

David Crofts

From: David Crofts <david.crofts@gmail.com>
Sent: Friday, 7 August 2015 02:38 PM
To: martin.foley@parliament.vic.gov.au
Cc: enquiries@foicommissioner.vic.gov.au; hsc@health.vic.gov.au; hisfoi@monashhealth.org; help@mhcc.vic.gov.au
Subject: FW: Letter from the Office of the FOI Commissioner
Attachments: C-16-00092 - ENQ - OFOIC to Crofts - 7Aug15.pdf; foicommissioner-reviewform.doc

As I said, it is simply a refusal by Casey hospital to hold it's employees legally accountable for their supposedly legally authorised actions when they shamefully fob me off with only a partially granted FOI request (even though I suspect the deleted sections do not directly answer my request anyway) when what they should do is to tell Stacie to provide a personal tailored direct response to my question !!!!

Sent from my iPad

Begin forwarded message:

From: Ruby.Ewens@foicommissioner.vic.gov.au [<mailto:Ruby.Ewens@foicommissioner.vic.gov.au>] **On Behalf Of** enquiries@foicommissioner.vic.gov.au
Sent: Friday, 7 August 2015 11:37 AM
To: david.crofts@gmail.com
Subject: Letter from the Office of the FOI Commissioner

Dear Mr Crofts

Please find a letter attached in relation to your emails on 31 July 2015. A hard copy will follow in the mail shortly.

Yours sincerely

Ruby Ewens
Case Management Assistant
Office of the Freedom of Information Commissioner

| | |
|---|---|
|  | E enquiries@foicommissioner.vic.gov.au |
| | T 1300 842 364 (1300 VIC FOI) F 03 8684 7588 |
| PO Box 24274, Melbourne Victoria 3001 | |

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Our organisation respects the privacy of individuals. For a copy of our privacy policy please go to our website or contact us.

Our ref: C/16/00092

7 August 2015

Mr David Crofts
23 Brisbane Street
BERWICK Victoria 3806

By email: david.crofts@gmail.com

Dear Mr Crofts

I refer to your emails dated 31 July 2015 to Hon Martin Foley MP, copies of which you have provided to the Office of the Freedom of Information (FOI) Commissioner.

The primary functions of the FOI Commissioner is to review decisions of an agency to refuse access following an FOI application and to investigate complaints relating to an application under the Freedom of Information Act 1982 (Vic) (**the FOI Act**).

If you have received a FOI decision by an agency and would like to apply for a review of that decision, you may apply to this office by completing and returning the attached application form.

Information on how to request a review of a FOI decision and the review application form (should you wish to submit your application online) are available on our website at www.foicommissioner.vic.gov.au.

Please note that pursuant to section 49B(1) of the FOI Act an application for review to the FOI Commissioner must be made within 28 days after the day on which you received notice of the agency decision.

It appears your emails were also sent to the Health Services Commissioner. Please note that under section 49Q(2) of the FOI Act, you may apply to the Health Services Commissioner for conciliation, instead of making an application for review to this office. The Health Services Commissioner can be contacted on (03) 8601 5200.

If you have any queries, please contact our office on 1300 VIC FOI (1300 842 364) or via email to enquiries@foicommissioner.vic.gov.au.

Yours sincerely



Ruby Ewens
Case Management Assistant

About this form

Use this form to request the Freedom of Information (FOI) Commissioner to review a decision of a Victorian agency about a freedom of information application you made to the agency¹ under the *Freedom of Information Act 1982* (the Act).

What to read before you start

Before completing this form, read the section below 'Decisions the FOI Commissioner cannot review'.

Decisions the FOI Commissioner cannot review

1. The FOI Commissioner cannot review decisions made by government departments, councils and other agencies that:
 - involve Cabinet documents
 - concern documents affecting national security, defence or international relations, or
 - are made by the Secretary of a government department, the chief administrative officer of a council or the principal officer of all other agencies.

2. The FOI Commissioner cannot review a decision made by a Minister at any time.

If you are unsure as to whether the decision was made by the principal officer of an agency, please contact the Office of the FOI Commissioner on 1300 VIC FOI (1300 842 364) or by email to enquiries@foicommissioner.vic.gov.au.

If the decision you wish to have reviewed falls into one of the categories above, you may seek a review of the decision by the Victorian Civil and Administrative Tribunal (VCAT). More information about this option is provided below.

Decisions the VCAT can review

VCAT can review decisions made by Ministers and decisions of a government department, council or other agency:

- involving Cabinet documents
- concerning documents affecting national security, defence or international relations, or
- made by the Secretary of a government department, the chief administrative officer of a local council or the principal officer of all other agencies.

More information about VCAT is available at <http://www.vcat.vic.gov.au/>, by email vcat-admin@justice.vic.gov.au or by phone (03) 9628 9755.

How long do I have to apply for a review?

Your application for review must be made to the FOI Commissioner within 28 days after the day you are given a notice in writing of the agency's decision.

If the decision was to refuse to grant access to a document containing health information on the ground in section 36 of the *Health Records Act 2001*, you have 70 days after the day you are given a notice to apply for review.

More information

If you have any questions about this form or the application process, please phone us on 1300 842 364, email us at enquiries@foicommissioner.vic.gov.au, or visit our website www.foicommissioner.vic.gov.au.

¹ This means a government department, a local council and one of certain other bodies defined in the FOI Act.

REVIEW FORM

1) Your details – You must complete this section

| | | |
|---|--------------------------------|--|
| Title: | Given Name(s): | Surname: |
| Your organisation (<i>if applicable</i>): | | |
| Email address: | | |
| Street or postal address: | | |
| Suburb/Town: | State/Territory: | Postcode: |
| Phone (daytime): () | Mobile: | |
| Preferred method of contact? | <input type="checkbox"/> Phone | <input type="checkbox"/> Email <input type="checkbox"/> Mobile <input type="checkbox"/> Post |

2) Other requirements when contacting you

Is there anything else we should know when contacting you? Yes No

If yes, please provide details:

Do you need an interpreter? Yes No If yes, in which language?

3) If you apply on behalf of another person

Please complete the section below if you are requesting a review of an application on behalf of another person. You will need the written authorisation of this person for you to apply on their behalf.

| | | |
|--|--|-----------|
| Are you making this application on behalf of someone else? | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If yes, please fill in the details of this person: | | |
| Title: | Given Name (s): | Surname: |
| Email address: | | |
| Street or postal address: | | |
| Suburb/Town: | State/Territory: | Postcode: |
| Their phone (daytime) () | Mobile: | |
| Your relationship to this person: | | |
| Why are you applying on this person's behalf? | | |

4) Your original request

Please attach a copy of your original request to the agency (if available).

Have you attached a copy of your original request to this application? Yes No

If not, please provide details below of the documents you requested from the agency.

5) Which decision do you want reviewed? – You must complete this section

An application for review must identify the agency concerned. This is the organisation that made the decision you want reviewed. Please attach a copy of the agency's decision notice (if available).

Date you received the agency's decision on your request

Have you attached a copy of the agency's decision notice to this application? Yes No

If you have not attached a copy of the agency's decision, please provide the following details:

Agency Name

Date of the decision (this is the date of the agency's decision notice)

Agency reference number (if contained in the notice)

Name of agency decision maker

Please tick one or more of the boxes below to indicate what the agency decided:

- to refuse access to a document (or parts of a document) you requested
- to defer access to a document you requested
- not to waive or reduce an application fee
- not to amend a document with personal information

6) How to submit this application

Please submit your completed application to the FOI Commissioner by:

Email enquiries@foicommissioner.vic.gov.au

Post PO Box 24274, Melbourne, Vic 3000

7) What happens next?

An initial assessment of your application for review will be conducted. We will contact you to acknowledge receipt of your application and for any further information. The FOI Commissioner has 30 days after we receive your application to complete a review, unless you agree to a longer period in writing.

8) Privacy information

We will handle your personal information in accordance with the *Information Privacy Act 2000* (Vic), the *Health Records Act 2001* (Vic) and the *Charter of Human Rights and Responsibilities Act 2006* (Vic).

9) Consent – You must complete this section

I consent to the FOI Commissioner making enquiries of the agency, persons I have named and any other appropriate person or body regarding my application for review and for the agency to provide any necessary documentation to the FOI Commissioner.

_____ Date:
Your signature

If submitting this form electronically, please give consent by ticking this box - Date:

10) Consent of other person (where applicable)

I consent to the FOI Commissioner making enquiries of the agency, persons named in this form and any other appropriate person or body regarding this application for review and for the agency to provide any necessary documentation to the FOI Commissioner.

_____ Date:
Your signature

If submitting this form electronically, please give consent by ticking this box - Date:

11) Checklist

- All relevant parts of the form have been completed.
- The consent parts of the form have been signed.
- A copy of the original FOI request has been attached (if available).
- A copy of the agency's decision notice has been attached (if available).
- The following supporting documents/further information has been attached to this application: