

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

Dear [REDACTED]

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I write to you in my capacity as an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the *Freedom of Information Act 2016* (FOI Act) to deal with access applications made under Part 5 of the Act.

I refer to your application received by ACTHD on **Thursday, 19 January 2023** in which you sought access to information under the FOI Act.

This application requested access to:

'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.'

Your initial application and subsequent applications received, noted below, have been considered as one application in accordance with section 43(2) of the FOI Act – *A respondent is entitled to consider 2 or more applications as 1 application if the applications are related and are made by the same applicant or by people acting together in relation to the applications.*

Your second application made under the FOI Act, received by the ACTHD on **Friday, 3 February 2023** requested access to:

'Copies of the following briefs (excluding attachments):

1. GBC22/477
2. GBC22/501
3. GBC22/526
4. GBC22/555
5. MIN22/1017
6. MIN22/1073
7. MIN22/1076

8. MIN22/1077
9. MIN22/1079
10. MIN22/1090'

Your third application made under the FOI Act, received by the ACTHD on **Monday, 6 February 2023** requested access to:

'Copies of the following briefs (excluding attachments):

1. MIN22/1092
2. MIN22/1109
3. MIN22/1142
4. MIN22/1150
5. MIN22/1153
6. MIN22/1166
7. MIN22/1178
8. MIN22/1180
9. MIN22/1205
10. MIN22/1213'

Your fourth application made under the FOI Act, received by the ACTHD on **Wednesday, 8 February 2023** requested access to:

'Copies of the following briefs (excluding attachments):

1. MIN22/1092
2. MIN22/1109
3. MIN22/1142
4. MIN22/1150
5. MIN22/1153
6. MIN22/1166
7. MIN22/1178
8. MIN22/1180
9. MIN22/1205
10. MIN22/1213'

Your fifth application made under the FOI Act, received by the ACTHD on **Friday, 10 February 2023** requested access to:

'Copies of the following briefs (excluding attachments):

1. MIN22/884
2. MIN22/890
3. MIN22/919
4. MIN22/939
5. MIN22/986
6. MIN22/993
7. MIN22/997'

Decisions

ACTHD sent you a letter on **Wednesday, 15 February 2023** to express an intention to refuse to deal with your application in accordance with section 43 of the FOI Act;

- Section 43 (1) *A respondent may refuse to deal with an access application wholly or in part only if –*
 - (f) *an earlier access application for the same government information –*
 - (i) *was made in the 12 months before the application was made; and*
 - (ii) *access to the information was refused; and*
 - (iii) *the relevant public interest factors are materially the same as those considered in deciding the earlier application.*

A consultation period of 10 working days was given which ended on **Wednesday, 1 March 2023**, under section 46(4)(a). The Directorate received no response by the end of the consultation period.

In reaching my decision, I have taken the following into account the FOI Act. As outlined in our intention to refuse letter this application is for the same information that was refused for ACTHDFOI22-23.27, please see the below link to the relevant earlier application available on the ACTHD disclosure log:

https://www.health.act.gov.au/sites/default/files/2023-02/ACTHDFOI22-23.27%20ACTHD%20Response_DL.pdf.

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

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,



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

3 March 2023