



**ACT**  
Government

**ACT Health**

Our reference: ACTHDFOI22-23.27

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

**REFUSE TO DEAL WITH YOUR ACCESS APPLICATION**

I refer to your application received by ACT Health Directorate (ACTHD) on **Wednesday 14 December 2022** in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

*'A copies of the following briefs (excluding attachments):*

1. COR22/23718
2. GBC22/358
3. GBC22/420
4. GBC22/429
5. GBC22/433
6. GBC22/443
7. GBC22/451
8. GBC22/457
9. GBC22/467
10. GBC22/473
11. GBC22/477
12. GBC22/501
13. GBC22/526
14. GBC22/555
15. MIN22/1017
16. MIN22/1073
17. MIN22/1076
18. MIN22/1077
19. MIN22/1079
20. MIN22/1090
21. MIN22/1092
22. MIN22/1109
23. MIN22/1142
24. MIN22/1150
25. MIN22/1153
26. MIN22/1166
27. MIN22/1178
28. MIN22/1180
29. MIN22/1205
30. MIN22/1213

31. MIN22/1228
32. MIN22/1252
33. MIN22/1294
34. MIN22/1329
35. MIN22/752
36. MIN22/782
37. MIN22/811
38. MIN22/840
39. MIN22/866
40. MIN22/867
41. MIN22/884
42. MIN22/890
43. MIN22/919
44. MIN22/939
45. MIN22/986
46. MIN22/993
47. MIN22/997.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

### **Decisions**

ACTHD sent you a letter on **Thursday 22 December 2022** to express an intention to refuse to deal with your application in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

On **Thursday 16 January 2023**, an additional consultation period of 10 working days was given which ended on **Wednesday 25 January 2023**, under section 46(4)(a). The Directorate has attempted to contact you via email and telephone calls, to further discuss the breadth of the scope, but no response was provided by the end of the consultation period.

In reaching my decision, I have taken the following into account:

- The FOI Act;
- The views of relevant third parties;
- The *Human Rights Act 2004*; and
- The *Information Privacy Act 2014*.

As outlined following consultation in regard to our intention to refuse letter, to separate the applications into smaller packages; being divided by business units, types of briefs, etc., would likely increase the workload of each involved business area, still resulting in an unreasonable and substantial diversion of resources.

The Directorate has already received an application from you with a reduced number of the briefs originally listed which will be processed in accordance with the FOI Act.

### **Charges**

Processing charges are not applicable to this request.

### **Disclosure Log**

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the 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.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.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/>

### **Further assistance**

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely,



Catherine Ellis  
**A/g Senior Director**  
Ministerial and Government Services  
ACT Health Directorate

2 February 2023