



22 June 2022

Our reference: LEX 68168

Posty (Right to Know)

Only by email: [foi+request-8982-b996ce97@righttoknow.org.au](mailto:foi+request-8982-b996ce97@righttoknow.org.au)

Dear Posty

### **Your Freedom of Information Request**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

On 2 June 2022, you requested access to:

I request, under the Freedom of Information Act 1982, copies of the following documents:

Participation in Cashless Debit Card (CDC) 103-03150010 from your Operational Blueprint.

I request that it be posted to your operational blueprint site for all to see if unredacted, or if unable to be done a PDF to this right to know request.

On 3 June 2022, you contacted Services Australia (the agency) to revise the scope of your request, advising the following:

Given the announcement to "Abolish the Cashless Debit Card" today:

<https://twitter.com/AmandaRishworth/status/1532567834932674560>

I would like to amend my request to additionally ask for any documents relating to the abolishment of the Cashless Debit Card.

For ease of reference, I have referred to your initial request dated 2 June 2022 as 'part 1' of your request and the revised scope dated 3 June 2022 as 'part 2' of your request.

Currently your request is broad and does not sufficiently identify the documents you require. In particular, the agency considers part 2 of your request is too broad, and we are unable to clearly identify the documents you are seeking.

This information is required to enable an agency officer to identify the documents. The agency is unable to part process Freedom of Information (FOI) requests. As such, the agency is now formally consulting with you under section 24AB of the FOI Act.

This letter is giving you an opportunity to provide us with specific information about the documents you need. Providing this additional information will assist the agency in processing your request.

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

### **How to send us a 'revised request'**

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us that you do not want to revise your request.

If you do not contact us during the consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be specific about what documents you actually want. This could help the agency find the documents.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

Your response will be expected by **6 July 2022**. If no response is received, your matter will be taken as withdrawn.

### **Further assistance**

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

**Note:** When you contact us please quote the reference number **FOI LEX 68168**.

Yours sincerely

Phillipa  
Authorised FOI Decision Maker  
Freedom of Information Team  
Information Access Branch | Legal Services Division  
Services Australia

**What I took into account**

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

- (1) I request, under the Freedom of Information Act 1982, copies of the following documents:

Participation in Cashless Debit Card (CDC) 103-03150010 from your Operational Blueprint.

I request that it be posted to your operational blueprint site for all to see if unredacted, or if unable to be done a PDF to this right to know request.

- (2) Given the announcement to "Abolish the Cashless Debit Card" today:

<https://twitter.com/AmandaRishworth/status/1532567834932674560>

I would like to amend my request to additionally ask for any documents relating to the abolishment of the Cashless Debit Card.

As your request currently stands, I am unable to identify some of the documents falling within the scope of your request, and am therefore unable to process your request. Specifically, I am seeking clarification from you in relation to part 2 of your request and the documents you are seeking access to with respect to the term you have used: 'any documents'.

The term 'document' is defined at section 4 of the FOI Act and includes the following:

- (a) *any of, or any part of any of, the following things:*

- (i) *any paper or other material on which there is writing;*
- (ii) *a map, plan, drawing or photograph;*
- (iii) *any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;*
- (iv) *any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;*
- (v) *any article on which information has been stored or recorded, either mechanically or electronically;*
- (vi) *any other record of information; or*

- (b) *any copy, reproduction or duplicate of such a thing; or*

- (c) *any part of such a copy, reproduction or duplicate;*

*but does not include:*

- (d) *material maintained for reference purposes that is otherwise publicly available; or*
- (e) *Cabinet notebooks.*

The agency holds a wide range of documents, in a range of formats, relating to a variety of subjects, across multiple repositories and created by many different business areas. The term 'any document' used in part 2 of your request is ambiguous and currently does not provide sufficient information to enable the agency to conduct searches to locate documents relevant to your request.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested. As your request currently stands, the agency is unable to identify the documents you have referred to in part 2 of your request.

### **Suggestions on revising your request**

As noted above, we are unable to continue to process your FOI request as we are unable to identify all of the documents you are seeking.

You may wish to withdraw your request, provide additional information describing the documents sought or withdraw the parts of the request which are unclear.

To enable the agency to process your request, I strongly recommend that you provide additional information relating to the documents you are seeking to access, or otherwise consider revising the scope of your request. To assist you in providing additional information to the agency or to revise the scope of your request, you may wish to consider:

- providing the title of the documents that you are seeking access to
- providing the format of the documents that you are seeking access to
- providing the author of the documents that you are seeking access to
- providing the location or relevant business area that may hold the documents that you are seeking access to
- providing any further detail of the content of the documents that you are seeking access to
- limiting your request to a specific time period, or
- excluding particular documents that are not of interest.

If you are unable to revise the scope of your request, I intend to refuse your FOI request as a 'practical refusal reason' exists under sections 24AA(1)(b) and 24 of the FOI Act. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in section 15(2)(b) (identification of documents).

### **Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirements in section 15(2)(b) of the FOI Act.

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

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.