



ACT
Government

**Canberra Health
Services**

FOI19/60



Dear 

Freedom of Information Request: FOI19/60 – Refusal to deal with application

I refer to your application received by Canberra Health Services on 2 September 2019 in which you sought access to information under the *Freedom of Information Act 2016* (the Act).

In your application you have requested:

"I would like copies of the following:

- 1) Copies of briefings to the Minister for Health and Wellbeing related to the management of ACT Government funding and applications for funding and grants provided to or for the Australian National University (ANU), including the management of ACT Government funding for ANU programmes, from January 2017 to date.*
- 2) All documents related to planning, funding and approval of ANU Grand Challenges projects by Canberra Health Services from January 2017 to date.*
- 3) All documents related to the planning, funding and approval of the MRI research scans requested/organised by HOD Neurology from January 2017 to date. (see File 1)."*

I am an Information Officer appointed by the Chief Executive Officer of Canberra Health Services under section 18 of the Act to deal with access applications made under Part 5 of the Act. Canberra Health Services was required to provide a decision on your access application by **30 September 2019**.

Decision on access

Canberra Health Services sent you a letter on 20 September 2019 to express an intention to refuse to deal with your application under:

- *Section 43 (1) (a) of the Act – dealing with the application would require an unreasonable and substantial diversion of the respondent’s resources;*
- *Section 43 (1) (b) of the Act – the application is frivolous or vexatious;*
- *Section 43 (1) (c) of the Act – the application involves an abuse of process;*
- *Section 43 (1) (d) of the Act – the government information is already available to the applicant.*

A consultation period of 10 working days was given, which ended on 4 October 2019. You responded within this timeframe and had a discussion with the FOI Team about the scope of your request. A revised scope was received on 10 October 2019 removing the first point and amending the rest to the below;

“2) All documents related to the process of planning, funding and approval of ANU Grand Challenges project (Our Health in Our Hands) by Canberra Health Services.

3) All documents related to the process of planning, funding and approval of the MRI research scans by HOD Neurology. (see File 1 previously provided).”

Your revised application removed the grounds for refusal under *Section 43 (1) (d)* of the Act. Unfortunately, this did not remove the other grounds for refusal listed above as the research projects are not managed by the Canberra Health Services and the information requested would be held by an external agency as they coordinate these projects. An application for this information may be better provided to ANU as opposed to the small amounts of information that may be held in individual email accounts of Canberra Health Services staff. Information about the ANU Freedom of Information unit can be accessed at <https://www.anu.edu.au/freedom-of-information>.

I have decided to refuse to deal with your access application wholly under section 43 (1) (a), (b) and (c) of the Act as outlined in the intention to refuse letter (Attachment A). This notice complies with section 55 of the Act - *content of notice - refusal to deal with application*.

It is my decision that the public interest would not be served by the substantial expenditure of resources required within the Division of Medicine to continue processing your request.

Charges

Processing charges are not applicable to this request.

Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your access application and my decision to you in response to your request will be published in the ACT Health disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ACTFOI@ombudsman.gov.au.

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning Canberra Health Service's processing of your request, or would like further information, please contact the FOI Coordinator on 5124 9829 or email HealthFOI@act.gov.au.

Yours sincerely



Jacqui Taylor
Executive Director - Medicine
Canberra Health Services

18 October 2019