

Our reference: **FOI19/69**



Dear 

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by Canberra Health Services (CHS) on Monday 21 October 2019 in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

'I would like copies of the following:

- 1) All documents relating to the review conducted by Ms Wendy Mossman and Ms Jean Robertson in late 2018 for administrative issues raised by neurologists in the neurology department and actions taken by the executive on the specific matters till date. (This information has been requested from seven individuals directly since 11 July 2019 and it was confirmed on 25 July 2019 that the relevant documents are available but have not yet been provided)*
- 2) All documents relating to the approval of Neurophysiology research trainee position in the neurology department at CHS.*
- 3) All documents relating to the approval of overtime for neurophysiology scientists in the department of neurology for financial years ending 2014, 2015, 2016 and 2018. (Points 2 and 3 relate to neurology department information. This request is made on the basis of Sections 6 and 7 of Part 2 of the Freedom of Information Act 2016).'*

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

Decisions

CHS sent you a letter on 15 November 2019 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; and
- Section 43 (1) (b) the application is frivolous or vexatious; and
- Section 43 (1) (c) the application involves an abuse of process.

A consultation period of 10 working days was given, which ended on **Friday 29 November 2019**.

I have decided to refuse to deal with your access application wholly under section 43 (1) (a), (b) and (c) 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 within the Division of Medicine to continue processing your request.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, CHS 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.

ACT Civil and Administrative Tribunal (ACAT) review

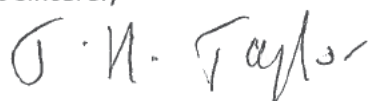
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

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 9829 or email HealthFOI@act.gov.au.

Yours sincerely



Jacqui Taylor
Executive Director
Division of Medicine

2 December 2019