provided to assess your application, conduct the investigation and conciliate your complaint. We will usually disclose the information you give us to the agency you have complained about and, if necessary, others who have information relevant to your complaint. In the case of a challenge to a decision by this Office, we may need to disclose some information to a review body for example, a court or tribunal.
- Your personal information will be used and stored in accordance with the Australian Privacy Principles.

You can also submit a complaint in writing, by [email](#), fax, phone or in person by visiting one of our offices.

## Details

### Your Details (You must provide at least one contact method)

Title	First Name *	Last Name *
<input type="text" value="§22"/>	<input type="text" value="§22"/>	<input type="text" value="§22"/>

If you wish your complaint to be anonymous, please write 'anonymous' in both boxes. Please note, we may not be able to investigate anonymous complaints.

If you are enquiring on behalf of an agency/organisation please supply the Organisation Name

Organisation Name

### Preferred contact method \*

☒ Email ☐ Phone ☐ Post ☐ Other

Email

Phone (daytime)

Mobile

Postal Address

City

State

Postcode

Other contact details (eg. fax or international address)



Further instructions (for example, if you need an interpreter and in which language)

Are you submitting the complaint on behalf of someone else? \*

☐ Yes ☒ No

## Agency Information

Please select the Australian Government agency which is the subject of your FOI complaint. \*

- ☐ Australian Federal Police
- ☐ Australian Taxation Office
- ☐ Department of Defence
- ☐ Department of Education
- ☐ Department of Foreign Affairs and Trade
- ☐ Department of Human Services
- ☐ Department of Immigration and Border Protection
- ☐ Department of Prime Minister and Cabinet
- ☒ Department of Veterans' Affairs
- ☐ Department of Employment
- ☐ Other

## Previous contact with the agency

Please provide any FOI reference number(s) if available (separate reference numbers by commas)

s22

Do not provide tax file numbers or other confidential account-type number(s).

Please provide a summary of the current status of the FOI Request that has lead to this complaint

Only part of file supplied and various File Reference numbers

## FOI Complaint Details

Please provide a summary of your complaint \*

A part file was provided by DVA which includes document reference s22 and s22 when I had previously had instructions from the DVA Minister that my reference number is s22 and I can not have any other number. (I also have a request under the FOI Act for (A Second File) which is referred to in AAT documents ) and DVA are withholding that file saying it does not exist. The file supplied refers to s22, but there is no reference to s22.

What action or result would you like from the Information Commissioner? \*

Instruct DVA to amend the files with incorrect out of date or misleading file numbers and provide all of the files

If you have contacted us before on this matter, please provide your original reference number

### Supporting documents

To commence an application, the office requires copies of the following documents:

- any documentation indicating that you are authorised to act for another person

You may also attach other relevant information that supports your application.

Do you have any electronic documents that you want to send electronically with this online application for review?

☐ Yes ☐ No

Do you have any paper documents which you would like to send to the office in support of your complaint?

If so, after you have submitted this form electronically, please print it and attach it to your documents so we can relate them to your electronic application. You can then post your documents relating to your complaint to

Information Commissioner  
GPO Box 5218 Sydney NSW 2001

## FOI Complaint Submission


### Submitting your FOI Complaint to the Information Commissioner

Please review the information contained in this complaint form. If you would like to change anything you can return to any area of the form to make changes.


Once you submit the complaint you will receive a confirmation message with a receipt number indicating that your complaint has been sent to the Office of the Australian Information Commissioner for processing. Please take note of the receipt number so you can use it when enquiring about the status of your application.

What happens next? The Office will assess your application and then contact you about the next steps in our process.

If you have not yet completed your form and want to work on it later click:

 **Save** The 'Save' button allows you to save a draft copy of this form to your local computer so you can access this FOI Complaint request form without being connected to the internet.

When you are ready to submit your form click:

 **Save & Submit** The 'Save & Submit' button will allow you to submit your application to The Australian Information Commissioner for processing and save a local copy.

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s22

Nicolaou, Irene  
09-May-2022 11:08 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	27-Oct-2014 4:30 AM
Case Type:	Investigation	Received By:	Web Queue
How Received:		Registered Date:	27-Oct-2014 4:30 AM
Owned By:	Fleming, Timothy	Registered By:	Fleming, Timothy
		Closed Date:	17-Apr-2015 2:24 PM
		Closed By:	Fleming, Timothy

**Case Details**

Stage:	Closed		
How Received:	Website		
Validation:	Valid		
Sensitivity:	Not sensitive		
File Security:	UNCLASSIFIED		
Agency Reference Number:	s 22		
Primary Client Group:	Individual		
Parent Case Entity Code:	Complaint		
Agency FOI Stage:	Initial decision		
Respondent Client Group:	Agency		
Complexity:	Low		
Case PrimaryPerson:	s22		
Case Respondent:	DVA - Department of Veterans' Affairs		
SmartForm Number:	s 22		
Is Web Case:	Yes		
SmartForm Details:	Complaint Summary: A part file was provided by DVA which includes document reference s22		
SmartForm XML:		Web Case Data:	Retention Class: OAIC RA 61986 (D2)
Destruction Due Date:	17-Apr-2017		

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs



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**Summary**

s 73 intent to decline sent. Send close letter. Awaiting TP signature

**Issues - 1**

**Issue Description:** Processing Request

**Is Primary Issue:** Yes

**Issue Allegation:** unsatisfactory reasons for decision

**Issue Outcome:** s73(b) - merits review

**Actions - 26 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	MacNamara, Jane	30-Oct-2014	28-Oct-2014
Move to Triage basket (FC REG)	Web Queue	29-Oct-2014	28-Oct-2014, MacNamara, Jane
Allocate to Triage Officer (FC TR)	FOI - Triage	29-Oct-2014	06-Nov-2014, Fleming, Timothy
Conduct Triage (FC TR)	Fleming, Timothy	07-Nov-2014	12-Nov-2014: Mail Assessment
Phone call to complainant	Fleming, Timothy	13-Nov-2014	12-Nov-2014

Called C to discuss OAIC closure. C expressed issue experience dealing with DVA. C unclear on if he want review or complaint. Appeared to desire both. Advised C I would put options in writing. C advised complaint related to s22

Decide Path (FC MA)	FOI - IC reviews - Assessment	13-Nov-2014	17-Nov-2014, Boag, Annan: Decline
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Complainant has lodged complaint about DVA refusing access to documents. We have asked if he wants the decision reviewed, but he said he wants to make a complaint. Please prepare intent to decline letter under s 73(b). Please note interaction with s22.

Move to Allocation (MA INV)	FOI - IC reviews - Assessment	18-Nov-2014	17-Nov-2014, Boag, Annan
Allocate Complaint (FC RF)	Fleming, Timothy	18-Nov-2014	17-Apr-2015
File Note	FOI - IC reviews - Reviews	18-Nov-2014	17-Nov-2014, Boag, Annan

Amendment made to email of 17 November 2014 to correct typographical error, following request under s 48 of the FOI Act. Ref: s22. Annan Boag 17 November 2014

s 73 Decline Letter to Complainant - Prepare & Send	Fleming, Timothy	29-Jan-2015	17-Apr-2015
Prepare Letter (Ad-Hoc)	Fleming, Timothy	30-Jan-2015	28-Jan-2015, Boag, Annan
Await Manager Approval (Corro Ad Hoc)	Toohey, Karen	30-Jan-2015	28-Jan-2015: Approved

Karen - see s 73 letter for approval to go to TP

Prepare Letter (Ad-Hoc)	Fleming, Timothy	11-Feb-2015	09-Feb-2015
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Await Manager Approval (Corro Ad Hoc)	Toohey, Karen	11-Feb-2015	09-Feb-2015: Approved
Karen - s 73 letter for approval needs to be signed by Timothy P. See docs.			
Prepare s73 Close Letter (FC-025)	Fleming, Timothy	12-Mar-2015	13-Mar-2015
Await Clearance – s73 Close Letter (FC-025)	Ago, Rocelle	17-Mar-2015	18-Mar-2015: Approved with changes
s 73 close letter draft in docs.			
Await Director Clearance – s73 Close Letter (FC-025)	Ago, Rocelle	20-Mar-2015	19-Mar-2015: Approved with changes
Prepare Letter (Ad-Hoc)	Fleming, Timothy	25-Mar-2015	23-Mar-2015
Await Manager Approval (Corro Ad Hoc)	Toohey, Karen	25-Mar-2015	24-Mar-2015: Approved
Complaint closure letter in docs for Timothy's signature. ill get TP to sign k			
Review File (FC RF)	Fleming, Timothy	20-Apr-2015	17-Apr-2015: Proceed
Notify relevant parties of closure	Fleming, Timothy	20-Apr-2015	17-Apr-2015
Conduct Investigation (FC INV)	Fleming, Timothy	20-Apr-2015	17-Apr-2015: Ready to Close
Prepare and Send s73 letter (FC INV)	Fleming, Timothy	07-May-2015	17-Apr-2015
Await response to s73 letter (FC INV)	Fleming, Timothy	07-May-2015	17-Apr-2015: No change in view
Notify Parties of Closure (FC IC)	Fleming, Timothy	20-Apr-2015	17-Apr-2015: No Recommendations
Close Case	Fleming, Timothy	20-Apr-2015	17-Apr-2015

**Documents - 13**

Title	Date Added	By
form-data.xml	27-Oct-2014 4:30 AM	resolve, resolve
form-receipt.pdf	27-Oct-2014 4:30 AM	resolve, resolve
RE: Notice of request for IC review and FOI complaint - request for information [SEC=UNCLASSIFIED]	06-Nov-2014 4:29 PM	Fleming, Timothy
Notice of request for IC review and FOI complaint - request for information [SEC=UNCLASSIFIED]	06-Nov-2014 3:58 PM	Fleming, Timothy
RE: Your FOI complaint [SEC=UNCLASSIFIED]	11-Nov-2014 10:33 PM	Fleming, Timothy
s22 Agency reference: s22		
Acknowledgment email - s22.pdf	11-Nov-2014 3:28 PM	Boag, Annan
Complaint Intent to Close - Complainant - Decline s73a - s 22	28-Jan-2015 10:32 AM	Boag, Annan
s22 - sign off [SEC=UNCLASSIFIED]	02-Feb-2015 10:19 AM	Fleming, Timothy
Your FOI complaint [SEC=UNCLASSIFIED]	09-Feb-2015 12:21 PM	Fleming, Timothy

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FW: Your FOI complaint [SEC=UNCLASSIFIED]	09-Feb-2015 9:37 PM	Fleming, Timothy
s 73 close.docx	13-Mar-2015 2:31 PM	Fleming, Timothy
Your FOI complaint [SEC=UNCLASSIFIED]	17-Apr-2015 2:18 PM	Fleming, Timothy
RE: Notice of request for IC review and FOI complaint - request for information [SEC=UNCLASSIFIED]	17-Apr-2015 2:22 PM	Fleming, Timothy

**Cross References - 2**

Case	Comments
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s22

s22

**Comments - 1**

Created	By	Comment
17-Apr-2015 2:24 PM	Fleming, Timothy	Case Closed by s 47E(d) on 17-Apr-2015 14:24



Sandra Wavamunno

Review and Investigation Officer/FOI Dispute Resolution

Office of the Australian Information Commissioner

GPO Box 5218

Sydney NSW 2000

Dear Sandra

Thank you for the conversation this morning.

As request I have dot pointed the concerns I discussed with you and request answers to them.

1. It is my belief that the Department of Veterans Affairs has gone beyond their scope of authority within the meaning of the FOI Act 1982 by appointing at the Internal Review level of my FOI request the Australian Government Solicitors Office to represent DVA in the reviewing my said FOI request dated the 2<sup>nd</sup> of September 2017. This is borne out by DVA via an extension of time request through AGS when the conduct of the review as to my internal review which must be undertaken by a more senior departmental officer independent of the original decision maker within DVA. AGS is not a principal officer of DVA and therefore cannot legally apply to the OAIC for such a request. Advice is one thing but this is quite another. There are many officers or principal officers within DVA who could have completed this application to your office.
2. DVA through AGS has now over stepped the scope of their authority by relating to your office information that is not relevant nor is there a reason for it at this stage in the process. The excuse for an extension of time as to my internal review and as your office is the next step in the review process who will have the conduct and the authority to adjudicate on any legal issues raised as to the appointment of AGS and there conduct? I contend that this step in the internal review process by DVA via the AGS has removed any impartiality in this matter by the OAIC acceptance of such a request as being outside the process laid down in the FOI Act 1982. This further enforces that AGS has taken over conduct of my internal review but at the same time I am denied any legal representation during this process.

Unfair, unjust and I believe also an abuse of process.

3. This is I believe the only acceptable reason for an extension of time within the said correspondence to you from the AGS that is relevant to my matter and once again reinforces that the AGS is conducting this internal review (Extract from their correspondence to your office);

2/

“In accordance with s 54C(3) of the FOI Act, DVA must now make a fresh decision in relation to the request for amendment (as revised on 2 September 2017) by 3 October 2017.<sup>2</sup> DVA seeks an extension of time to process this request under s 54D(3) of the FOI Act to 17 October 2017.

**This is on the basis that DVA have unfortunately experienced a number of staff absences in recent weeks, which has meant that there have been insufficient staff and resources to allow the internal review decision to be completed. This has been compounded by the fact that there have been other competing urgent priorities which have meant that this internal review could not be progressed as quickly as DVA would like.”**

4. I request of your office a copy of any precedent where this type of conduct has been allowed during an internal review or any review process in relation to an FOI request to an agency. It has not happened to me in the 30 odd years that I have been dealing with FOI requests for myself and on behalf of other Veterans and also confirmed as being so during recent discussions with several Veterans advocates in this area.
5. My understanding of the relevant sections of the FOI Act 1982 make it quite clear as to who or whom will conduct these FOI reviews and more specifically who or whom will make any or all decisions on the merits of the matter and as to the everyday meaning of the word “impartiality”. The AGS are certainly not any of those people!

I hope you had a very nice weekend and this correspondence makes it clear as to that which we discussed by phone.

Yours Sincerely

s22

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FOIREQ22/00120 196

s22

Nicolaou, Irene  
09-May-2022 11:10 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	11-Oct-2017 12:00 AM
Case Type:	To be Determined	Received By:	Quan, Trish
How Received:		Registered Date:	20-Oct-2017 11:00 AM
Owned By:	Napper, Shelley	Registered By:	Napper, Shelley
		Closed Date:	29-Nov-2018 10:48 AM
		Closed By:	Napper, Shelley

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Not validated
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Internal review decision
Respondent Client Group:	Agency
Complexity:	Low
Case PrimaryPerson:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Assessor Note:	Closure with Commissioner
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	29-Nov-2020

**Case Parties - 3**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs
Respondent Contact:	Egan, Kristy

**Summary**

s22 has complained about DVA outsourcing processing of his internal review application to AGS.

He has sought IC review of this decision see s22 See also s22

Assessment:

Complaint issues include:

- DVA engaging AGS to assist with processing of internal review application.
- AGS seeking an EOT on DVA's behalf - this is not permitted under the FOI Act.
- C has no entitlement to legal representation through FOI process.
- Refer to OAIC email of 20/10/2017 re issues. OAIC has dealt with issues in relation to EOT s22
- Note: C states he has complained to DVA but has not yet received a response.



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Next steps:

- Review material and request further information from DVA addressing issues raised by C. Seek confirmation of lodgement of C with DVA and outcome.
- Assess whether PI required or decline after further information provided by DVA.

**Issues - 1****Issue Description:** Processing Request**Is Primary Issue:** Yes**Issue Allegation:** unsatisfactory customer service**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Actions - 35 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	Quan, Trish	24-Oct-2017	20-Oct-2017
Move to Triage basket (FC REG)	Quan, Trish	23-Oct-2017	20-Oct-2017
Allocate to Triage Officer (FC TR)	FOI - Triage	23-Oct-2017	20-Oct-2017, Harlock, Raewyn
Conduct Triage (FC TR)	Harlock, Raewyn	23-Oct-2017	20-Oct-2017: Further Info

s22 has complained to DVA and is waiting for a response from them. Follow up in two weeks.

Seek Further Information (FC TR)	English, Carl	24-Nov-2017	14-Nov-2017
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Ask s22 whether DVA has responded to his complaint and whether he has any remaining issues. See email dated 20.10.17. s22 wants an investigation to commence regardless of whether DVA has sent him a response. Email sent to C 10/11/17. Response due 24/11/17

Conduct Triage (FC TR)	English, Carl	15-Nov-2017	14-Nov-2017: Mail Assessment
Decide Path (FC MA)	FOI - Complaints	15-Nov-2017	08-Feb-2018, Liddle, Emma: More Information

Assessment: Complaint issues include: - DVA engaging AGS to assist with processing of internal review application. - AGS seeking an EOT on DVA's behalf - this is not permitted under the FOI Act. - C has no entitlement to legal representation through FOI process. - Refer to OAIC email of 20/10/2017 re issues, OAIC has dealt with issues in relation to EOT s22. - Note: C states he has complained to DVA but has not yet received a response. Next steps: - Review material and request further information from DVA addressing issues raised by C. Seek confirmation of lodgement of C with DVA and outcome. - Assess whether PI required or decline after further information provided by DVA.

Allocate Complaint	Chen, Brandon	09-Feb-2018	08-Feb-2018, Liddle, Emma
Prepare Letter (Ad-Hoc)	Chen, Brandon	08-Jun-2018	06-Jun-2018
Await Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	08-Jun-2018	07-Jun-2018: Resubmit for approval

Hi Raewyn, please see attached the revised ITD in this matter. Thank you Brandon

Revise Letter	Chen, Brandon	12-Jun-2018	07-Jun-2018
Await Additional Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	12-Jun-2018	07-Jun-2018: Approved



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Thanks Raewyn, I have made some revisions as suggested. Thank you Brandon

Await Clearance - Director	Liddle, Emma	14-Jun-2018	12-Jun-2018
Write to applicant/complainant	Chen, Brandon	13-Jun-2018	13-Jun-2018, Liddle, Emma

Dear Brandon Thanks for your ITD. Can you please re-draft your ITD with reference to the s22 [REDACTED]. This means you will need to re-work your paragraphs that deal with the IC review application and allegations of bias or lack of impartiality by the OAIC. Could you please ask Raewyn to clear your ITD before sending it back to me? Thanks very much. Kind regards Emma. 12.06.2018.

Prepare Letter (Ad-Hoc)	Chen, Brandon	14-Jun-2018	12-Jun-2018
Await Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	14-Jun-2018	12-Jun-2018: Approved

See attached. Hi Raewyn, please see attached my re-draft ITD with regard to Emma's comment, to include reference to the finalised IC review. Thank you Brandon

Send Letter	Chen, Brandon	15-Jun-2018	29-Jun-2018
Await Clearance - Director	Liddle, Emma	14-Jun-2018	13-Jun-2018

Dear Emma, please see attached a re-draft ITD for your clearance. I have included some information about the finalised IC review, and I have Raewyn cleared it. Please let me know what further work is required if we can get it out this week. Thank you Brandon

Write to applicant/complainant	Chen, Brandon	14-Jun-2018	13-Jun-2018
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Hi Brandon Thank you for your revised ITD. Can you please send it to the C today? Kind regards Emma. 13.06.2018.

Prepare Letter (Ad-Hoc)	Chen, Brandon	16-Jul-2018	12-Jul-2018
Await Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	14-Jul-2018	13-Jul-2018: Resubmit for approval

Dear Raewyn, please see attached draft closure letters, and the coversheet. The hardcopy will be with you shortly. Thank you Brandon

Revise Letter	Chen, Brandon	18-Jul-2018	16-Jul-2018
Await Additional Manager Approval (Corro Ad Hoc)	Liddle, Emma	20-Jul-2018	07-Aug-2018: Resubmit for approval

Hi Brandon Thank your for your draft correspondence. Can you please just add a bit more detail, as suggested and resubmit. Thanks. Emma. 7.08.2018. Hi Emma - closure letters and cover sheet are available for your review. I will bring the file to Pitt St tomorrow. Raewyn Dear Raewyn, I have implemented the marked changes to: - draft cover sheet - draft closure letter to C - draft closure letter to R. Please let me know if you need the folder again. Thank you Brandon

Revise Letter	Chen, Brandon	10-Aug-2018	14-Aug-2018
File Note	Chen, Brandon	08-Aug-2018	08-Aug-2018

Hi Brandon Please see suggested changes to your draft letter to the C in Resolve. Thanks very much. Emma. 7.08.2018. Remember to put in the new template.

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Await Additional Manager Approval (Corro Ad Hoc)	Liddle, Emma	17-Aug-2018	17-Aug-2018: Approved
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Dear Emma, I have made some revisions to address your comments. I have also converted the documents to the new template. Please see: - (For clearance) Draft closure to C - (For clearance) Draft closure to R Thank you Brandon

File Note	Chen, Brandon	20-Aug-2018	17-Aug-2018
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Hi Brandon All approved, with one small item to clarify. Please see my notes in the letter to the C. The item to clarify is the EOT decision. Can you please amend the letter to the C and then put these documents in TRIM folder 18/000098: Letter to C Letter to R Coversheet Please let me know when the documents are in TRIM and I will do a final review and then send them to RA for clearance. Thanks. Emma. 17.08.2018.

Prepare Letter (Ad-Hoc)	Chen, Brandon	29-Aug-2018	27-Aug-2018
Await Manager Approval (Corro Ad Hoc)	Liddle, Emma	29-Aug-2018	19-Oct-2018: Approved

Emma I've checked the 3 relevant documents. As noted, not sure how to deal with the s 74 issue. Raewyn Dear Raewyn/Emma Please see attached: - (For clearance) Draft closure to C - revisions to address Rocelle's comments as discussed this morning. - (For clearance) Draft closure to R - updated in accordance with the new clearance process (signoff by EL2). - Cover sheet - changed the order of the allegations (in the background section), to be consistent with the closure letter to C. Thank you Brandon

Send Letter	Napper, Shelley	24-Oct-2018	29-Nov-2018
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Await IC clearance

File Note	Liddle, Emma	22-Oct-2018	22-Oct-2018
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Hi Emma I have the folder for this matter and will provide it to you. I have copied the letter from Resolve and placed it in TRIM. I have also updated the coversheet to include my details as BC has left. I have updated the snapshot email, and resent that email to you - I will also copy that email to the Resolve file. Thanks SN (22/10) \_\_\_\_\_ Hi Shelley

Can you please locate the folder for RA/ ICmr approval? It may be in the safe or with RA. The TRIM letter to the C is different to the document in Resolve. The letter in Resolve is updated. Can you please add this letter to TRIM and update the snapshot in approval email. After updating the letter in TRIM/ approval email I will send through to RA for approval. Thanks Emma.

File Note	Liddle, Emma	29-Oct-2018	02-Nov-2018
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Dear Emma I have revised the draft to C saved in TRIM for your review (D2018/013351). Please let me know if further is needed. Thanks SN (30/10) \_\_\_\_\_ Hi Shelley Please see the comments in the draft notice. Can you please amend and send through to me again? Happy to discuss. Kind regards Emma. 26.10.2018.

File Note	Napper, Shelley	05-Nov-2018	29-Nov-2018
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Notice with AC for approval.

File Note	Napper, Shelley	30-Nov-2018	29-Nov-2018
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Hi Shelley Closure letter to R is approved. Can you please add my signature? Thanks Emma.

Close Case	Napper, Shelley	30-Nov-2018	29-Nov-2018
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## Documents - 32

Title	Date Added	By
Sandra Wavamunno DVA AOIC 6 10 2017.docx	20-Oct-2017 11:02 AM	Quan, Trish



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Re: s22 EOT - DVA - IR Decision - now due COB 17-10-17 SECUNCLASSIFIED.msg	20-Oct-2017 11:02 AM	Quan, Trish
s22 - FOI complaint about DVA [SEC=UNCLASSIFIED]	20-Oct-2017 11:59 AM	Harlock, Raewyn
Re: s22 - FOI complaint about DVA [SEC=UNCLASSIFIED]	20-Oct-2017 1:29 PM	Harlock, Raewyn
FW: s22 - FOI complaint about DVA [SEC=UNCLASSIFIED]	10-Nov-2017 2:19 PM	English, Carl
Re: FW: s22 FOI complaint about DVA [SEC=UNCLASSIFIED]	10-Nov-2017 4:18 PM	English, Carl
s22 - FOI complaint about DVA [SEC=UNCLASSIFIED]	14-Nov-2017 11:41 AM	English, Carl
Re: s22 - FOI complaint about DVA [SEC=UNCLASSIFIED]	14-Nov-2017 6:44 PM	English, Carl
s22 Complaint Assessment Matrix.docx	12-Feb-2018 9:14 AM	Chen, Brandon
s22 - s 73e ITD.docx	16-May-2018 4:23 PM	Chen, Brandon
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	13-Jun-2018 3:17 PM	Chen, Brandon
s22 - Cover sheet.docx	29-Jun-2018 4:59 PM	Chen, Brandon
s22 Draft closure letter to C.docx	29-Jun-2018 4:59 PM	Chen, Brandon
s22 Draft closure letter to R.docx	29-Jun-2018 4:59 PM	Chen, Brandon
s22 - Closure letter to C.docx	27-Aug-2018 12:42 PM	Chen, Brandon
s22 - Closure letter to R.docx	29-Nov-2018 9:00 AM	Chen, Brandon
Re: [for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	21-Aug-2018 8:55 AM	Liddle, Emma
RE: [for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	22-Oct-2018 10:38 AM	Liddle, Emma
[for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	22-Oct-2018 11:10 AM	Liddle, Emma
[for approval] [FOI Complaint notice] s22 DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	02-Nov-2018 12:52 PM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	25-Oct-2018 4:44 PM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	02-Nov-2018 1:03 PM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 [SEC=UNCLASSIFIED]	02-Nov-2018 1:11 PM	Napper, Shelley

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[SEC=UNCLASSIFIED]		
[FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	02-Nov-2018 3:25 PM	Napper, Shelley
RE: [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	02-Nov-2018 8:41 PM	Napper, Shelley
FW: [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	04-Nov-2018 10:10 PM	Napper, Shelley
RE: [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	05-Nov-2018 9:08 AM	Napper, Shelley
FW: [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	05-Nov-2018 11:01 AM	Napper, Shelley
RE: [FOI Complaint notice] s22 and DVA - Department of Veterans' Affairs (OAIC ref no s22 ) [SEC=UNCLASSIFIED]	28-Nov-2018 8:42 PM	Napper, Shelley
20181128 s22 Signed Letter to C.pdf	29-Nov-2018 8:28 AM	Napper, Shelley
s22 - FOI complaint regarding Department of Veterans' Affairs [SEC=UNCLASSIFIED]	29-Nov-2018 10:14 AM	Napper, Shelley
s22 - FOI complaint regarding DVA - matter closed [SEC=UNCLASSIFIED]	29-Nov-2018 10:47 AM	Napper, Shelley

**Cross References - 2**

Case	Comments
s22	
s22	

**Comments - 1**

Created	By	Comment
29-Nov-2018 10:48 AM	Napper, Shelley	Case Closed by s 47E(d) on 29-Nov-2018 10:48

**From:** s22  
**To:** Enquiries: s22  
**Subject:** request for review of deemed refusal and complaint  
**Date:** Wednesday, 29 November 2017 9:56:54 AM

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29 November 2017

Dear Sir / Madam,

I request a review of DVA's deemed refusal of my application under the *FOI Act*.

I would also like to lodge a complaint about DVA not adhering to their legislated obligations under the *FOI Act*.

I am s22  
The starting point is obtaining veteran's information and decisions from DVA.

- On 21 August 2017 I lodged a request for documents under the *FOI Act*. (Please see below)
- On 4 September I received DVA's acknowledgement. (Also below)

The *FOI Act*'s 30-day processing time has passed by over 2 months and I have not received the decision or any other correspondence.

DVA advised they would process the request under Section 59 of the *Safety Rehabilitation & Compensation Act 1988* (DRCA) and Section 331 of the *Military Rehabilitation & Compensation Act 2004* (MRCA).

I would like it noted that I lodged my request under the *FOI Act* to capture all documents including the *Veterans Entitlements Act* (VEA). This is because if a veteran has a claim under the VEA, sections 59 (DRCA) and 331 (MRCA) do not apply.

Yours sincerely

s22

From: s 47F s22 On Behalf Of FOI



**Sent:** Monday, 4 September 2017 2:57 PM

**To:** s22 [REDACTED] FOI s 22 [REDACTED]

**Subject:** RE: FOI Request [TO BE CLASSIFIED] [DLM=For-Official-Use-Only]

s22 [REDACTED]

Thank you for sending in the request that has now been registered under reference s22 [REDACTED] & will be processed under Section 59 Safety Rehabilitation & Compensation Act 1988 and Section 331 Military Rehabilitation & Compensation Act 2004.

Please accept this email as the formal acknowledgement & copies of relevant documents will be sent to you in due course.

Regards.

s 47F [REDACTED]

Assistant Information Access Officer  
National Information Access Processing Team  
Department of Veterans' Affairs

s22 [REDACTED] Fax: (02) 9213 7400

s22 [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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[REDACTED]  
[REDACTED]  
[REDACTED]

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#### IMPORTANT

1. Before opening any attachments, please check for viruses.
2. This e-mail (including any attachments) may contain confidential information for the intended recipient. If you are not the intended recipient, please contact the sender and delete all copies of this email.
3. Any views expressed in this e-mail are those of the sender and are not a statement of Australian Government Policy unless otherwise stated.
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, and advise which mailing list you would like to unsubscribe from.

6. Finally, please do not remove this notice.

FOIREQ22/00120 205

s22

Nicolaou, Irene  
09-May-2022 11:10 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	29-Nov-2017 12:00 AM
Case Type:	Decline	Received By:	English, Carl
How Received:		Registered Date:	20-Dec-2017 11:38 AM
Owned By:	Napper, Shelley	Registered By:	Napper, Shelley
		Closed Date:	22-Mar-2018 2:46 PM
		Closed By:	Napper, Shelley

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Valid
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case PrimaryPerson:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	22-Mar-2020

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

Summary: request for all documents relating to s22. C did not make a decision within the statutory timeframe (see s22). C alleges DVA unilaterally decided it would process the request under MRCA legislation rather than FOI. C alleges DVA requires veterans to meet strict timeframes, while regularly not meeting FOI deadlines (call note s22 20/12/17).

**Issues - 2****Issue Description:** Processing Request**Is Primary Issue:** Yes**Issue Allegation:** processing delay**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Issue Description:** Administrative deficiency



FOIREQ22/00120 206

**Is Primary Issue:** No**Issue Allegation:** incorrect application of law**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Actions - 25 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	English, Carl	22-Dec-2017	20-Dec-2017
Move to Triage basket (FC REG)	English, Carl	21-Dec-2017	20-Dec-2017
Allocate to Triage Officer (FC TR)	FOI - Triage	21-Dec-2017	20-Dec-2017, English, Carl
Conduct Triage (FC TR)	English, Carl	21-Dec-2017	20-Dec-2017: Mail Assessment
Decide Path (FC MA)	Harlock, Raewyn	21-Dec-2017	05-Jan-2018: Decline

Issues: delay responding to request (3 months to process); initial decision was to process FOI request under Safety Rehabilitation & Compensation Act 1988. PIs indicate that documents were received by s22 on 27.11.17 and that a decision letter was provided on 6 December 2017. Decline (lacking in substance) - DVA admit it was an error to process under other Acts and that a response should have been provided earlier.

Move to Allocation (MA DEC)	Harlock, Raewyn	08-Jan-2018	05-Jan-2018
Allocate Complaint (FC RF)	FOI - IC reviews - Post Triage	08-Jan-2018	05-Jan-2018, Harlock, Raewyn
Review File (FC RF)	Harlock, Raewyn	08-Jan-2018	05-Jan-2018: Proceed
Prepare & Send s73 letter (FC DEC)	Napper, Shelley	25-Jan-2018	22-Mar-2018
Phone call - Respondent or Rep	Napper, Shelley	16-Mar-2018	15-Mar-2018

Called Alex Gent DVA. Explained that in relation to s22 we had also received an FOI complaint in relation to the same matter. Explained that we are intending to decline at this stage as the Dept has acknowledged responsibility, the decision has been provided and the IC review is ongoing looking at the searches etc. Wanted to confirm that we are able to share the content of the Dept's email of 6/12/2017 as it assists in explaining why we are likely to decline to investigate. Alex confirmed that we are able to share the full email of 6 Dec 17 sent by him to Carl (OAIC) in s22. Further Alex advised that it may also be helpful to let s22 know that this has also resulted in a change to the DVA's procedures to allow for better assessment of applications received by DVA and that they have also changed to DVA's FOI form to better understand what the applicant is requesting.

Await Clearance - Assistant Director	Harlock, Raewyn	22-Mar-2018	15-Mar-2018
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Hi Raewyn - Draft ITD saved in the documents tab for your review. Thanks - SN 15/3

Await response - Complainant or Rep	Napper, Shelley	29-Mar-2018	20-Mar-2018
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ITD to C sent 15/3 Resp due 29/3 Phone call 20/3 - verbal subs from C's rep (s22)

Phone call - Complainant or Rep	Napper, Shelley	21-Mar-2018	21-Mar-2018
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FOIREQ22/00120 207

s22 called re ITD letter sent last week. Explained to him that I was not able to access our systems as they weren't working so I may need to call him back if I couldn't answer his queries. Many of the issues he raised were with past actions of the DVA. I explained that the procedures had only recently been put in place, as had the new FOI form. As the action he was mentioning were prior to the new procedures, I am of the view that the complaint is lacking substance. Discussed that going forward, if he experienced the same issue again, that he may complain as that would be possible evidence that the procedures are not addressing the issues he has raised. Many issues he raised were issues that he believed were address by Popple in a past investigation. He raised issue with: - statutory timeframes not being adhered to, no application for EOT, onus being on the DVA, that they have a centralised registration of FOI req, it was not open to DVA to interpret his request other than under FOI legislation. He also said that the new form is ambiguous and would make FOI requests more difficult for veterans. He said that having 5 different forms would be easier for veterans. I said that I disagreed on that point. I repeated a number of times that he is under no obligation to use the form, however that is one step that the DVA had taken to address the issues he had raised. He said that he finds it hard to believe that as DVA has been processing FOI requests for 30 years that it is not a systemic issue that needs investigation. Explained IC rev and FOI complaints and when it may be appropriate to apply for one or both, and the possible outcomes of each. He said that he will not be providing submissions, however he would like to know the date the new procedures have been implemented so he can make further complaints if the same issue arises.

Await Clearance - Assistant Director	Harlock, Raewyn	28-Mar-2018	21-Mar-2018
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Hi Raewyn Draft Closure letter saved in the Docs tab of Resolve for your review. Note: email received yesterday (20/3) from A. I think that the letter addresses his requests but happy to discuss. Thanks - SN 21/3 Thanks Shelley - when you have address the issues identified in the documents you can forward to Emma. Raewyn

File Note	Napper, Shelley	22-Mar-2018	22-Mar-2018
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SN - in covering email, acknowledge the email from C and provide the subs as an attachment. Not required, spoke to C on 21/3 to inform him of this.

Await Clearance - Director	Liddle, Emma	28-Mar-2018	21-Mar-2018
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Dear Emma Draft Closure letter and cover page saved in the Docs tab for your review. Letter reviewed by Raewyn. Thanks - SN 21/3.

Phone call - Complainant or Rep	Napper, Shelley	22-Mar-2018	22-Mar-2018
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Called s22 (the C) re his email of 20/3. Explained that he has received a copy of the subs of R in his matter. Further explained that the phone call with the Dept of 15 March 2018 was when the Dept had informed the OAIC of its updated processes and its updated request form. Pointed to both in the ITD letter of 15 march. C also notified that he has withdrawn s22. C is going to put in an FOI request to DVA for its new procedures and policies to better inform him and his network when making requests for info. May also assist him in making a future complaint if he encounters the same issue int he future.

Write to respondent	Napper, Shelley	22-Mar-2018	22-Mar-2018
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Dear Shelley Thank you for the closure letter to the C. I have cleared the letter, with changes tracked. Could you please prepare a letter to DVA. Please take a look at s22 for recent examples. So we can provide it to the Commissioner tomorrow, can you please send your draft directly to me for clearance? Thanks Emma.21.03.2018.

Phone call - Respondent or Rep	Napper, Shelley	23-Mar-2018	22-Mar-2018
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Called A. Gent at DVA - Ok to share name with C re C's email. s 47F



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s 47F

Await Clearance - Liddle, Emma 29-Mar-2018 22-Mar-2018  
Director

Dear Emma - Draft closure letter to R saved in the Documents tab of your review. Thanks - SN 22/3

Write to Napper, Shelley 23-Mar-2018 22-Mar-2018  
applicant/complainant

Dear Shelley I have cleared the letter to the C and R with changes tracked. Could you please prepare final copies in Resolve? I've left in the tracked changes for feedback only. Also, could you please update the cover sheet. I think we need to include DVA's oral advice about the change in processes and new form in the folder. Could you please add this to the cover sheet. Thanks. Emma. 22.03.2018.

File Note Napper, Shelley 23-Mar-2018 22-Mar-2018

Dear Shelley Timothy has signed both the letter to the C and the letter to the R. Could you please send both letters via email and finalise this complaint today? Thank you. Emma.22.03.2018.

Await response to s73 Napper, Shelley 11-Apr-2018 22-Mar-2018: No Response  
letter (FC DEC)

No need for response.

Notify relevant parties Napper, Shelley 23-Mar-2018 22-Mar-2018  
of closure (FC DEC)

Close Case Napper, Shelley 23-Mar-2018 22-Mar-2018

## Documents - 27

Title	Date Added	By
20171220 EMail 01.msg	20-Dec-2017 11:42 AM	English, Carl
20171129 EMail 01.msg	29-Nov-2017 9:57 AM	English, Carl
20171129 EMail 02.msg	29-Nov-2017 11:42 AM	English, Carl
20171129 EMail 03.msg	29-Nov-2017 11:42 AM	English, Carl
20171207 EMail 01.msg	06-Dec-2017 11:43 AM	English, Carl
20171207 EMail 02.msg	07-Dec-2017 11:43 AM	English, Carl
20171207 EMail 03.msg	07-Dec-2017 11:43 AM	English, Carl
20171212 EMail 03.msg	11-Dec-2017 11:43 AM	English, Carl
20171212 EMail 02.msg	11-Dec-2017 11:43 AM	English, Carl
20171212 EMail 01.msg	11-Dec-2017 11:43 AM	English, Carl
s22 Your FOI complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	08-Jan-2018 4:43 PM	Chen, Brandon
s22 Draft intent to decline.docx	15-Mar-2018 11:46 AM	Napper, Shelley
s22 - Your FOI complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	15-Mar-2018 2:37 PM	Napper, Shelley
20180320 Draft closure letter C.docx	20-Mar-2018 3:26 PM	Napper, Shelley
s22 Draft cover sheet.docx	20-Mar-2018 3:27 PM	Napper, Shelley
Re: s22 - Your FOI complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	20-Mar-2018 3:55 PM	Napper, Shelley
Voice Mail (25 seconds)	19-Mar-2018 4:13 PM	Napper, Shelley
Re: s22 - Your FOI complaint about	21-Mar-2018 4:12 PM	Napper, Shelley



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Department of Veterans' Affairs

[SEC=UNCLASSIFIED]

RE: s22 - Your FOI complaint about

22-Mar-2018 7:45 AM

Napper, Shelley

Department of Veterans' Affairs

[SEC=UNCLASSIFIED]

s22 - Complaint regarding the Department  
of Veterans' Affairs - Notification [DLM=For-Official-  
Use-Only]

22-Mar-2018 9:14 AM

Napper, Shelley

20180322 Draft closure letter R.docx

22-Mar-2018 10:18 AM

Napper, Shelley

D8601 (1).pdf

22-Mar-2018 11:02 AM

Napper, Shelley

File note.pdf

22-Mar-2018 11:11 AM

Napper, Shelley

s22 Letter to C.pdf

22-Mar-2018 2:33 PM

Liddle, Emma

s22 Letter to R.pdf

22-Mar-2018 2:34 PM

Liddle, Emma

s22 - Your FOI complaint about Department  
of Veterans' Affairs [SEC=UNCLASSIFIED]

22-Mar-2018 2:42 PM

Napper, Shelley

s22 - Complaint regarding the Department  
of Veterans' Affairs - Letter from the Australian  
Information Commissioner [DLM=For-Official-Use-  
Only]

22-Mar-2018 2:44 PM

Napper, Shelley

**Cross References - 1**

Case

Comments

s22

**Comments - 1**

Created

By

Comment

22-Mar-2018 2:46 PM

Napper, Shelley

Case Closed by s 47E(d) on 22-  
Mar-2018 14:46



## Getting Started

### Before you start

- You can save this form to your computer so you can come back to it later.
- Fields marked with an asterisk (\*) must be completed before you can submit the form.
- You can save details of your original FOI request in a separate document (i.e. a Word document) and attach it to this form.
- If you have trouble completing the form please send an email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- This form is sent to the Office of the Australian Information Commissioner via a secure system to ensure your personal information is protected.

### What happens to your application?

- Staff of the Office of the Australian Information Commissioner will assess the information you have provided and decide the appropriate next steps. We will then contact you.
- We will use the information you have provided to assess your application, conduct the investigation and conciliate your complaint. We will usually disclose the information you give us to the agency you have complained about and, if necessary, others who have information relevant to your complaint. In the case of a challenge to a decision by this Office, we may need to disclose some information to a review body for example, a court or tribunal.
- Your personal information will be used and stored in accordance with the Australian Privacy Principles.

You can also submit a complaint in writing, by [email](#), fax, phone or in person by visiting one of our offices.

## Details

### Your Details (You must provide at least one contact method)

Title	First Name *	Last Name *
<input type="text" value="s22"/>	<input type="text" value="s22"/>	<input type="text" value="s22"/>

If you wish your complaint to be anonymous, please write 'anonymous' in both boxes. Please note, we may not be able to investigate anonymous complaints.

If you are enquiring on behalf of an agency/organisation please supply the Organisation Name

Organisation Name

### Preferred contact method \*

☒ Email ☐ Phone ☐ Post ☐ Other

Email

Phone (daytime)

Mobile

Postal Address

City

State

Postcode

Other contact details (eg. fax or international address)

Further instructions (for example, if you need an interpreter and in which language)

Are you submitting the complaint on behalf of someone else? \*

☐ Yes ☒ No

## Agency Information

Please select the Australian Government agency which is the subject of your FOI complaint. \*

- ☐ Australian Federal Police
- ☐ Australian Taxation Office
- ☐ Department of Defence
- ☐ Department of Education
- ☐ Department of Foreign Affairs and Trade
- ☐ Department of Human Services
- ☐ Department of Immigration and Border Protection
- ☐ Department of Prime Minister and Cabinet
- ☒ Department of Veterans' Affairs
- ☐ Department of Employment
- ☐ Other

## Previous contact with the agency

Please provide any FOI reference number(s) if available (separate reference numbers by commas)

s22

Do not provide tax file numbers or other confidential account-type number(s).

Please provide a summary of the current status of the FOI Request that has lead to this complaint

Transcribed by Dean Ford from the OAIC for s22

Decision received 29/06/2017 from s 47F. The DVA has responded to my FOI request. They have answered one of my requests but ignored the majority of information requested.

## FOI Complaint Details

Please provide a summary of your complaint \*

Transcribed by Dean Ford from the OAIC for s22

The DVA has responded to my FOI request. They have answered one of my requests but ignored the majority of information requested.

In my dealings with the DVA, the agency has been deliberately obstructive and antagonistic when processing my FOI request. I believe that this is deliberate and they are doing it to cause me to lose my temper in the hope that I will just go away.

What action or result would you like from the Information Commissioner? \*

Transcribed by Dean Ford from the OAIC for s22

The issues I have are quite complex and I need to collect my thoughts. I will discuss this with a case officer from the OAIC once contacted.

I would like the DVA to attend mediation to discuss compensation for their behaviour.

I will send on copies the decision letter and ANY relevant information once I have been contacted by the OAIC about my FOI



complaint against DVA.

If you have contacted us before on this matter, please provide your original reference number

### Supporting documents

To commence an application, the office requires copies of the following documents:

- any documentation indicating that you are authorised to act for another person

You may also attach other relevant information that supports your application.

Do you have any electronic documents that you want to send electronically with this online application for review?

☐ Yes ☒ No

Do you have any paper documents which you would like to send to the office in support of your complaint?

If so, after you have submitted this form electronically, please print it and attach it to your documents so we can relate them to your electronic application. You can then post your documents relating to your complaint to

Information Commissioner  
GPO Box 5218 Sydney NSW 2001

## FOI Complaint Submission


### Submitting your FOI Complaint to the Information Commissioner

Please review the information contained in this complaint form. If you would like to change anything you can return to any area of the form to make changes.


Once you submit the complaint you will receive a confirmation message with a receipt number indicating that your complaint has been sent to the Office of the Australian Information Commissioner for processing. Please take note of the receipt number so you can use it when enquiring about the status of your application.

What happens next? The Office will assess your application and then contact you about the next steps in our process.

If you have not yet completed your form and want to work on it later click:

 **Save** The 'Save' button allows you to save a draft copy of this form to your local computer so you can access this FOI Complaint request form without being connected to the internet.

When you are ready to submit your form click:

 **Save & Submit** The 'Save & Submit' button will allow you to submit your application to The Australian Information Commissioner for processing and save a local copy.

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s22

Nicolaou, Irene  
09-May-2022 11:09 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	12-Jul-2017 12:00 AM
Case Type:	Preliminary Inquiry	Received By:	English, Carl
How Received:		Registered Date:	22-Dec-2017 9:45 AM
Owned By:	Napper, Shelley	Registered By:	Napper, Shelley
		Closed Date:	18-Dec-2018 12:50 PM
		Closed By:	Napper, Shelley

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Valid
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	No reviewable decision
Respondent Client Group:	Agency
Complexity:	Low
Case Primary Person:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Assessor Note:	Closure with Commissioner
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	18-Dec-2020

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

\*\* CONFIDENTIAL docs attached to R's email\*\*

C complains that DVA only responded to part of his request, but ignored the majority of the request. C complains that the agency has been deliberately obstructive and antagonistic when processing my FOI request. I believe that this is deliberate and they are doing it to cause me to lose my temper in the hope that I will just go away.

C complains that DVA advised they would not accept the FOI request unless received in a particular form. C seeks mediation with DVA to discuss compensation.

C wants OAIC to recommend changes to how DVA handles FOI requests by veterans.

**Issues - 4**

**Issue Description:** Processing Request



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**Is Primary Issue:** Yes**Issue Allegation:** processing delay**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Issue Description:** Processing Request**Is Primary Issue:** No**Issue Comments:** deliberately obstructive and antagonistic in FOI processing**Issue Description:** Processing Request**Is Primary Issue:** No**Issue Allegation:** failure to assist with application**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Issue Description:** Processing Request**Is Primary Issue:** No**Issue Comments:** insisted that A use FOI form for requests**Actions - 51 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	English, Carl	26-Dec-2017	22-Dec-2017
Move to Triage basket (FC REG)	English, Carl	25-Dec-2017	22-Dec-2017
Allocate to Triage Officer (FC TR)	FOI - Triage	25-Dec-2017	22-Dec-2017, English, Carl
Conduct Triage (FC TR)	Liddle, Emma	25-Dec-2017	22-Dec-2017, English, Carl: Mail Assessment
Decide Path (FC MA)	Napper, Shelley	25-Dec-2017	02-Feb-2018, Harlock, Raewyn: Preliminary Inquiry
Conduct PIs - obtain timeline of action to determine whether investigation is warranted.			
Correspondence from complainant	Napper, Shelley	12-Jan-2018	02-Feb-2018, Harlock, Raewyn
Email from C received 11/01/18, added to file			
Phone call - Complainant or Rep	Napper, Shelley	17-Jan-2018	16-Jan-2018
Tried to call s22, unable to get through - will follow-up with email.			
Await Clearance - Assistant Director	Harlock, Raewyn	07-Feb-2018	02-Feb-2018
Draft preliminary inquiry letter to DVA saved in the Documents tab for review.			
Move to Allocation (MA PI)	Napper, Shelley	05-Feb-2018	02-Feb-2018, Harlock, Raewyn
Allocate Complaint (FC RF)	FOI - IC reviews - Reviews	05-Feb-2018	02-Feb-2018, Harlock, Raewyn
Review File (FC RF)	Napper, Shelley	05-Feb-2018	02-Feb-2018, Harlock, Raewyn: Proceed



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Conduct Preliminary Inquiries (FC PI)	Napper, Shelley	05-Feb-2018	27-Apr-2018: Ready to Close
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Await Clearance - Assistant Director	Harlock, Raewyn	13-Feb-2018	06-Feb-2018
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Revised letter to R saved in the Documents tab for your review - Thanks Thanks Shelley - ready to go.

Await response - Respondent or Rep	Napper, Shelley	05-Mar-2018	02-Mar-2018
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Awaiting resp from DVA to s 72 preliminary inquiries Resp due 21/2 EOT until 1/3 EOT until 5/3

Phone call - Respondent or Rep	Napper, Shelley	08-Feb-2018	08-Feb-2018
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Phone call from Alex Gent at DVA. Wanted to clarify a few things regarding letter sent earlier today. Discussed that IC reviews are being dealt with separately and that the comp. will not interfere with those. Explained that FOI complaints look more broadly than just one FOI request. Discussed that point 2 of the complaint letter would generate 100 of documents. The C has had 20 matters in the last 9 months, so limiting the response to the last two years does not reduce this. This may require an EOT to provide all of the documentation. Alex is going to get the chronology through to us ASAP and then that may assist in determining what we require in relation to point 2 of the letter. Explained that I will discuss this with my supervisor.

Await Clearance - Assistant Director	Harlock, Raewyn	20-Feb-2018	13-Feb-2018
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Hi Raewyn - I have saved in the Documents tab a draft email to the Dept requesting the documents we require based on the chronology they provided last week. I am very happy to discuss to ensure we capture all documents we require. Thanks Shelley Cleared - two minor typos to be accepted (marked up). Raewyn

Phone call - Respondent or Rep	Napper, Shelley	14-Feb-2018	13-Feb-2018
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Returned call to Alex from DVA. He wanted to check that attachments to the submissions would not be shared with the C as they would contain details of officers and the C has a liaison officer who he is to contact. I said that we would usually share the subs but not attachments with the C for his comment. He said that would be fine. I suggested he note the attachments sensitivities in the email providing the docs. Asked him to call if there are any queries.

Phone call - Complainant or Rep	Napper, Shelley	20-Feb-2018	22-Feb-2018
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s22 called regarding correspondence in s22. Explained that that was in relation to one decision of the Dept and that all of his requests will be considered as part of the FOI Complaint matter. I explained that that was only in relation to his request of 30 May 2017 and that as the Dept said they had not received the document they did not have any relating documents. That this matter was closed but that his complaint was ongoing. He then raised a request he made on 29 May 2017 that he said the Dept has not responded to. I said that that request and all of this other requests were being looked at as part of the Complaint that is ongoing. He said well they haven't given him anything. I said that I would have a look and read from the summary of the decision provided in the chronology by the Dept on 8 Feb which said that some doc couldn't be found/did not exist and that others were release dot him in part of full. I said that we would look at this and could provide him with that decision if he didn't received it. I said that the Dept's resp was due later this week or early next week. He said no I just want the information thanks. I said that we can't provide the information/documents. He said what would happen if it is found they did not provide anything to his request of 29 May. I said that the IC may make recommendations to the Dept. He said what would the recommendations be. I said I wasn't sure because at this stage we do not have all of the evidence and information. He said hypothetically what would the recommendations be. I said that I'm not sure as we don't have all of the information yet. He again said hypothetically what would the recommendations be. I said I'm

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not sure and the recommendations would be made by the IC after consideration of all of this information. He said hypothetically what would the IC's recommendations be. I said I can't speak on his behalf. He asked to speak to the IC. I said that at this stage, as we don't have all of the information we wouldn't be able to make any recommendations. He then asked about how long we have had this complaint and listed his personal ailments/difficulties and that we are corresponding with him. I said we have also spoken to him on the phone to discuss matters. He asked how long we have had this. I explained that we had some confusion about what he was seeking. he said there was no confusion. I said that there was some confusion as to whether he was seeking documents or making a complaint. He said when am I going to do my job. I said that I was terminating the call and terminated the call.

Phone call - Respondent      Napper, Shelley      01-Mar-2018      28-Feb-2018  
or Rep

Mr Gent form DVA called. He has been s 47F and it is unlikely the submission will be able to be provided by tomorrow. He will email. Remainder of phone call spent providing dates of finalisation of matters for practical refusals and the matters that were ongoing that decisions have now been made on.

Await Clearance -      Liddle, Emma      09-Mar-2018      09-Mar-2018  
Director

Thanks Shelley. Cleared with amendments. Please run final draft past Raewyn before sending to the applicant. 23.03.2018. Hi Emma - Draft ITD and two attachments saved in the Documents tab for review and discussion. Thanks - SN 2/3 Dear Shelley, Please amend the draft ITD and attachment A as discussed. Thanks very much. Emma.9.03.2018

Await Clearance -      Harlock,      20-Mar-2018      13-Mar-2018  
Assistant Director      Raewyn

Draft email to DVA requesting further info for your review (saved in Documents tab/hardcopy also provided). Thanks - SN 13/3

Phone call - Respondent      Napper, Shelley      14-Mar-2018      13-Mar-2018  
or Rep

Called Alex at DVA to request some further information - I will follow-up with an email in order to gain the evidence/subs on each of the queries.

Await response -      Napper, Shelley      27-Mar-2018      21-Mar-2018  
Respondent or Rep

13/3 Request further info from R Response due 19/3

Await Clearance -      Harlock,      28-Mar-2018      21-Mar-2018  
Assistant Director      Raewyn

Hi Raewyn Draft ITD saved in the Documents tab for your review. Please note that Attachment A is the table of all FOI requests/processing/outcomes compiled by me. Attachment B is a copy of the Dept's subs. Thanks - SN 21/3 Thanks Shelley - I have made a number of suggestions in the documents. Happy to discuss if anything is not clear. Raewyn

Await Clearance -      Liddle, Emma      29-Mar-2018      23-Apr-2018  
Director

Dear Emma Please find in the Documents tab for your review: 1. Draft ITD letter to C 2. Att A - summary table of requests 3. Att B - R's submissions. They have been reviewed by Raewyn (21/3), suggestions and changes discussed and made. Thanks - SN 22/3

Phone call -      Napper, Shelley      12-Apr-2018      11-Apr-2018



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**Complainant or Rep**

s22 called called enquiries. Said that he had called last week and asked for an update. He wanted an update on all of his matters. I asked if he wanted an update on his complaint or review. He said both. Let him know that we had sent preliminary enq. to the R, they had responded, and that we had then asked for some further information based on what they had provided. I said I would hope that we could assess that material and provide him with an update in the next couple of weeks.

<b>Write to applicant/complainant</b>	<b>Harlock, Raewyn</b>	<b>24-Apr-2018</b>	<b>26-Apr-2018</b>
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Revisions marked in decision - see me if more explanation is needed. Raewyn Hi Raewyn I have revised as per Emma's comments (below and in the docs) to both the letter and Att A. I have left Emma's comments in both docs so you are able to see where changes needed to be made. I have not left my changes in 'tracked'. Thanks - SN (26/4) Dear Shelley Thank you for your draft ITD and attachments. Can you please take changes into the ITD and Attachment A? Please run these past Raewyn before sending to the applicant. Thanks. Emma.23.04.2018.

<b>Await response - Complainant or Rep</b>	<b>Napper, Shelley</b>	<b>18-May-2018</b>	<b>21-May-2018</b>
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Await resp to ITD Due 18/5 Resp from C rec 7/5 Follow-up email to C sent 8/5 No further response rec by 18/5

<b>Prepare &amp; Send s73 letter (FC DEC)</b>	<b>Napper, Shelley</b>	<b>17-May-2018</b>	<b>18-Dec-2018</b>
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<b>Await Clearance - Assistant Director</b>	<b>Harlock, Raewyn</b>	<b>15-May-2018</b>	<b>08-May-2018</b>
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Hi Raewyn A draft response to A saved in the Docs Tab for your review. I have also saved/labelled in there the 3 attachments that I intend to provide the A with my email. Thanks - SN (8/5)

<b>Await Clearance - Assistant Director</b>	<b>Harlock, Raewyn</b>	<b>28-May-2018</b>	<b>22-May-2018</b>
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Hi Raewyn Please find in the documents tab for your review: 1. Draft closure letter to C 2. Attachment A to C's closure letter 3. Draft closure letter to R 4. Draft cover page Thanks - SN (21/5)

<b>Await Clearance - Director</b>	<b>Liddle, Emma</b>	<b>30-May-2018</b>	<b>06-Jun-2018</b>
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Dear Emma Please find in the Docs Tab for your review: 1. Draft cover sheet 2. Draft closure letter to C 3. Draft closure letter to R Thanks, Shelley (23/5)

<b>File Note</b>	<b>Liddle, Emma</b>	<b>07-Jun-2018</b>	<b>04-Jul-2018</b>
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Dear Emma I have revised the: 1. closure letter to R 2. closure letter to C 3. cover sheet Attachment A to the closure letter is saved in Resolve as a word doc titled 'Attachment A - chronology of requests' creation date 2 March 2018 in relation to the ITD. The attachment A to the closure letter is the same doc. Would you like it saved again in relation to the closure letter? Thanks SN (15/6)

Dear Shelley Thank you for the decline letter etc. Can you please take a look at my comments in the letter to the R, letter to the C and coversheet? I'm happy to discuss these with you. Could you also please save a word version of Attachment A to Resolve? Please send through to me for approval once you've updated these letters. Thanks very much. Emma. 06.06.2018

<b>Await Clearance - Assistant Director</b>	<b>Harlock, Raewyn</b>	<b>26-Jun-2018</b>	<b>19-Jun-2018</b>
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Draft response to C saved in the Docs tab in Resolve Thanks - SN (19/6)



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Phone call - Napper, Shelley 28-Jun-2018 27-Jun-2018  
Complainant or Rep

Returned call to C. He answered but said he is on the middle of something at the moment so could i give him 5 mins. I asked if he would call me back. He said I have to go and terminated the call.

Phone call - Napper, Shelley 28-Jun-2018 27-Jun-2018  
Complainant or Rep

Returned C's call/email. He said he wanted an update on what is happening with his complaint. Said that it is in my email last week - everything has been put together for the Commissioner's consideration. Explained that I'm not sure how long that will take as I'm not sure what her schedule is, but that I would email him with a decision once made. He said he will be away for the next few weeks. I said that I will email him if the decision is made. He thanked me.

Await Clearance - Ago, Rocelle 17-Aug-2018 13-Aug-2018  
Director

Await Clearance - Liddle, Emma 24-Sep-2018 17-Sep-2018  
Director

Hi Emma Draft email to C saved in the Docs tab. Thanks - SN (17/9)

Write to Napper, Shelley 18-Sep-2018 18-Sep-2018  
applicant/complainant

Thanks Shelley. Minor changes to your draft email. Please send this to the C. Kind regards Emma. 17.09.2018

Await response - Napper, Shelley 02-Oct-2018 18-Sep-2018  
Complainant or Rep

Awaiting resp from email sent 18/9 Due 2/10

Await Clearance - Liddle, Emma 01-Oct-2018 24-Sep-2018  
Director

Draft email to C saved in the docs tab for your review. Thanks SN (24/9)

Write to Napper, Shelley 25-Sep-2018 25-Sep-2018  
applicant/complainant

Thanks Shelley. Please see email with amendments. Please send to the A. Thanks Emma. 24.09.2018.

File Note Napper, Shelley 22-Oct-2018 22-Oct-2018

Hi Shelley Please see my note for an addition to the letter to the C. Can you please amend and send back to me for clearance. Thanks very much. Emma.

Await Clearance - Liddle, Emma 29-Oct-2018 22-Oct-2018  
Director

Dear Emma Please find an amended letter to C in TRIM for your review. Thanks SN (22/10)

File Note Napper, Shelley 23-Oct-2018 22-Oct-2018

Hi Shelley One more addition please. Please see my comment on p 4. Thanks very much. Kind regards Emma. 22.10.2018.

Await Clearance - Liddle, Emma 29-Oct-2018 22-Oct-2018  
Director

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Hi Emma Letter in TRIM ready for your further review. Thanks SN - (22/10)

Notify relevant parties of closure	Napper, Shelley	19-Dec-2018	18-Dec-2018
Close Case	Napper, Shelley	19-Dec-2018	18-Dec-2018
Phone call - Complainant or Rep	Napper, Shelley	14-Jan-2019	15-Jan-2019

I spoke to the C to explain that SN had referred his email to me as her direct supervisor. In his email, the C had said that he wished to discuss his matter. I can talk about his complaint. The C had to attend to his family, so was unavailable. We arranged that I would email the C when I am next in the office to confirm a time to call him to discuss his complaint. I followed up this phone call with an email to confirm this arrangement. EL 11.01.2019.

Phone call - Complainant or Rep	Napper, Shelley	23-Jan-2019	24-Jan-2019
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I called the C, as requested. We had a 40 minute phone call. During our phone call the C explained that he is

s22 He explained the circumstances surrounding a number of requests that he had made to DVA that were investigated in this complaint. These are set out in Attachment A. The C discussed FOI requests s22. We discussed the Commissioner's determination and he asked the evidence on which the conclusions were based. I explained that the Commissioner had based her decision on the submissions provided by the C, and the submissions and correspondence provided by the DVA. We spoke about the CLU arrangements and the C explained that DVA had not called him to discuss his requests. I explained that the Information Commissioner based her decision on submissions provided by the DVA where they outlined that they call the C to discuss FOI correspondence with him. The C explained that this had not happened. I explained that the DVA submissions had been provided to him as part of the process and he had been given an opportunity comment on these submissions. The Commissioner had taken all of this into consideration when making her decision. The C stated that I thought a piece of paper or submissions were more important than what he was disputing over the phone. I explained that this was not the case, and the Commissioner has taken all available information into consideration when making her decision. I explained the next steps or rights available to the C now that the FOI complaint was closed. I explained that he could: - Go to the Commonwealth Ombudsman - Seek judicial review - lodge a new FOI request - seek assistance from his local community legal centre, noting that Shelley had provided these details to him. The C said that these options were not available to him and did not solve his issues with DVA. I explained that these were his rights that he could pursue. The C said that he could not and that he had already been to the Ombudsman and his local community legal centre and they could not help him. I stated that I had confirmed the evidence or submissions on which the Commissioner's decision was based, that his FOI complaint was now closed and that I had advised the C of his rights and that I did not think I could assist him further. The C was unhappy with my response and stated that the finalisation of his complaint was unsatisfactory. He requested to speak with the Commissioner. I said that I was unable to put him through to the Commissioner but I could advise her of his request to speak with her. I said that I could inform the Commissioner of our conversation and his request to speak with her. The C also asked to speak with my Director as he stated that there were problems with the system. That the OAIC sides with the DVA s22

s22 He said that departments make excuses and do not resolve his problems or issues. I said that I could pass his message on to my Director, however, before I could explain that my supervisor was on leave until 30 January, he hung up the phone. The C was clearly dissatisfied with the complaint outcome and my explanations to him during our phone call. Emma Liddle 22.01.2019.

File Note	Napper, Shelley	28-Jan-2019	25-Jan-2019, Liddle, Emma
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I informed Andrew Solomon (Assistant Commissioner) of the C's request on 22 January 2019 to speak with the Commissioner directly about the decision to close his FOI complaint. EL 25.01.2019.

**Documents - 114**

FOIREQ22/00120 220

Title	Date Added	By
form-receipt.pdf	30-Jun-2017 9:49 AM	English, Carl
20170815 EMail 01.msg	22-Dec-2017 9:55 AM	English, Carl
Re Contact details SEC UNCLASSIFIED .msg	22-Dec-2017 9:55 AM	English, Carl
20171113 EMail 01.msg	22-Dec-2017 9:56 AM	English, Carl
20171113 EMail 02.msg	22-Dec-2017 9:56 AM	English, Carl
s22 - Complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	22-Dec-2017 12:43 PM	Napper, Shelley
Re: s22 - Complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	22-Dec-2017 3:55 PM	Napper, Shelley
Fwd: Your Request [SEC=UNCLASSIFIED] Existing complaint from s 22	11-Jan-2018 1:59 PM	Tilbrook, Luke
RE: Your Request Existing complaint from s 22 [SEC=UNCLASSIFIED]	16-Jan-2018 12:10 PM	Napper, Shelley
Re: s22 - IC review of Department decision of 29 June 2017 [SEC=UNCLASSIFIED]	25-Jan-2018 4:58 PM	Napper, Shelley
Re: s22 - IC review of Department decision of 29 June 2017 [SEC=UNCLASSIFIED]	30-Jan-2018 11:07 AM	Napper, Shelley
Re: s22 - IC review of Department decision of 29 June 2017 [SEC=UNCLASSIFIED]	30-Jan-2018 11:11 AM	Napper, Shelley
Re: s22 - IC review of Department decision of 29 June 2017 [SEC=UNCLASSIFIED]	30-Jan-2018 10:57 AM	Napper, Shelley
Re: s22 - IC review of Department decision of 29 June 2017 [SEC=UNCLASSIFIED]	30-Jan-2018 10:56 AM	Napper, Shelley
20180131 Draft email to R.docx	31-Jan-2018 3:55 PM	Napper, Shelley
s22 Early Assessment Matrix.docx	02-Feb-2018 8:23 AM	Napper, Shelley
s22 - FOI Complaint preliminary inquiries [SEC=UNCLASSIFIED]	07-Feb-2018 8:13 AM	Napper, Shelley
s22 - FOI complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	08-Feb-2018 9:08 AM	Napper, Shelley
Re: s22 - FOI complaint about Department of Veterans' Affairs [SEC=UNCLASSIFIED]	08-Feb-2018 11:57 AM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [SEC=UNCLASSIFIED]	08-Feb-2018 3:24 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	08-Feb-2018 4:15 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	08-Feb-2018 4:25 PM	Napper, Shelley
20180213 Draft email to R.docx	13-Feb-2018 10:52 AM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	13-Feb-2018 12:36 PM	Napper, Shelley
Voice Mail (10 seconds)	13-Feb-2018 1:23 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	14-Feb-2018 12:32 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	14-Feb-2018 2:34 PM	Napper, Shelley
Re: Further to my FOI request [SEC=UNCLASSIFIED]	19-Feb-2018 11:46 AM	Napper, Shelley
Re: Further to my FOI request	19-Feb-2018 12:03 PM	Napper, Shelley



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[SEC=UNCLASSIFIED]		
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	21-Feb-2018 4:05 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	22-Feb-2018 3:09 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	28-Feb-2018 3:29 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	01-Mar-2018 12:35 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	01-Mar-2018 3:37 PM	Napper, Shelley
RE: s22 - FOI Complaint preliminary inquiries [DLM=For-Official-Use-Only]	01-Mar-2018 3:52 PM	Napper, Shelley
s22 Draft intent to decline.docx	02-Mar-2018 10:34 AM	Napper, Shelley
s22 - Attachment to Closure letter to C - Chronology of Requests.docx	02-Mar-2018 10:35 AM	Napper, Shelley
ATTACHMENT B.docx	02-Mar-2018 11:22 AM	Napper, Shelley
20171222 s22 Email to R.docx	13-Mar-2018 10:38 AM	Napper, Shelley
s22 - FOI Complaint - request for further information [DLM=For-Official-Use-Only]	13-Mar-2018 11:23 AM	Napper, Shelley
RE: s22 - FOI Complaint - request for further information [DLM=For-Official-Use-Only]	16-Mar-2018 11:57 AM	Napper, Shelley
RE: s22 - FOI Complaint - request for further information [DLM=For-Official-Use-Only]	20-Mar-2018 10:35 AM	Napper, Shelley
s22 - Your IC review [SEC=UNCLASSIFIED]	11-Apr-2018 12:39 PM	Napper, Shelley
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	27-Apr-2018 2:04 PM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	27-Apr-2018 4:49 PM	Napper, Shelley
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	07-May-2018 11:45 AM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	07-May-2018 5:09 PM	Napper, Shelley
Attachment 1.msg	08-May-2018 8:53 AM	Napper, Shelley
Attachment 2.pdf	08-May-2018 8:53 AM	Napper, Shelley
Attachment 3.pdf	08-May-2018 8:53 AM	Napper, Shelley
Draft email to s 22.docx	08-May-2018 8:53 AM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	08-May-2018 11:24 AM	Napper, Shelley
s22 Closure letter to R.docx	10-May-2018 12:46 PM	Napper, Shelley
s22 Cover sheet.docx	10-May-2018 12:46 PM	Napper, Shelley
Attachment A.pdf	10-May-2018 2:38 PM	Napper, Shelley
s22 - Closure letter to C.docx	15-May-2018 5:04 PM	Napper, Shelley
Re: s22 - Your FOI complaint about the	17-Jun-2018 11:16 AM	Napper, Shelley



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Department of Veterans' Affairs		
[SEC=UNCLASSIFIED]		
Draft email to s 22.docx	18-Jun-2018 3:09 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	18-Jun-2018 3:33 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	18-Jun-2018 5:18 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
20180619 Draft email to C.docx	19-Jun-2018 11:36 AM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	19-Jun-2018 2:49 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Voice Mail (14 seconds)	27-Jun-2018 12:19 PM	Napper, Shelley
Re: s22 -	27-Jun-2018 12:31 PM	Napper, Shelley
[for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	04-Jul-2018 6:38 PM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	09-Jul-2018 5:26 PM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	11-Aug-2018 12:27 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
20180917 Draft email to s 22.docx	17-Sep-2018 12:28 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	18-Sep-2018 8:18 AM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	18-Sep-2018 12:20 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
20180924 Draft email to s22.docx	24-Sep-2018 1:01 PM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	24-Sep-2018 2:32 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	24-Sep-2018 3:45 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	24-Sep-2018 5:01 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	24-Sep-2018 4:41 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	26-Sep-2018 2:05 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	26-Sep-2018 9:21 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the	03-Oct-2018 4:47 PM	Napper, Shelley



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Subject	Date	Author
Department of Veterans' Affairs [SEC=UNCLASSIFIED]		
FW: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	19-Oct-2018 6:25 PM	Liddle, Emma
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	24-Sep-2018 2:32 PM	Liddle, Emma
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	22-Oct-2018 9:50 AM	Napper, Shelley
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	22-Oct-2018 10:38 AM	Liddle, Emma
RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	22-Oct-2018 12:01 PM	Napper, Shelley
[for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	22-Oct-2018 5:12 PM	Liddle, Emma
FW: [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	26-Oct-2018 5:17 PM	Napper, Shelley
[FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	25-Oct-2018 1:53 PM	Napper, Shelley
RE: [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED]	18-Dec-2018 11:04 AM	Napper, Shelley
20181218111024160.pdf	18-Dec-2018 11:13 AM	Napper, Shelley
s22 - Your FOI complaint about the Department of Veterans' Affairs - Letter from Information Commissioner [SEC=UNCLASSIFIED]	18-Dec-2018 12:41 PM	Napper, Shelley
s22 - FOI Complaint - Closure Letter [DLM=For-Official-Use-Only]	18-Dec-2018 12:44 PM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs - Letter from Information Commissioner [SEC=UNCLASSIFIED]	18-Dec-2018 1:21 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs - Letter from Information Commissioner [SEC=UNCLASSIFIED]	18-Dec-2018 2:33 PM	Napper, Shelley
RE: s22 - FOI Complaint - Closure Letter [DLM=For-Official-Use-Only]	18-Dec-2018 2:51 PM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs - Letter from Information Commissioner [SEC=UNCLASSIFIED]	18-Dec-2018 8:50 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	19-Dec-2018 11:16 AM	Napper, Shelley
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	19-Dec-2018 11:21 AM	Napper, Shelley



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[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	19-Dec-2018 11:31 AM	Napper, Shelley
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	19-Dec-2018 11:50 AM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	05-Jan-2019 9:16 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	07-Jan-2019 1:31 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	07-Jan-2019 3:14 PM	Napper, Shelley
[SEC=UNCLASSIFIED]		
s22 - Your FOI complaint about the Department of Veterans' Affairs	08-Jan-2019 12:14 AM	Napper, Shelley
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	11-Jan-2019 3:27 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
FW: s22 - Your FOI complaint about the Department of Veterans' Affairs	11-Jan-2019 3:32 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	11-Jan-2019 11:01 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	21-Jan-2019 3:58 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	21-Jan-2019 5:07 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	21-Jan-2019 11:40 AM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	22-Jan-2019 10:57 AM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	22-Jan-2019 10:57 AM	Liddle, Emma
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	22-Jan-2019 11:49 AM	Liddle, Emma
[SEC=UNCLASSIFIED]		
Re: s22 - Your FOI complaint about the Department of Veterans' Affairs	22-Jan-2019 5:22 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs	22-Jan-2019 5:38 PM	Liddle, Emma
[SEC=UNCLASSIFIED]		

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[for information] Finalised FOI Complaint 25-Jan-2019 3:24 PM Liddle, Emma  
s22 - s22 [SEC=UNCLASSIFIED]

**Cross References - 2**

Case	Comments
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s22	
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s22	
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**Comments - 1**

Created	By	Comment
18-Dec-2018 12:50 PM	Napper, Shelley	Case Closed by s 47E(d) on 18-Dec-2018 12:50



## Getting Started

### Before you start

- You can save this form to your computer so you can come back to it later.
- Fields marked with an asterisk (\*) must be completed before you can submit the form.
- You can save details of your original FOI request in a separate document (i.e. a Word document) and attach it to this form.
- If you have trouble completing the form please send an email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
- This form is sent to the Office of the Australian Information Commissioner via a secure system to ensure your personal information is protected.

### What happens to your application?

- Staff of the Office of the Australian Information Commissioner will assess the information you have provided and decide the appropriate next steps. We will then contact you.
- We will use the information you have provided to assess your application, conduct the investigation and conciliate your complaint. We will usually disclose the information you give us to the agency you have complained about and, if necessary, others who have information relevant to your complaint. In the case of a challenge to a decision by this Office, we may need to disclose some information to a review body for example, a court or tribunal.
- Your personal information will be used and stored in accordance with the Australian Privacy Principles.

You can also submit a complaint in writing, by [email](#), fax, phone or in person by visiting one of our offices.

## Details

### Your Details (You must provide at least one contact method)

Title	First Name *	Last Name *
<input type="text" value="§22"/>	<input type="text" value="§22"/>	<input type="text" value="§22"/>

If you wish your complaint to be anonymous, please write 'anonymous' in both boxes. Please note, we may not be able to investigate anonymous complaints.

If you are enquiring on behalf of an agency/organisation please supply the Organisation Name

Organisation Name

### Preferred contact method \*

☒ Email ☐ Phone ☐ Post ☐ Other

Email

§22

Mobile

<input type="text" value="§22"/>	<input type="text" value="§22"/>
----------------------------------	----------------------------------

Postal Address

City

State

Postcode

<input type="text" value="§22"/>	<input type="text" value="§22"/>	<input type="text" value="§22"/>
----------------------------------	----------------------------------	----------------------------------

Other contact details (eg. fax or international address)



Further instructions (for example, if you need an interpreter and in which language)

Are you submitting the complaint on behalf of someone else? \*

☐ Yes ☒ No

## Agency Information

Please select the Australian Government agency which is the subject of your FOI complaint. \*

- ☐ Australian Federal Police
- ☐ Australian Taxation Office
- ☐ Department of Defence
- ☐ Department of Education
- ☐ Department of Foreign Affairs and Trade
- ☐ Department of Human Services
- ☐ Department of Immigration and Border Protection
- ☐ Department of Prime Minister and Cabinet
- ☒ Department of Veterans' Affairs
- ☐ Department of Employment
- ☐ Other

## Previous contact with the agency

Please provide any FOI reference number(s) if available (separate reference numbers by commas)

Do not provide tax file numbers or other confidential account-type number(s).

Please provide a summary of the current status of the FOI Request that has lead to this complaint

I received a Disc from DVA after I had put in a FOI request. This disc contained several copies of the same information, none of which related to my FOI request. There was very little information that related to my FOI request and what little there was, was not directly the information I had specifically requested. Disturbingly on this disc was the personal, medical and financial information of another DVA client.

## FOI Complaint Details

Please provide a summary of your complaint \*

Unsatisfactory performance by DVA in delivering requested information on an FOI request. Unsatisfactory protection of personal/ sensitive information by DVA. I had an FOI request that did not contain the information I had requested, it contained multiple copies of information from other legislations and accepted conditions that did not in any way relate to the information I had requested. It also had the personal, medical and financial information of another DVA client with my documents.

I have some very real concerns that my and many other DVA clients sensitive information is not being protected and is mixed up amongst other clients files. This is a severe breach of DVA processes and **s 22**

What action or result would you like from the Information Commissioner? \*

An audit of client files to rectify the breach of protection of client's sensitive information. DVA to actually apply a "duty of care" towards the protection of this information and a level of accountability for their actions.

DVA's actions and response to this has been "damage control", where they have asked for the disc back so they can make their error disappear.

If you have contacted us before on this matter, please provide your original reference number

## Supporting documents

To commence an application, the office requires copies of the following documents:

- any documentation indicating that you are authorised to act for another person

You may also attach other relevant information that supports your application.

Do you have any electronic documents that you want to send electronically with this online application for review?

☐ Yes ☒ No

Do you have any paper documents which you would like to send to the office in support of your complaint?

If so, after you have submitted this form electronically, please print it and attach it to your documents so we can relate them to your electronic application. You can then post your documents relating to your complaint to

Information Commissioner  
GPO Box 5218 Sydney NSW 2001

## FOI Complaint Submission


### Submitting your FOI Complaint to the Information Commissioner

Please review the information contained in this complaint form. If you would like to change anything you can return to any area of the form to make changes.


Once you submit the complaint you will receive a confirmation message with a receipt number indicating that your complaint has been sent to the Office of the Australian Information Commissioner for processing. Please take note of the receipt number so you can use it when enquiring about the status of your application.

What happens next? The Office will assess your application and then contact you about the next steps in our process.

If you have not yet completed your form and want to work on it later click:

 **Save** The 'Save' button allows you to save a draft copy of this form to your local computer so you can access this FOI Complaint request form without being connected to the internet.

When you are ready to submit your form click:

 **Save & Submit** The 'Save & Submit' button will allow you to submit your application to The Australian Information Commissioner for processing and save a local copy.

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s22

Nicolaou, Irene  
09-May-2022 11:11 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	19-Feb-2018 12:00 AM
Case Type:	Preliminary Inquiry	Received By:	McConville, Ryan
How Received:		Registered Date:	20-Feb-2018 11:27 AM
Owned By:	Napper, Shelley	Registered By:	Napper, Shelley
		Closed Date:	29-Nov-2018 10:00 AM
		Closed By:	Napper, Shelley

**Case Details**

Stage:	Closed
How Received:	Website
Validation:	Valid
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case PrimaryPerson:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
SmartForm Number:	s 22
Privacy Case Type:	Primary
Assessor Note:	PIs to agency required
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	29-Nov-2020

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

Issue:  
Wrong documents provided to an FOI applicant upon decision. Documents contained personal information of another individual.

Note:  
May also be a NDB/Privacy complaint?

Assessment:  
FOI applicant provided with incorrect documents on CD. He received another person's information, including medical and financial information.  
OAIC enquiries advised that no privacy complaint. Person whose information disclosed can complain, not the complainant in this matter.



FOIREQ22/00120 230

Issue for FOI complaint matter is FOI processing by DVA and ensuring that the correct documents are provided to applicants.EL

Next step:

Conduct PIs with DVA to enquire about this matter and general process re release of documents to FOI applicants.

After PIs provided, determine whether or not an investigation is required.EL

## Issues - 1

**Issue Description:** Processing Request

**Is Primary Issue:** Yes

**Issue Comments:** Incorrect documents provided to applicant.

## Actions - 39 (All Completed)

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	Web Queue	22-Feb-2018	23-Feb-2018, Napper, Shelley
File Note FOI complaint	English, Carl	21-Feb-2018	23-Feb-2018, Napper, Shelley
Allocate to Triage Officer (FC TR)	Napper, Shelley	26-Feb-2018	23-Feb-2018, Liddle, Emma
Move to Triage basket (FC REG)	Napper, Shelley	26-Feb-2018	23-Feb-2018
Allocate to Triage Officer (FC TR)	FOI - Triage	26-Feb-2018	23-Feb-2018, Napper, Shelley
Conduct Triage (FC TR)	Napper, Shelley	26-Feb-2018	23-Feb-2018: Mail Assessment
Decide Path (FC MA)	FOI - IC reviews - Assessment	26-Feb-2018	06-Mar-2018, Liddle, Emma: Preliminary Inquiry

Assessment: FOI applicant provided with incorrect documents on CD. He received another person's information, including medical and financial information. OAIC enquiries advised that no privacy complaint. Person whose information disclosed can complain, not the complainant in this matter. Issue for FOI complaint matter is FOI processing by DVA and ensuring that the correct documents are provided to applicants. Next step: Conduct PIs with DVA to enquire about this matter and general process re release of documents to FOI applicants. After PIs provided, determine whether or not an investigation is required.

File Note                      Napper, Shelley      27-Feb-2018      27-Feb-2018

I spoke with LT about the privacy issues raised in this matter. LT advised that we should contact the applicant and advise that they should return the information to the DVA and raise their privacy concerns with the DVA directly. The person whose personal information was on the CD is the person who can make a privacy complaint to the OAIC, not the complainant. We will investigate the FOI processing aspect of the complaint. Shelley - could you please contact the complainant and explain the above advice? I note that in his complaint the complainant has stated that the DVA has asked for the disc to be returned. Thanks Emma. 26/2/2018

Phone call -                      FOI - IC reviews      28-Feb-2018      27-Feb-2018, Napper, Shelley  
Complainant or Rep              - Assessment

Called s22 . Explained that: 1. that they should return the information to the DVA and raise their privacy concerns with the DVA directly. 2. the person whose personal information was on the CD is the person who can make a privacy complaint to the OAIC, not the complainant. 3. We will investigate the FOI processing



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aspect of the complaint. s22 confirmed that he has returned the CD to DVA, and acknowledged he understood points 1 & 2 above.

Move to Allocation (MA PI)	FOI - IC reviews - Assessment	07-Mar-2018	06-Mar-2018, Liddle, Emma
Allocate Complaint (FC RF)	FOI - Complaints	07-Mar-2018	13-Apr-2018, Liddle, Emma
Await Clearance - Director	Liddle, Emma	16-Mar-2018	12-Mar-2018

Hi Emma - Draft PI letter to R saved in the Documents tab for your review. Thanks - SN 9/3 Thanks Shelley. Cleared with minor amendment. EL 12.03.2018.

Write to respondent	Napper, Shelley	13-Mar-2018	12-Mar-2018
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Dear Shelley Please amend and send your PI letter to the respondent. Thank you. Emma. 12.03.2018.

Await response - Respondent or Rep	Napper, Shelley	12-Apr-2018	12-Apr-2018
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Resp to PIs to R Resp due 30 March 2018 Followed-up on 5/4 Resp due 12/4

Correspondence from respondent	Napper, Shelley	13-Apr-2018	03-May-2018
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email received 12/04/18. Attached to docs and assigned to SN for action.

Review File (FC RF)	Napper, Shelley	16-Apr-2018	29-Nov-2018: Proceed
Await Clearance - Director	Liddle, Emma	10-May-2018	03-May-2018

Thanks Shelley. Cleared with one minor change. Emma. 03.05.2018. Dear Emma A follow-up email to DVA is saved in the Docs tab for your review. Thanks - SN (3/5)

Write to respondent	Napper, Shelley	04-May-2018	03-May-2018
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Hi Shelley Please send the RFI to the R. Thank you. Emma.03.05.2018.

Await response - Respondent or Rep	Napper, Shelley	23-May-2018	28-May-2018
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Awaiting resp from R to request for further information Resp due 17/5 18/5 Resp not rec. Followed-up with R Resp due 23/5

Phone call - Respondent or Rep	Napper, Shelley	25-May-2018	28-May-2018
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Called George Komora DVA re outstanding response - no answer, voice message option

Phone call - Respondent or Rep	Napper, Shelley	25-May-2018	28-May-2018
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Have tried twice to call Vicki Guthrie at DVA re outstanding resp but ph engaged.

Phone call - Respondent or Rep	Napper, Shelley	25-May-2018	28-May-2018
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George Komora DVA called He apologised for lack of resp. Said that they have been waiting for the line area to confirm the resp and he now has that. He will send it through later today, probably post 5pm. I asked that in future they send a quick email to let us know that there will be a delay as we hadn't had any resp to either

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the initial email or the follow-up. He said that he should have done that. He said they are very short staffed etc. Also discussed where a sep. matter is up to. Thanked him for his call.

Prepare Letter (Ad-Hoc)	Chen, Brandon	14-Aug-2018	10-Aug-2018
Await Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	12-Aug-2018	10-Sep-2018: Resubmit for approval

Dear Raewyn, please see attached the first draft ITD (s 73(d)(i)) in this matter. Thank you Brandon

Revise Letter	Chen, Brandon	13-Sep-2018	13-Sep-2018
Await Additional Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	18-Sep-2018	14-Sep-2018: Approved

Dear Raewyn, I have revised the ITD with your suggestions. Thank you Brandon

Send Letter	Chen, Brandon	19-Sep-2018	14-Sep-2018
Await response - Complainant or Rep	Napper, Shelley	28-Sep-2018	29-Nov-2018

ITD issued 14/9, response due 28/9

Await Clearance - Director	Liddle, Emma	12-Oct-2018	12-Oct-2018
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Dear Emma Resp to the ITD was due 28/9 but no resp rec. Please find in the Docs tab for your review: 1. draft closure letter to C 2. draft closure letter to R Thanks SN (5/10)

Write to respondent	Napper, Shelley	15-Oct-2018	02-Nov-2018
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Hi Shelley 1. Can you please request a copy of the FOI decision record from the R? Please see my notes in the closure letter to the C. 2. Can you please draft a cover sheet and prepare a folder for Angelene. Thanks Emma. 12.10.2018.

Await response - Respondent or Rep	Napper, Shelley	18-Oct-2018	19-Oct-2018
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Awaiting provision of decision from R Resp due 18/10

Await Clearance - Director	Liddle, Emma	09-Nov-2018	04-Nov-2018
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Dear Emma Please find in the Docs tab: 1. an amended draft closure to C 2. draft closure to R 3. draft cover sheet. I have prepared the hardcopy folder. Thanks SN (2/11)

File Note	Napper, Shelley	05-Nov-2018	05-Nov-2018
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Hi Shelley Thanks for the revised closure letter. Can you please amend as per my comment on page 2 of the draft letter. Can you please save a copy of the coversheet and closure letter to C into TRIM? Please send back to me so that I can send through to Rocelle. Kind regards Emma. 4.11.2018.

Conduct Preliminary Inquiries (FC PI)	Napper, Shelley	30-Nov-2018	29-Nov-2018: Ready to Close
Prepare & Send s73 letter (FC DEC)	Napper, Shelley	19-Dec-2018	29-Nov-2018
Await response to s73 letter (FC DEC)	Napper, Shelley	19-Dec-2018	29-Nov-2018: No Response
Notify relevant parties	Napper, Shelley	30-Nov-2018	29-Nov-2018



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of closure (FC DEC)

File Note	Napper, Shelley	30-Nov-2018	29-Nov-2018
Hi Shelley Closure letter the R is approved. Can you please add my signature? Thanks Emma.			
Close Case	Napper, Shelley	30-Nov-2018	29-Nov-2018

**Documents - 35**

Title	Date Added	By
form-receipt.pdf	20-Feb-2018 11:31 AM	McConville, Ryan
form-data.xml	20-Feb-2018 11:31 AM	McConville, Ryan
s22 - FOI Complaint regarding Department of Veterans' Affairs [SEC=UNCLASSIFIED]	23-Feb-2018 4:20 PM	Napper, Shelley
s22.docx	09-Mar-2018 10:39 AM	Napper, Shelley
s22 - FOI Complaint regarding the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	12-Mar-2018 9:36 AM	Napper, Shelley
s22 - FOI Complaint regarding the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	05-Apr-2018 9:30 AM	Napper, Shelley
RE: s22 - FOI Complaint regarding the Department of Veterans' Affairs [re s22] DLM=Sensitive function is not defined!	12-Apr-2018 1:33 PM	English, Carl
RE: s22 - FOI Complaint regarding the Department of Veterans' Affairs [re s22] DLM=Sensitive function is not defined!	12-Apr-2018 2:16 PM	Napper, Shelley
s22 - FOI Complaint - Allocation of case officer [SEC=UNCLASSIFIED]	03-May-2018 9:07 AM	Napper, Shelley
s22 Draft email to R.docx	03-May-2018 1:18 PM	Napper, Shelley
s22 - FOI Complaint - Allocation of case officer/Request further information DLM=Sensitive function is not defined!	03-May-2018 4:43 PM	Napper, Shelley
s22 - FOI Complaint - Request for further information DLM=Sensitive function is not defined!	18-May-2018 7:55 AM	Napper, Shelley
RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined!	25-May-2018 3:25 PM	Napper, Shelley
RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined!	28-May-2018 8:51 AM	Napper, Shelley
s22 - Evidence Matrix.docx	03-Aug-2018 6:01 PM	Chen, Brandon
s22 Draft ITD.docx	10-Aug-2018 2:39 PM	Chen, Brandon
s22 - Your FOI complaint about DVA - Response by 28.9.18 please [SEC=UNCLASSIFIED]	14-Sep-2018 3:25 PM	Chen, Brandon
20181004 s22 draft closure letter.docx	04-Oct-2018 10:19 AM	Napper, Shelley
20181004 s22 draft closure letter to R.docx	29-Nov-2018 9:00 AM	Napper, Shelley
RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined!	15-Oct-2018 12:58 PM	Napper, Shelley
RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive	18-Oct-2018 6:07 PM	Napper, Shelley



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function is not defined!

RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined! 19-Oct-2018 7:45 AM Napper, Shelley

RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined! 24-Oct-2018 2:50 PM Napper, Shelley

RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined! 26-Oct-2018 11:03 AM Napper, Shelley

RE: s22 - FOI Complaint - Request for further information [re s22] DLM=Sensitive function is not defined! 29-Oct-2018 8:18 AM Napper, Shelley

s22 Cover sheet.docx 02-Nov-2018 2:43 PM Napper, Shelley

[for approval] s22 - Draft closure for approval [SEC=UNCLASSIFIED] 05-Nov-2018 1:34 PM Napper, Shelley

[for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED] 06-Nov-2018 1:40 PM Napper, Shelley

RE: [for approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED] 08-Nov-2018 1:42 PM Napper, Shelley

[For approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED] 08-Nov-2018 4:35 PM Napper, Shelley

FW: [For approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED] 09-Nov-2018 1:23 PM Napper, Shelley

RE: [For approval] [FOI Complaint notice] s22 and Department of Veterans' Affairs (OAIC ref no s22) [SEC=UNCLASSIFIED] 28-Nov-2018 8:24 PM Napper, Shelley

20181128 s22 Signed Letter to C.pdf 29-Nov-2018 8:31 AM Napper, Shelley

s22 - FOI complaint regarding Department of Veterans' Affairs [SEC=UNCLASSIFIED] 29-Nov-2018 9:54 AM Napper, Shelley

s22 - FOI complaint regarding DVA - Matter closed [SEC=UNCLASSIFIED] 29-Nov-2018 9:59 AM Napper, Shelley

**Comments - 1**

Created	By	Comment
29-Nov-2018 10:00 AM	Napper, Shelley	Case Closed by s 47E(d) on 29-Nov-2018 10:00



**From:** s22  
**To:** FOIDR  
**Subject:** Fwd: Correspondence from Information Access [DLM=For-Official-Use-Only]  
**Date:** Thursday, 10 May 2018 12:42:07 PM

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Sir,

I wish to register complaint on this matter, I appreciate DVA requested me to provide them with an extension, however I feel they should have built into their time frame a consideration I would refuse it. I firmly believe they should be requesting an extension from the Information Commissioner prior to the 30 days, not after it.

Regards

s22

Dear s22

Freedom of Information request – s22

I refer to the abovementioned request for access to information under the Freedom of Information Act 1982 (FOI Act). Your request was in the following terms:

“Under FOI I require an opportunity to inspect my file in person, please confirm this opportunity will be made available within 30 days.”

A decision in this matter was due on 8 May 2018.

In relation to this FOI request, I refer you to the Department’s email to you dated 4 May 2018 in which the Department sought your agreement to an extension of time to process your request pursuant to section 15AA of the FOI Act. The email also asked you to clarify the scope of your request on the basis that you have multiple files with the Department.

The email asked you to advise whether you were agreeable to an extension by 7 May 2018. On 4 May 2018 you advised that you declined the Department’s request for an extension of time to process your request. You also indicated that you would like to access all of your files. As such, the Department will now contact the Office of the Australian Information Commissioner (OAIC) to seek an extension of time under section 15AC of the FOI Act. Section 15AC provides that agencies may apply to the Information Commissioner for further time to deal with a request in circumstances where a decision has not been made within the 30 day processing period. Unless you advise otherwise, your name, details of your FOI request and email address will be provided to the OAIC so they can contact you if necessary.

The Department apologises for the delay in finalising your request and will provide you with a decision as soon as possible.

Regards,

Information Law team.

Client Liaison Officer

Client Liaison Unit

Coordinated Client Support

Department of Veterans' Affairs | [www.dva.gov.au](http://www.dva.gov.au)

s22 | F 03 9284 6170 | Es22

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**IMPORTANT**

1. Before opening any attachments, please check for viruses.
2. This e-mail (including any attachments) may contain confidential information for the intended recipient. If you are not the intended recipient, please contact the sender and delete all copies of this email.
3. Any views expressed in this e-mail are those of the sender and are not a statement of Australian Government Policy unless otherwise stated.
4. Electronic addresses published in this email are not conspicuous publications and DVA does not consent to the receipt of commercial electronic messages.
5. To unsubscribe from emails from the Department of Veterans' Affairs (DVA) please go to [http://www.dva.gov.au/contact\\_us/Pages/feedback.aspx](http://www.dva.gov.au/contact_us/Pages/feedback.aspx), and advise which mailing list you would like to unsubscribe from.
6. Finally, please do not remove this notice.



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s22

Nicolaou, Irene  
09-May-2022 11:11 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	10-May-2018 12:00 AM
Case Type:	To be Determined	Received By:	English, Carl
How Received:		Registered Date:	14-May-2018 11:42 AM
Owned By:	Chen, Brandon	Registered By:	Chen, Brandon
		Closed Date:	18-Sep-2018 11:06 AM
		Closed By:	Chen, Brandon

**Case Details**

Stage:	Finalisation
How Received:	Email
Validation:	Not validated
Sensitivity:	Not sensitive
File Security:	UNCLASSIFIED
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case Primary Person:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Retention Class:	OAIC RA 61986 (D2)
Destruction Due Date:	18-Sep-2020

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

Allegation:  
C allege that DVA should have applied to the OAIC for an extension of time before the 30 days have expired (s 15AB), not after (s 15AC).

Extension of time reference: s 22

Original complaint:

"I wish to register complaint on this matter, I appreciate DVA requested me to provide them with an extension, however I feel they should have built into their time frame a consideration I would refuse it. I firmly believe they should be requesting an extension from the Information Commissioner prior to the 30 days, not after it."

Assessment:  
Valid complaint.

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Alleges that DVA should have applied for an EOT before the date the decision was due.  
 FOI application 8 April 2018. Decision due 8 May 2018.  
 EOT application 15 May 2018.  
 Application appears deemed.  
 DVA to confirm why it has sent two EOT applications with two different proposed dates for extension.  
 Response due 22 May.

Next steps:

Await response and outcome of EOT application before progressing complaint.

After EOT finalised re-assess next steps.

EOT granted.

Decision due 7 June 2018. EL

## Issues - 1

**Issue Description:** Processing Request

**Is Primary Issue:** Yes

**Issue Allegation:** processing delay

**Issue Outcome:** withdrawn

## Actions - 20 (All Completed)

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	English, Carl	16-May-2018	14-May-2018
Move to Triage basket (FC REG)	English, Carl	15-May-2018	14-May-2018
Allocate to Triage Officer (FC TR)	FOI - Triage	15-May-2018	14-May-2018, English, Carl
Conduct Triage (FC TR)	Chen, Brandon	15-May-2018	16-May-2018: Mail Assessment
Await Clearance - Assistant Director	Harlock, Raewyn	18-May-2018	16-May-2018

Hi Raewyn, please see attached a draft acknowledgement email. Thank you Brandon

Decide Path (FC MA)	FOI - IC reviews - Assessment	17-May-2018	21-May-2018, Liddle, Emma: More Information
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Assessment: Valid complaint. Alleges that DVA should have applied for an EOT before the date the decision was due. FOI application 8 April 2018. Decision due 8 May 2018. EOT application 15 May 2018. Application appears deemed. DVA to confirm why it has sent two EOT applications with two different proposed dates for extension. Response due 22 May. Next steps: Await response and outcome of EOT application before progressing complaint. After EOT finalised re-assess next steps.EL

Allocate Complaint	FOI - IC reviews - Assessment	22-May-2018	21-May-2018, Liddle, Emma
File Note	Liddle, Emma	08-Jun-2018	13-Jun-2018

Follow up EOT application processing.EL

Prepare Letter (Ad-Hoc)	FOI - Complaints	25-May-2018	23-May-2018, Chen, Brandon
Await Clearance - Assistant Director	Harlock, Raewyn	28-May-2018	23-May-2018

Hi Raewyn, please see attached a draft letter to C's 21/5/18 email enquiry. Thank you Brandon

Write to	Liddle, Emma	14-Jun-2018	27-Jul-2018
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**applicant/complainant**

Dear Emma Please find a draft email to the C saved in the Docs tab for review. I have found and x-ref'd the IC review - the DVA's decision was a prac ref (7 June 18). Thanks (SN - 26/6)

Dear Shelley Can you please email the C and ask if he wishes to pursue his complaint against DVA? Please also ask him to provide particulars. The FOI decision was due on 7 June 2018 and I assume he has now received it. Thanks very much. Kind regards Emma. 13.06.2018.

Prepare Letter (Ad-Hoc)	FOI - Complaints	30-Aug-2018	28-Aug-2018, Chen, Brandon
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Await Manager Approval (Corro Ad Hoc)	Liddle, Emma	14-Sep-2018	04-Sep-2018: Approved
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[Action re-allocated on 3/9/18] Dear Emma, please see attached a draft email to C, in this complaint awaiting allocation. Thank you Brandon

Send Letter	FOI - Complaints	07-Sep-2018	05-Sep-2018, Chen, Brandon
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Thanks Brandon. Please send the email to the A. Kind regards Emma. 04.09.2018.

Await response - Respondent or Rep	FOI - Complaints	19-Sep-2018	18-Sep-2018, Chen, Brandon
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email to C issued 5/9/18, response due 19/9/18

Correspondence from complainant	Chen, Brandon	05-Sep-2018	12-Sep-2018
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Hi Brandon, correspondence from complainant on resolve. Thanks

Prepare Letter (Ad-Hoc)	FOI - Complaints	12-Sep-2018	10-Sep-2018, Chen, Brandon
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Await Manager Approval (Corro Ad Hoc)	Harlock, Raewyn	12-Sep-2018	11-Sep-2018: Approved
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Dear Raewyn, please see attached a draft email response to C's email. We discussed this morning that I am to call C about his email, but it appears that C does not have a contact number on record. I can look a bit deeper if phone call is still preferred. In any case, this can be a script for call. Thank you Brandon

Send Letter	FOI - Complaints	14-Sep-2018	13-Sep-2018, Chen, Brandon
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Correspondence from complainant	Chen, Brandon	18-Sep-2018	18-Sep-2018
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email received from C 17/09/18. Complaint withdrawal. Attached to docs. Assigned to BC for action

**Documents - 15**

Title	Date Added	By
Re: Correspondence from Information Access [DLM=For-Official-Use-Only]	11-May-2018 10:52 AM	English, Carl
Fwd: Correspondence from Information Access [DLM=For-Official-Use-Only]	10-May-2018 12:42 PM	English, Carl
Complaint acknowledgement.docx	16-May-2018 9:44 AM	Chen, Brandon
s22 - Your FOI complaint about the Department of Veterans' Affairs - Acknowledgement	16-May-2018 10:38 AM	Chen, Brandon

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[SEC=UNCLASSIFIED]

Re: s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Acknowledgement

21-May-2018 4:48 PM

Chen, Brandon

[SEC=UNCLASSIFIED]

Dear s22.docx

23-May-2018 4:24 PM

Chen, Brandon

Response to your email dated 21 May 2018

23-May-2018 4:52 PM

Chen, Brandon

[SEC=UNCLASSIFIED]

20180626 resp to s22.docx

26-Jun-2018 11:51 AM

Napper, Shelley

s22 email to C.docx

28-Aug-2018 9:26 AM

Chen, Brandon

s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Response by  
19.9.18 please [SEC=UNCLASSIFIED]

05-Sep-2018 12:45 PM

Chen, Brandon

Re: s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Response by  
19.9.18 please [SEC=UNCLASSIFIED]

05-Sep-2018 1:05 PM

McKenna, Megan

s22 email to C.docx

10-Sep-2018 11:23 AM

Chen, Brandon

RE: s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Response by  
19.9.18 please [SEC=UNCLASSIFIED]

12-Sep-2018 9:14 AM

Chen, Brandon

Re: s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Response by  
19.9.18 please [SEC=UNCLASSIFIED]

17-Sep-2018 10:44 PM

English, Carl

RE: s22 - Your FOI complaint about the  
Department of Veterans' Affairs - Response by  
19.9.18 please [SEC=UNCLASSIFIED]

18-Sep-2018 11:04 AM

Chen, Brandon

**Cross References - 2**

Case

Comments

s 22

s 22

**Comments - 1**

Created

By

Comment

18-Sep-2018 11:06 AM

Chen, Brandon

Case Closed by s 47E(d) on 18-Sep-  
2018 11:06



s 47E(d)



501REQ 01

# S 47E(d)



2022-09-05 12:00:00  
S 47E (d)

2022 Q2 120

# S 47E(d)

2022 Q2 12

# S 47E(d)



50152EQ2 012

# S 47E(d)

11/22/2021 12:00 PM  
S 47E(d)

2022 Q2 12

# S 47E(d)



**From:** s22  
**To:** FOIDR  
**Subject:** Fwd: s22 - Cost of External Legal Services Expenditure on Work, Health and Safety Act 2012 implications  
**Date:** Thursday, 27 September 2018 7:27:23 PM

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Since you clearly are collaborating and enabling DVA to, not only to do functions it has no legislative power to do (such as convert an Internal Review to an IC Review), to deliberately create further delay, I withdraw this deemed refusal FOI IC Review, in that a decision (impugned though it may be) was eventually provided.

I do however, now, refer under s 70, DVA's conduct with respect to its actions that led to the deemed refusal and it's ongoing and repeated breaches of s 15(5)(a) and s 15(5)(b), for which DVA has never explained or apologised for.

How corrupt are you two organisations now really, intentionally collaborating to subvert and undermine the FOI Act, in that the OAIC now knowingly breaches its own Directives and essentially makes DVA its own spokesman.

You both are racing for the gutter in the most flagrant and appalling way. Certainly making a mockery of Right to Know day.

s22

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**From:** s22  
**Sent:** Wednesday, September 26, 2018 12:32 pm  
**To:** FOIDR  
**Subject:** Re: s22 - s 22 - Cost of External Legal Services Expenditure on Work, Health and Safety Act 2012 implications

To the OAIC,

Unsurprisingly, after the OAIC breached it's own Information Commissioner's Directive as to certain procedures to be followed in IC reviews given under section 55(2)(e)(i) of the Freedom of Information Act 1982, the OAIC enabled DVA to engage in further abuses of the FOI Act.

After the OAIC failed to address the repeated delays and missed deadlines DVA knowingly caused, despite the requirements of the IC's Directive, which sets out firm dates for when actions should take place, it should have been obvious that when this long overdue FOI did receive a response for DVA, it would have been an abuse of its FOI Act responsibilities.

When I did receive an FOI decision from DVA (late evening on Friday 21 September 2018),

more than two months after my FOI request was made, it denied the documents sought existed.

As I understand it even the OAIC is aware the external legal services provider legal opinion was commissioned and sought by DVA back in FY2011/2012, as the OAIC has been involved with a privacy complaint that DVA cited the Work, Health and Safety Act legal opinion in, both before the Commissioner (on the papers), then the Tribunal and lately the Federal Court (where the matter appears to have ended up), in each case the OAIC being a party.

Certainly, a whistleblower within DVA has provided me with direct internal DVA documents confirming that a Principal Legal Advisor (s 47F ) commissioned and did receive said legal advice from a specific external legal services provider.

Because it is a whistleblower document, and given the collusion between the OAIC and DVA that is evident (why otherwise would you be breaching your own IC Directive). I won't be providing direct copy until I can be sure the use of that document can't be used to witch-hunt the whistleblower (but at the AAT and the Federal Court, protections can be applied to prevent use for such a purpose), but suffice to say I have absolute proof the documents sought exist.

Even the most ineffective search would have uncovered them, given the documentation required to be raised on external legal service provider usage is both highly concentrated and highly regulated, such that the small number of records involved are kept in discrete areas with the Legal Branch and the Finance Branch, and the SES officers involved with it are still at DVA and would know exactly what was being referred to, especially since it is still connected to on ongoing legal matter.

DVA thus have denied the existence of documents they know to be in their possession, and if I have to go through the processes until I can get formalised discovery, I will.

So, to avoid all doubt, this IC Review remains open and is not withdrawn as a result of DVA's decision of 21 September 2018. And while I have sought internal review from DVA, because it was from a deemed refusal decision, this does not stop the clock on the OAIC on this IC Review as per the rules relating to deemed refusal decisions.

FOIREQ22/00120 251

s22

Nicolaou, Irene  
09-May-2022 11:14 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	27-Sep-2018 12:00 AM
Case Type:	Decline	Received By:	English, Carl
How Received:		Registered Date:	28-Sep-2018 2:23 PM
Owned By:	Nicolaou, Irene	Registered By:	Nicolaou, Irene
		Closed Date:	22-Dec-2021 12:01 PM
		Closed By:	Nicolaou, Irene

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Valid
Sensitivity:	Not sensitive
File Security:	OFFICIAL
Agency Reference Number:	s 22
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case Primary Person:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Assessor Note:	73(e)]
Next Action Date:	7-Jan-2022
Retention Class:	OAIC RA 61986 (D2)
Previous Case Owner ID:	134501
Destruction Due Date:	22-Dec-2023

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary**

Summary  
Not acknowledging a request within 14 days  
Not providing a decision within the statutory timeframe.

Assessment 17/12/2018

- Proceed to 73(d) intent to decline and provide copy of DVA's response to preliminary inquiries relating to above allegations, invite Complainant to withdraw.



FOIREQ22/00120 252

**Issues - 2****Issue Description:** Processing Request**Is Primary Issue:** Yes**Issue Allegation:** failure to acknowledge request**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Issue Description:** Processing Request**Is Primary Issue:** No**Issue Allegation:** processing delay**Issue Outcome:** s73(e) - frivolous, vexatious, lacking in substance**Actions - 26 (All Completed)**

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	English, Carl	02-Oct-2018	28-Sep-2018
Move to Triage basket (FC REG)	English, Carl	01-Oct-2018	28-Sep-2018
Allocate to Triage Officer (FC TR)	FOI - Triage	01-Oct-2018	09-Oct-2018, English, Carl
Conduct Triage (FC TR)	English, Carl	10-Oct-2018	10-Oct-2018: Further Info
File Note	English, Carl	10-Oct-2018	10-Oct-2018
Thanks Carl I have made a minor change to the letter. Please consider and then send. SW			
Seek Further Information (FC TR)	FOI - Triage	31-Oct-2018	09-Nov-2018, Yue, Vivian
PIs due 31/10/18			
Conduct Triage (FC TR)	FOI - Triage	12-Nov-2018	09-Nov-2018, Yue, Vivian: Mail Assessment
Decide Path (FC MA)	FOI - IC reviews - Assessment	12-Nov-2018	17-Dec-2018, Ago, Rocelle: Decline
Summary Not acknowledging a request within 14 days Not providing a decision within the statutory timeframe. Assessment 17/12/2018 - Proceed to 73(d) intent to decline and provide copy of DVA's response to preliminary inquiries relating to above allegations, invite Complainant to withdraw.			
Move to Allocation (MA DEC)	FOI - IC reviews - Assessment	18-Dec-2018	17-Dec-2018, Ago, Rocelle
Allocate Complaint (FC RF)	FOI - IC reviews - Post Triage	18-Dec-2018	09-Jan-2019, Liddle, Emma
Prepare s73 Decline Letter (FC-023)	Nicolaou, Irene	18-Dec-2018	20-Dec-2021
File Note	Nicolaou, Irene	25-Jul-2019	05-Dec-2019
Moved to mail assessor for re-assessment.			
File Note	Lappan, Martine	30-Jun-2020	27-Aug-2020
Hi Martine - please familiarise yourself with the complaint with a view to drafting ITD 73(e). Please raise any issues. Thanks Irene			

FOIREQ22/00120 253

Ownership Reassigned	Nicolaou, Irene	29-Jul-2020	29-Jul-2020
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Reassigned from 'FOI - Complaints' to 'Lappan, Martine' by 'Nicolaou, Irene'			
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Await Clearance - Assistant Director	Lappan, Martine	24-Aug-2020	28-Aug-2020
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Thanks Shelley, really appreciate you taking the time to review. I've accepted all the formatting changes (thank you again) and have changed the legislation extracts, and added a bit more of DVA's subs in - all in track. Should be relatively quick for a final clearance whenever you or Irene get the chance. Thanks Martine 21/8 \_\_\_\_\_ Dear Martine Thanks for the draft ITD. Please find changes in tracked and comments for your consideration. Sorry for the delay n getting this back to you and happy to discuss. Thanks SN (21/8) \_\_\_\_\_ Hi Shelley Just a draft ITD for review, not at all urgent. Let me know if I should allocate it to Rocelle/Irene instead, whatever works best. Thanks Martine 17/8

Await Clearance - Director	Lappan, Martine	03-Sep-2020	28-Aug-2020
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Thanks Martine. Couple of suggestions including suggestion to add in R subs (pls first check if any confidentiality issues raised by R). Thanks otherwise once pending those additions this can go out. Please discuss if unsure. Irene 28/8 \_\_\_\_ Hi Irene This is one of the draft ITDs that Shelley took a look at last week. Since then, I've accepted all the formatting changes that she kindly made and added a short legislation extract and a bit more of DVA's subs. Would be grateful for you to review when time permits. Thanks Martine 27/8

Await response - Complainant or Rep	Lappan, Martine	11-Sep-2020	17-Sep-2020
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Await Clearance - Director	Lappan, Martine	16-Sep-2020	10-Sep-2020
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Thanks Martine \_\_\_\_\_ Hi Irene Would you mind please clearing the draft email to C? Thanks very much in advance. Martine 9/9

Await Clearance - Director	Lappan, Martine	18-Sep-2020	06-Oct-2020, Nicolaou, Irene
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Thanks you Martine - given the response date has now passed I am happy for you to progress this through clearance. Couple of suggestions. Thanks Irene \_\_\_\_\_ Hi Irene The draft closure letter and e-clearance docs for this matter are ready for you to review (noting that the period for C to provide submissions in response to the ITD expires on 14/9). Thanks so much Martine 11/9

File Note	Selvarajah, Avanithah	07-Oct-2020	16-Mar-2021
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Reallocated to Avi for progression.

Ownership Reassigned	Nicolaou, Irene	06-Oct-2020	06-Oct-2020
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Reassigned from 'Lappan, Martine' to 'Selvarajah, Avanithah' by 'Nicolaou, Irene'			
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Ownership Reassigned	Nicolaou, Irene	03-Aug-2021	03-Aug-2021
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Reassigned from 'Selvarajah, Avanithah' to 'Nicolaou, Irene' by 'Nicolaou, Irene'			
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Prepare & Send s73 letter (FC DEC)	Nicolaou, Irene	13-Jan-2022	22-Dec-2021
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Await response to s73 letter (FC DEC)	Nicolaou, Irene	13-Jan-2022	22-Dec-2021: No change in view
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Notify relevant parties	Nicolaou, Irene	23-Dec-2021	22-Dec-2021
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FOIREQ22/00120 254

of closure (FC DEC)

Close Case

Nicolaou, Irene

23-Dec-2021

22-Dec-2021

**Documents - 42**

Title	Date Added	By
Fwd: IC Review s22 - Cost of External Legal Services Expenditure on Work, Health and Safety Act 2012 implications	27-Sep-2018 2:24 PM	English, Carl
Preliminary Inquiries - Re Complaint by s22 .docx	09-Oct-2018 10:17 AM	English, Carl
s22 - Freedom of Information complaint - preliminary inquiries [SEC=UNCLASSIFIED]	10-Oct-2018 9:40 AM	English, Carl
s22 - Freedom of Information complaint - preliminary inquiries (DVA reference s22 ) [DLM=For-Official-Use-Only]	26-Oct-2018 3:55 PM	Yue, Vivian
RE: s22 - Freedom of Information complaint - preliminary inquiries (DVA reference s22 ) [DLM=For-Official-Use-Only]	29-Oct-2018 12:59 PM	Yue, Vivian
RE: s22 - Freedom of Information complaint - preliminary inquiries (DVA reference s22 ) [DLM=For-Official-Use-Only]	29-Oct-2018 1:04 PM	Yue, Vivian
***DVA response to s22 *** - Freedom of Information complaint - preliminary inquiries (DVA reference s22 ) [DLM=For-Official-Use-Only]	08-Nov-2018 7:51 PM	Yue, Vivian
RE: ***DVA response to s22 *** - Freedom of Information complaint - preliminary inquiries (DVA reference s22 ) [DLM=For-Official-Use-Only]	09-Nov-2018 4:05 PM	Yue, Vivian
ITD example for LIS.docx	05-Aug-2020 2:03 PM	Lappan, Martine
ITD to C due 11/9	28-Aug-2020 3:19 PM	Lappan, Martine
s22 - FOI complaint regarding the Department of Veterans' Affairs [SEC=OFFICIAL]	31-Aug-2020 3:42 PM	Lappan, Martine
Re: s22 - FOI complaint regarding the Department of Veterans' Affairs [SEC=OFFICIAL]	31-Aug-2020 4:34 PM	Lappan, Martine
Tab 0 cover sheet.docx	09-Sep-2020 3:30 PM	Lappan, Martine
s22 Letter to C.pdf	10-Sep-2020 12:49 PM	Lappan, Martine
RE: s22 - FOI complaint regarding the Department of Veterans' Affairs [SEC=OFFICIAL]	10-Sep-2020 1:00 PM	Lappan, Martine
Comments from C	10-Sep-2020 2:38 PM	Lappan, Martine
Preliminary Inquiries - Re Complaint by s22 .pdf	10-Sep-2020 3:06 PM	Lappan, Martine
DVAs response to PIs collated.pdf	11-Sep-2020 8:30 AM	Lappan, Martine
Fwd: s22 - s22 - Cost of External Legal Services Expenditure on Work, Health and Safety Act 2012 implications	11-Sep-2020 8:33 AM	Lappan, Martine
Tab 1(b) - Att A.docx	11-Sep-2020 8:34 AM	Lappan, Martine
ITD example for LIS.docx	11-Sep-2020 8:40 AM	Lappan, Martine
[For approval] [FOI complaint - s 73 closure] - s22 [SEC=OFFICIAL]	11-Sep-2020 8:41 AM	Lappan, Martine
RE: [For approval] [FOI complaint - s 73 closure] -	18-Sep-2020 10:39 AM	Lappan, Martine
	30-Sep-2020 8:49 PM	Lappan, Martine



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s22 [SEC=OFFICIAL]		
[Draft Complaint Closure] s22 and Department of Veterans' Affairs s22 [SEC=OFFICIAL]	02-Oct-2020 3:01 PM	Nicolaou, Irene
update on s 73 matters [SEC=OFFICIAL]	02-Oct-2020 3:07 PM	Nicolaou, Irene
Follow up email to C.docx	12-Jul-2021 2:59 PM	Selvarajah, Avanithah
[For discussion] FOI complaints s22	19-Oct-2021 8:46 AM	Nicolaou, Irene
s22 [SEC=OFFICIAL]		
RE: [For discussion] FOI complaints s22, s22 [SEC=OFFICIAL]	19-Oct-2021 1:52 PM	Ago, Rocelle
s22 - Attachment A.docx	20-Dec-2021 4:51 PM	Nicolaou, Irene
[DRAFT s 73(e) Closure] s22 and DVA [SEC=OFFICIAL]	20-Dec-2021 5:11 PM	Nicolaou, Irene
RE: [FOI Commissioner approval] s22 and DVA (OAIC ref no s22) [SEC=OFFICIAL]	22-Dec-2021 10:31 AM	Nicolaou, Irene
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=OFFICIAL]	22-Dec-2021 11:57 AM	Nicolaou, Irene
s22 - FOI complaint closure - s22 [SEC=OFFICIAL]	22-Dec-2021 11:58 AM	Nicolaou, Irene
s22 - Follow up [SEC=OFFICIAL]	12-Jul-2021 4:10 PM	Selvarajah, Avanithah
Re: s22 - Follow up [SEC=OFFICIAL]	12-Jul-2021 4:56 PM	Selvarajah, Avanithah
Reply to C.docx	13-Jul-2021 3:15 PM	Selvarajah, Avanithah
RE: s22 - Follow up [SEC=OFFICIAL]	14-Jul-2021 1:07 PM	Selvarajah, Avanithah
RE: s22 - Follow up [SEC=OFFICIAL]	17-Jul-2021 4:42 AM	Selvarajah, Avanithah
Reply to C - 20210721.docx	21-Jul-2021 3:33 PM	Selvarajah, Avanithah
RE: s22 - Follow up [SEC=OFFICIAL]	23-Jul-2021 2:52 PM	Selvarajah, Avanithah
RE: s22 - Follow up [SEC=OFFICIAL]	23-Jul-2021 10:01 PM	Selvarajah, Avanithah

**Cross References - 1**

Case	Comments
s22	

**Comments - 1**

Created	By	Comment
22-Dec-2021 12:01 PM	Nicolaou, Irene	Case Closed by s 47E(d) on 22-Dec-2021 12:01

**From:** s22  
**To:** [INFORMATION.LAW](#)  
**Cc:** [FOIDR](#)  
**Subject:** FW: Attention s 47F RE: s22 - Charges Notice [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 5 February 2019 6:49:18 PM  
**Attachments:** [image001.png](#)  
[FOI 24507 - Charges Notice 16 Jan 2019.pdf](#)

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Dear s 47F and Office of the Australian Information Commissioner,

After three weeks I still have received no response from you regarding the incorrect charges for s22 which was made on the **14 September 2018** and due to be supplied by the **18 January 2019**.

Furthermore, DVA have still have not supplied the documents for s22 and s22 also due to be supplied by 18 January 2019.

I wish to make a formal complaint to the Office of the Australian Information Commissioner (the OAIC) regarding DVA continuing to deliberately obstruct the process and delay the finalising of my requests for information.

Below are details of my correspondence sent to Information Law on 3 January 2019 regarding s22; and my email correspondence sent to Information Law on the 16 January 2019 regarding the incorrect FOI charges.

Kind regards,

s22

#### Email sent to Information Law on 3 January 2019

Dear s 47F

Thank you for your email dated 21 December 2018 written in response to the revision of my FOI requests. Please see my responses regarding your request to again reduce the scope of my FOI requests.

s22

s22

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**From:** s22

**Sent:** Wednesday, 16 January 2019 10:11 PM

**To:** 'INFORMATION.LAW' s22

**Subject:** Attention s 47F RE: s22 - Charges Notice

[SEC=UNCLASSIFIED]



Attention **s 47F**  
Director  
Information Law Section, Legal Services and Assurance Branch

Dear **s 47F**,

I write in response to the Charges Notice made under the Freedom of Information Act 1982 you set to me by email today, 16 January 2019.

I refer to paragraphs 7 and 8 of your letter. You have incorrectly calculated the charges due to a number of errors. Based upon your own stated rationale, the calculations should in fact reflect the following:

Para 7, 2nd dot point = "2 mins per page" for 300 pages = 600 mins

Para 7, 4th dot point = "3 mins per page" for only 15% of the 300 pages = 135 mins

Total time is therefore  $600 + 135 = 735$  minutes = 12.25 hours

Minus the deduction of the first 5 hours free gives us  $12.25 - 5 = 7.25$  hours x \$20 per hour = \$145

Plus the Search and retrieval fee of \$10 in para 8 gives  $\$145 + \$10 = \$155$

Minus the 70% discount for my personal information shown in Para 8 =  $\$155 - \$108.50 = \$46.50$

Thus, the total to be paid is therefore only \$46.50. Can you kindly adjust your charges accordingly and reissue a corrected statement of fees and letter to me.

Kind regards,

**s22**

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**From:** INFORMATION.LAW <**s22**>  
**Sent:** Wednesday, 16 January 2019 2:37 PM  
**To:** **s22**  
**Subject:** **s22** - Charges Notice [SEC=UNCLASSIFIED]

Dear **s22**

**s22** - Charges Notice

Please find attached correspondence in relation to your freedom of information request received by the Department of Veterans' Affairs on 14 September 2018.

Kind regards

Information Law Section | Legal Services & Assurance Branch  
Department of Veterans' Affairs

E s22

cid:image001.png@01D0027A.1DAB84F0

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IMPORTANT

1. Before opening any attachments, please check for viruses.
2. This e-mail (including any attachments) may contain confidential information for the intended recipient. If you are not the intended recipient, please contact the sender and delete all copies of this email.
3. Any views expressed in this e-mail are those of the sender and are not a statement of Australian Government Policy unless otherwise stated.
4. Electronic addresses published in this email are not conspicuous publications and DVA does not consent to the receipt of commercial electronic messages.
5. To unsubscribe from emails from the Department of Veterans' Affairs (DVA) please go to [http://www.dva.gov.au/contact\\_us/Pages/feedback.aspx](http://www.dva.gov.au/contact_us/Pages/feedback.aspx), and advise which mailing list you would like to unsubscribe from.
6. Finally, please do not remove this notice.

FOIREQ22/00120 260

s22

Nicolaou, Irene  
09-May-2022 11:15 AM**Title**

s22 | DVA - Department of Veterans' Affairs

**Receipt Details**

File Type:	FOI	Received Date:	05-Feb-2019 12:00 AM
Case Type:	Investigation	Received By:	Chang, Adie
How Received:		Registered Date:	20-Feb-2019 11:52 AM
Owned By:	Nicolaou, Irene	Registered By:	Nicolaou, Irene
		Closed Date:	20-Oct-2021 1:23 PM
		Closed By:	Nicolaou, Irene

**Case Details**

Stage:	Closed
How Received:	Email
Validation:	Not validated
Sensitivity:	Not sensitive
File Security:	OFFICIAL
Agency Reference Number:	s 22
Primary Client Group:	Individual
Parent Case Entity Code:	Complaint
Agency FOI Stage:	Initial decision
Respondent Client Group:	Agency
Complexity:	Low
Case Primary Person:	s22
Case Respondent:	DVA - Department of Veterans' Affairs
Privacy Case Type:	Primary
Assessor Note:	s 86 with recs
Next Action Date:	12-Oct-2021
Retention Class:	OAIC RA 61986 (D2)
Previous Case Owner ID:	142982
Destruction Due Date:	20-Oct-2023

**Case Parties - 2**

Complainant Client:	s22
Respondent Client:	DVA - Department of Veterans' Affairs

**Summary****Issues:**

1. Deliberately obstructing the FOI process to provide information regarding my dismissal which I am legitimately entitled to be provided reasons for. The first FOI request was made on the 14 September 2018.
2. Ongoing requests to reduce the scope of information requested.
3. Deliberately not responding to emails with legitimate concerns or requests (Eg. Incorrect charges).
4. Deliberately not providing information regarding the progress of my FOI requests, including no notification that they had been refused pursuant to 15AC of the Freedom of Information Act 1982.



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5. Delaying the finalising of my FOI requests.

### Issues - 3

**Issue Description:** Processing Request

**Is Primary Issue:** Yes

**Issue Allegation:** processing delay

**Issue Outcome:** s86 - recommendations made

**Issue Description:** Charges

**Is Primary Issue:** No

**Issue Allegation:** incorrect calculation

**Issue Outcome:** s86 - recommendations made

**Issue Description:** Processing Request

**Is Primary Issue:** No

**Issue Allegation:** unsatisfactory customer service

**Issue Comments:** no response to queries

**Issue Outcome:** s86 - recommendations made

### Actions - 25 (All Completed)

Action	Owner	Due	Completed
Record case details and attach docs (FC REG)	Chang, Adie	22-Feb-2019	20-Feb-2019
Move to Triage basket (FC REG)	Chang, Adie	21-Feb-2019	20-Feb-2019
Allocate to Triage Officer (FC TR)	FOI - Triage	21-Feb-2019	11-Mar-2019, Napper, Shelley
Await response - Complainant or Rep	FOI - Triage	08-Mar-2019	04-Mar-2019, Napper, Shelley
Awaiting confirmation of scope Resp due 8/3			
Conduct Triage (FC TR)	FOI - Triage	12-Mar-2019	01-May-2019, Teves, Allan: Mail Assessment
Await Clearance - Director	Napper, Shelley	18-Mar-2019	13-Mar-2019
Thanks Shelley. Only one comment regarding whether we list the FOI request reference numbers in the body of the letter, but otherwise fine to go out. Thanks, Allan. ----- Dear Allan Please find a Draft PIs to R in the Docs tab for your review. Thanks SN (11/2)			
Await response - Respondent or Rep	FOI - Triage	27-Mar-2019	01-May-2019, Napper, Shelley
Awaiting resp to PIs from R Resp due 10/4			
Decide Path (FC MA)	Dunlop, Rochelle	02-May-2019	12-Jul-2021: Investigation
s 86 Notice stage			
File Note	Nicolaou, Irene	12-Dec-2019	21-May-2020, Napper, Shelley

FOIREQ22/00120 262

Thanks Irene - I have reviewed the notice and will await the advice re preferred process. SN (19/5) \_\_\_\_\_ Thanks Shelley - couple of revisions then this is ok to proceed to RA once preferred process has been settled. Irene (19/5) \_\_\_\_\_ Dear Irene I apologise for the delay in actioning this item. Please find the draft investigation notice in the Docs tab for your consideration. Happy to discuss. Thanks SN (19/5) \_\_\_\_\_ Dear Shelley - many thanks for the matrix. I agree with your assessments regarding considering issue three as part of the delay and charges investigation. In relation to requests for information I do not think we need the charges statistics given the charges was only applied in the one matter and there is no allegation of systemic incorrect application of charges. Please proceed to draft s 75 notice. Thanks Irene 18/2/2020 \_\_\_\_\_ Dear Irene Please find the assessment matrix in the Docs tab for your review. Thanks SN (18/2) \_\_\_\_\_ Hi Shelley - please compile evidence matrix with a view to drafting s 75 Notice.

Await Clearance - Nicolaou, Irene 28-May-2020 20-Jul-2020  
Director

Irene - FYI SN (17/7) \_\_\_\_\_ Thanks Shelley, please proceed. Kind regards Rocelle 17.7.2020 \_\_\_\_ Dear Rocelle I have revised the draft investigation notice. Please advise if further is needed or whether to proceed. Thanks SN (10/7) \_\_\_\_\_ Hi Shelley My apologies for the delay - please see my comments and suggestions. Kind regards Rocelle 9.7.2020 \_\_\_\_ Dear Rocelle Please find in the Docs tab for your consideration: - a s 75 investigation notice. The 75 notice has been cleared by Irene. Thanks SN (21/5)

File Note Nicolaou, Irene 30-Jul-2020 29-Jul-2020, Napper, Shelley

Dear Irene Please find in the Docs tab an email from R requesting a 30 days EOT for resp to investigation notice, reasons include: - time passed since last subs were provided (April 2019) - staff who were there at the time are no longer with the R - review of multiple FOI requests processing need to be undertaken, and - that review has begun but will take a substantial time. Thanks SN (29/7)

Phone call - Respondent FOI - 18-Aug-2020 16-Sep-2020, Napper, Shelley  
or Rep Complaints

Molly from DVA called. Just wanted to clarify what was required and to flag that 55G's had been issued on two of the three matters referred to in the complaint matter. Also raised that there are some draft docs that the DVA may want to provide confidentially. Asked that she email to raise that issue so I can escalate for consideration. R will do so. SN (17/8)

File Note Napper, Shelley 17-Sep-2020 28-Sep-2020

Thanks Shelley please proceed. Irene 28/9 \_\_\_\_\_ Dear Irene Please find a draft email to C in the Docs tab for your review. Thanks SN (24/9) \_\_\_\_\_ Thanks Shelley - can we contact C provide subs and apology and seek withdrawal. Thanks irene \_\_\_\_\_ Dear Irene FYI - R's resp to the investigation notice has been received. I note that the R apologises for the delay and we are able to provide the subs and Att to the C. Thanks SN (16/9)

File Note Dunlop, Rochelle 16-Mar-2021 03-Aug-2021

Proceed to s 86 - make findings - no recommendations noting ack that improvements have been made. Irene 15/3

File Note Dunlop, Rochelle 18-Jun-2021 29-Sep-2021

Hi Rochelle Allocating this matter to you for progression towards s 86 Notice. We have commenced investigation (s 75) and now need to review the response to s 75 and proceed to draft s 86 Notice. Please update matrix (I have marked what needs to get added). Please assess and lets set up a time to discuss next steps if needed. Thanks Irene 17/6

Ownership Reassigned Nicolaou, Irene 17-Jun-2021 17-Jun-2021

FOIREQ22/00120 263

Reassigned from 'FOI - Complaints' to 'Dunlop, Rochelle' by 'Nicolaou, Irene'

Await Clearance - Director	Nicolaou, Irene	19-Jul-2021	13-Jul-2021
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Hi Irene Sorry - I will redo that and get it to you Thanks Rochelle Hi Rochelle - are you able to attach the evidence matrix please? at the moment it is showing as Appendix A? Thanks' irene \_\_\_\_\_ Hi Irene This s 86 correspondence is ready for your review. I can delete Attachment B if you don't think that info should be passed to the complainant in this case. Thanks Rochelle 12/7

Await Clearance - Director	Dunlop, Rochelle	17-Aug-2021	08-Oct-2021
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Thanks Rochelle - couple of additions in the Letter - once addressed please send up to Rocelle for clearance with snapshot noting comment the recipient. Irene 20/9 \_\_\_\_\_ Hi Irene I have made the FOIC's edits to the s86 notice and updated the letter to stand with the notice. The 2 documents are both marked \*Tab 0. The pre-FOIC documents are retained in resolve and marked \*Tab 1 obsolete. Let me know the next steps thanks Rochelle 20/9 \_\_\_\_\_ Thanks Rochelle can you please have a look and fact check one comment for me if that is correct please provide a clean version and send up to RA with snapshot email for clearance noting that Tab 0 is the copy that is for review (perhaps good idea to mark the other copy as obsolete). Thanks Irene 16/9 \_\_\_\_\_ HI Irene The re-draft s 86 notice is ready for your review at \*Tab 0. The existing draft is still at \*Tab 1(b). Tks Rochelle 16/9 \_\_\_\_\_ HI Irene I think I had made the changes you requested but hadn't written "done" in comments. I apologise if I have missed anything. If Attachments A and B aren't updated as you expected perhaps we should meet to discuss because I must have misunderstood. Thanks Rochelle 8/9 \_\_\_\_\_ HI Rochelle I don't think you have progressed the Attach A - I have reviewed the letter so that is fine now. But there's still lots to do with the Attach A I have gone through and reviewed up until the considerations part. Can you please just continue with those? Thanks Irene 7/9 \_\_\_\_\_ HI Irene The drafts have been amended. Sorry I thought I had returned this to you earlier. Thanks Rochelle 3/9 \_\_\_\_\_ HI Rochelle - thanks for the draft. I've made some comments in there regarding approach. It may be useful for us to have a meeting to discuss. Many thanks Irene 12/8 \_\_\_\_\_ Hi Irene The s 86 letter and Notice are ready for review. I have a few questions. The key documents are tabbed in Resolve. Thanks Rochelle

Phone call - Respondent or Rep	Dunlop, Rochelle	28-Sep-2021	27-Sep-2021
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Courtesy call to DVA - Sneha. Advised that s 86 will be provided to Ms Cossan today. Discussed next steps - comments two weeks etc. Sneha advised that she would let her Director know and thanked me for the advice. Advised her if she has any queries that she can just give us a call anytime. IN 27/9

Ownership Reassigned	Nicolaou, Irene	19-Oct-2021	19-Oct-2021
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Reassigned from 'Dunlop, Rochelle' to 'Nicolaou, Irene' by 'Nicolaou, Irene'

Phone call - Respondent or Rep	Nicolaou, Irene	20-Oct-2021	20-Oct-2021
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Hirani called - apologies she is chasing up the response which is with the Secretary's office. Will get a response to this week. IN

Conduct Investigation (FC INV)	Nicolaou, Irene	21-Oct-2021	20-Oct-2021: S 86 Letter
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Prepare and Send s86 letter (FC INV)	Nicolaou, Irene	09-Nov-2021	20-Oct-2021
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Await Response to s86 letter (FC INV)	Nicolaou, Irene	09-Nov-2021	20-Oct-2021: Agree
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Notify Parties of Closure	Nicolaou, Irene	21-Oct-2021	20-Oct-2021: Recommendations
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FOIREQ22/00120 264

(FC IC)

**Documents - 65**

<b>Title</b>	<b>Date Added</b>	<b>By</b>
FW: Attention s 47F RE: s22 - Charges Notice [SEC=UNCLASSIFIED]	05-Feb-2019 6:49 PM	Chang, Adie
FW: Attention s 47F RE: s22 - Charges Notice [SEC=UNCLASSIFIED]	05-Feb-2019 6:53 PM	Chang, Adie
RE: New FOI complaint - s22 and DVA [SEC=UNCLASSIFIED]	15-Feb-2019 4:59 PM	Chang, Adie
s22 - Your complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	22-Feb-2019 9:12 AM	Chang, Adie
RE: s22 - Your complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	22-Feb-2019 9:29 AM	Chang, Adie
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	27-Feb-2019 8:48 AM	Napper, Shelley
RE: s22 Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	03-Mar-2019 4:27 PM	Napper, Shelley
Reference s22	03-Mar-2019 4:31 PM	Napper, Shelley
s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	04-Mar-2019 7:53 AM	Napper, Shelley
s22 Draft PIs to R.docx	04-Mar-2019 1:36 PM	Napper, Shelley
Attachment B.pdf	11-Mar-2019 10:34 AM	Napper, Shelley
Attachment A.pdf	11-Mar-2019 10:34 AM	Napper, Shelley
s22 - FOI complaint - Preliminary inquiries [SEC=UNCLASSIFIED]	13-Mar-2019 1:17 PM	Napper, Shelley
RE: s22 - Your FOI complaint about the Department of Veterans' Affairs [SEC=UNCLASSIFIED]	13-Mar-2019 1:20 PM	Napper, Shelley
Re: Your IC review applications [SEC=UNCLASSIFIED]	13-Mar-2019 11:09 PM	Chang, Adie
FW: s22 - FOI complaint - Preliminary inquiries [DLM=For-Official-Use-Only]	05-Apr-2019 6:14 PM	English, Carl
RE: s22 - FOI complaint - Preliminary inquiries [DLM=For-Official-Use-Only]	09-Apr-2019 3:50 PM	English, Carl
s 22 evidence matrix	18-Feb-2020 10:19 AM	Napper, Shelley
s22 Draft letter to R.docx	18-May-2020 3:29 PM	Napper, Shelley
s22 - FOI Stats - DVA [SEC=OFFICIAL]	19-May-2020 8:26 AM	Napper, Shelley
RE: s22 - FOI Stats - DVA [SEC=OFFICIAL]	19-May-2020 9:09 AM	Napper, Shelley
RE: s22 - FOI Stats - DVA [SEC=OFFICIAL]	19-May-2020 9:11 AM	Napper, Shelley
s22 - FOI complaint - Investigation notice [SEC=OFFICIAL]	20-Jul-2020 2:30 PM	Napper, Shelley
RE: s22 - FOI complaint - Investigation notice [SEC=OFFICIAL]	29-Jul-2020 1:14 PM	Napper, Shelley
FW: [Request for an extension] s22 - FOI complaint - Investigation notice [SEC=OFFICIAL]	29-Jul-2020 2:29 PM	Napper, Shelley