



Lou Dass

**delivered by email only:** [foi+request-11847-4bff1785@righttoknow.org.au](mailto:foi+request-11847-4bff1785@righttoknow.org.au)

Dear Lou

### **FREEDOM OF INFORMATION REQUEST – CLARIFICATION OF REQUEST AND PAYMENT OF APPLICATION FEE**

I refer to your Freedom of Information (FOI) request lodged via email with the Wyndham City Council (**Council**) on 6 August 2024, seeking access to documents under *the Freedom of Information Act 1982 (Vic) (FOI Act)*, and subsequent transfer of that request to the Victorian Health Building Authority (**VHBA**) on 26 August 2024, pursuant to section 18(2)(b) of the FOI Act.

VHBA is responsible for the delivery of the Point Cook Community Hospital (**Project**), which your FOI request appears to relate to.

Please note that as of 2 April 2024, VHBA is now a part of the Victorian Infrastructure Delivery Authority (**VIDA**), which is a separate agency to the Department of Health for the purposes of the FOI Act.

Your FOI request seeks access to:

*“Would you please provide as much information as possible on the commencement of the community hospital on Murnong st Point cook Please include building drafts , including proposed levels, car park etc”*

**(FOI Request)**

#### **Payment of the application fee**

As you may be aware, under section 17(2A) of the FOI Act, you are required to pay (or seek a waiver to the requirement to pay) an application fee of \$32.70, before your FOI application can be processed.

If paying the application fee would cause you hardship, you may ask for a waiver or reduction of the fee. You can do this by forwarding supporting information for VHBA to assess your eligibility for a waiver. This could be a copy of your current healthcare or pension card, or other evidence of hardship. If your hardship claim is not accepted, we will advise you of your review rights.

If you would like to proceed with your request, please make payment of \$32.70 by cheque to the Department of Transport & Planning or by credit card through the Victorian Government Freedom of Information Online request portal. Access to the Online portal can be found at <https://www.justice.vic.gov.au/freedom-of-information-online-portal>.

Please follow the instructions on that webpage to lodge a FOI request.

Please select the 'Department of Transport and Planning' as the agency or organisation you wish to seek documents from and include in your FOI request details that you are seeking documents held by the Victorian Health Building Authority. The Department of Transport and Planning will then advise VHBA of the lodgement of your FOI request for processing.



Once you receive confirmation that this process has been completed you will be provided a receipt number. Please provide VHBA with this receipt number.

Alternatively, please set out in writing any hardship grounds on which you rely in support of a fee waiver.

Pending the payment (or application for a waiver) of your application fee, in the interests of time, I am also issuing you this letter requesting clarification on your request.

#### **Clarification of your request**

Section 17 of the FOI Act states that a request must describe the information sought to a reasonable extent to enable an agency to identify it. As it presently stands, aspects of your FOI request remain unclear and need to be clarified. I draw your attention to section 17(2) of the Act, which states:

*A request shall provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, as the case may be, to identify the document.*

The Act requires that an applicant define the scope of their FOI request as clearly and narrowly as possible, in terms that would enable an appropriate officer of the agency to identify the document sought. If a FOI request is ambiguous, unclear or otherwise ill defined, it would not be considered a valid request, and the agency is not required to process it. The agency or officers of the agency are not required to guess what documents are being sought by an applicant in their FOI request.

Pursuant to section 17(4) of the Act, it is this agency's duty to assist you to make an FOI request in a manner that complies with section 17. Therefore, I must give you a reasonable opportunity to consult with VHBA to enable your FOI request to satisfy section 17(2) of the FOI Act.

#### **Clarification needed from you**

The wording of your FOI Request is considered too broad and ambiguous, particularly in relation to the part of your request that seeks access to "*as much information as possible on the commencement community hospital on Murnong st Point cook*".

In accordance with the FOI Act, a FOI Request cannot be a request for general information. Rather, a request must be for specific documents, with those documents likely holding the information that you are seeking access to.

Accordingly, can you please provide further clarifying information regarding the specific documents you are seeking access to that are held by VHBA. This clarification should include confirmation that you are in fact seeking access to documents in relation to the Point Cook Community Hospital, which will be located at 140 Dunnings Road, Point Cook, Victoria, 3030.

Further information about the Project can be found at <https://www.vhba.vic.gov.au/health/community-based-care/point-cook-community-hospital>.

You may wish to consider providing VHBA with further details as to what particular aspects of the Project you are seeking information in relation to, such as the proposed site location, site layout plans, Project floor plans, project elevations, timeframe for Project completion, size of Project, height of the building etc. This information will assist VHBA to refine the documents you may be seeking access to and will assist in clarifying your FOI request.

It is also open to you to provide your own alternative wording for your FOI Request, outlining the specific documents you are seeking, which VHBA will then consider further to determine if it is sufficiently clarified so that VHBA can identify the documents sought, resulting in the request being considered valid in accordance with section 17 of the FOI Act.

**Offer for a meeting with the Project team**

To assist you making a valid FOI Request, as well as determining whether your current enquiry regarding the Point Cook Community Hospital may be answered outside of the FOI request process, VHBA would like to extend to you an invitation to meet with members of the Project team via an online meeting, to provide you with an update on the current status of the Project and answer any questions you may have about the future of the Project.

If you would like to accept this invitation, please reach out via email to [vhba@health.vic.gov.au](mailto:vhba@health.vic.gov.au) referencing this letter, and a member of the Project Community and Stakeholder Engagement Team will be in touch to arrange the meeting.

VHBA is agreeable to pausing your current FOI Request until that meeting takes place, and you can decide following that meeting whether you still need to proceed with your request, and if so, what documents your request could be clarified to seek access to.

**Next steps**

I would appreciate it if you would please respond to the issues raised above within 21 days of the date of this letter, including VHBA's offer to arrange a meeting with the Project team.

However, if you do not respond to this letter within this time, then in accordance with FOI Professional Standard 2.5, VHBA may close your FOI file on the basis you no longer wish to proceed with your FOI Request.

Please note that until your request is made in a manner required by section 17 of the Act, it cannot be processed and the 30-day time period within which a decision needs to be made has not yet commenced.

If you wish to discuss this letter, please do not hesitate to contact me by email at [MTIA-FOI@mtia.vic.gov.au](mailto:MTIA-FOI@mtia.vic.gov.au).

Yours sincerely

*VHBA FOI Officer*

**Freedom of Information Officer**  
Commercial & Legal  
Victorian Health Building Authority

19 / 09 / 2024