

Dear [REDACTED]

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by ACT Health Directorate (ACTHD) on **Tuesday 30 March 2021** in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This original application requested access to:

- *Can you provide a list of all health committees that have a consumer or community representative and are chaired by a member of the senior Executive please as at 1 Feb 2021.*
- *Can you provide the name of the representative name and role on the committee, and include the selection process used in engaging that representative. If applicable, can you provide the organisation that the representative belongs to and any payments made for the representation. Can you disclose the level of funding provided to the individual or to the organisation. Eg whether the person is a volunteer or if a person is an employee of an organisation, then the level of funding provided by the ACT government in the 2020 and 2021 financial year.*
- *Can you also provide any other organisations that are represented on those committees that are external to the Health Directorate, please.*
- *This information is in the public interest so the public knows "who is representing" us. The Community Representatives should be known to the Canberra community. Otherwise how can I reach them.'*

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

I sent you a letter on Monday 7 June 2021 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.

A consultation period of 10 working days was given, which ended on **Tuesday 22 June 2021**.

You provided some suggested amendment to the scope via email on Wednesday 16 June 2021 that unfortunately did not remove the unreasonable and substantial diversion of resources that would inhibit the ability of the line areas to exercise their functions, this was explained in a return email with an invitation to consult further and to let the Directorate know if you required more time to amend the scope further. As no further correspondence was received, I have decided to refuse to deal with your access application under sections 43 (1)(a) of the FOI Act as outlined in the intention to refuse letter ([Attachment A](#)). This notice complies with section 55 of the FOI 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 to continue processing your request.

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 and my decision 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
Website: 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.

Yours sincerely



John Fletcher
Executive Group Manager – Corporate & Governance
ACT Health Directorate

25 June 2021

Dear [REDACTED]

NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse your access application made under the *Freedom of Information Act 2016* (FOI Act), received by the ACT Health Directorate (ACTHD) on **Tuesday 30 March 2021**.

This original application requested the following:

- *Can you provide a list of all health committees that have a consumer or community representative and are chaired by a member of the senior Executive please as at 1 Feb 2021.*
- *Can you provide the name of the representative name and role on the committee and include the selection process used in engaging that representative. If applicable, can you provide the organisation that the representative belongs to and any payments made for the representation. Can you disclose the level of funding provided to the individual or to the organisation. Eg whether the person is a volunteer or if a person is an employee of an organisation, then the level of funding provided by the ACT government in the 2020 and 2021 financial year.*
- *Can you also provide any other organisations that are represented on those committees that are external to the Health Directorate, please.*
- *This information is in the public interest so the public knows "who is representing" us. The Community Representatives should be known to the Canberra community. Otherwise, how can I reach them.*

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 FOI Act.

Investigations were undertaken to identify information that would fall within the scope of your application. It is my view that an extensive amount of work would be required to retrieve and collate all documentation falling within the scope. Subsequently, an alternative proposal was put to you to provide the Terms of Reference as a reasonable step in identifying the committees and the general details of each committees:

'Providing a schedule of committees chaired by an Executive member (EGM/ED or higher) of the Directorate with a community representation and the Terms of Reference for each of those committee.'

You additionally requested to be provided the identity of community representative (entity or individual) on the committees, and the selection method used in engaging the representative. This would require a large body of work to address the additional information required for each

committee. Committees in scope of your application may have multiple members that would be defined as community or consumer representatives.

I believe the FOI Team have taken all reasonable steps to assist you in scoping the application to comply with the requirements, under the Act, of an agency to be able to identify the information requested.

Decisions

I am notifying you of my intention to refuse to deal with your access 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.

It would require extensive resources to identify, locate, collate and examine this documentation. This would also require the resources to obtain the views of all relevant third parties. This information could be contained within numerous documents dating back a number of years. It is my decision that this is an unreasonable diversion of the agencies staff when considering the public benefit of the disclosure of this information.

Under section 46 of the Act, ACTHD must take reasonable steps to assist you and give you a period of 10 working days from the date of this letter which would be by **COB Tuesday 22 June 2021** to make an application in a form that would remove the grounds for refusal under the FOI Act.

You may wish to refine or reduce the scope of your request, and if you do, the day the amended application is received becomes the commencement date of the decision process. Additionally, you may consider other avenues the information you are seeking can be obtained.

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.

Yours sincerely



John Fletcher
Executive Group Manager – Corporate & Governance
ACT Health Directorate

7 June 2021