



ACT
Government

**Canberra Health
Services**

Our reference: **CHSFOI22-23.30**



Dear 

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by Canberra Health Services (CHS) 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:

'Copies of the following briefs (excluding attachments):

48. MCHS22/317
49. MCHS22/383
50. MCHS22/400
51. MCHS22/401
52. MCHS22/437
53. MCHS22/441
54. MCHS22/442
55. MCHS22/465
56. MCHS22/480
57. MCHS22/507
58. MCHS22/515
59. MCHS22/516
60. MCHS22/519
61. MCHS22/521
62. MCHS22/523
63. MCHS22/525
64. MCHS22/530
65. MCHS22/534
66. MCHS22/538
67. MCHS22/546
68. MCHS22/560
69. MCHS22/561
70. MCHS22/564
71. MCHS22/574
72. MCHS22/576
73. MCHS22/584
74. MCHS22/599
75. MCHS22/601
76. MCHS22/607
77. MCHS22/614

78. MCHS22/620
79. MCHS22/623
80. MCHS22/626
81. MCHS22/629
82. MCHS22/630
83. MCHS22/658
84. MCHS22/661
85. MCHS22/665
86. MCHS22/670
87. MCHS22/684.'

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.

Decisions

CHS sent you a letter on **Friday 23 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.

You may wish to reduce the number of briefs requested to the Directorate in line with what has previously been provided to you in your other similar applications.

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, 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
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,



Janet Zagari
Deputy Chief Executive Officer
Canberra Health Services

31 January 2023