



**Australian Government**  
**Department of Finance**

Reference: FOI 22-23/053  
Contact: FOI Team  
e-mail: [foi@finance.gov.au](mailto:foi@finance.gov.au)

Me  
via Right To Know website

**By email only:** [foi+request-10222-33353106@righttoknow.org.au](mailto:foi+request-10222-33353106@righttoknow.org.au)

Dear Sir or Madam,

**Freedom of Information Request – FOI 22-23/053**

On 5 May 2023, the Australian Securities and Investments Commission (ASIC) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

Please provide all documents in ASIC's possession that relate to ASIC receiving, considering, refusing or failing to consider, assessing, determining, accepting, rejecting, or otherwise dealing with, CDDA applications made to ASIC.

For the avoidance of doubt, this does not include individual CDDA applications themselves.

On 16 May 2023, you agreed to amend the scope of your request by the following:

The most final report/outcome documents in the possession of ASIC for any Act of Grace payments considered regarding ASIC since say 1 July 2021.

Also on 16 May 2023, you revised the scope of you request to the following:

Would it be possible to revise my scope to the most final report/outcome documents in the possession of ASIC for any Act of Grace payments considered regarding ASIC since say 1 July 2021?

As in, Finance administers the scheme, but I imagine if a claim is made to Finance regarding ASIC, Finance would tell ASIC the outcome (?)

On 19 May 2023, ASIC transferred your request, in full, to the Department of Finance (Finance).

Noting the transfer, Finance has taken your request to mean outcome documents/reports relating to Act of Grace applications involving ASIC.

The purpose of this letter is to provide you with notice that the work involved in processing your request in its current form would substantially and unreasonably divert Finance's resources from its other operations. This is called a 'practical refusal reason'. The availability of the practical refusal reason in the FOI Act is to ensure that the capacity of

Finance to discharge their normal functions are not undermined by processing requests that are unreasonably burdensome.

On this basis of the above practical refusal reason, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process'.

### **Authorised decision-maker**

I am authorised by the Secretary of Finance to grant or refuse access to documents.

### **Why I intend to refuse your request**

Under subsection 24AA(2) I must have regard to the resources that would have to be used by Finance for:

- identifying, locating or collating the documents within Finance's filing system
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request)
- making a copy or an edited copy, of the document
- notifying any interim or final decision on the request.

I decided that a practical refusal reason exists because your request requires Finance to:

- review over 580 documents that consist of approximately 30 pages in each document, which may be in scope of your request.
- each page will likely require redactions due to the nature of the documents being related to personal information that is likely to be exempt under section 47F of the FOI Act.
- your request relates to documents that contain extensive third-party information, which requires Finance to undertake third party consultation, and to consider any objections to release submitted by those third parties.

### **Request consultation process: clarifying the terms of your request**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, so that Finance will be able to pinpoint the documents quickly and avoid using excessive resources to process documents you are not interested in.

You could narrow the scope of your request by a combination of the following:

- Reducing the period of time in which the documents were created.
- Providing further detail of the outcome/s you are referring to in your request.

### **You are required to take further action**

Before the end of the consultation period, you must do one of the following, in writing:

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- withdraw your request
- revise your request
- tell Finance that you seek to proceed with your original request.

The consultation period runs for **14 days** starting on the day after you receive this notice. This means you must respond to this notice in one of the ways set out above on or before **Wednesday 28<sup>th</sup> of June 2023**.

During this period, you are welcome to seek assistance from the contact officer I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, Finance will recommence processing your request.

Please note, the time taken to consult with you regarding your request is not taken into account for the purposes of the 30 calendar day statutory processing period in which Finance is required to finalise your request.

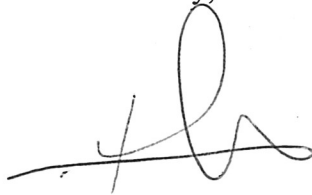
If you do not respond electing to do one of the three options listed above during the consultation period or you do not consult the contact person during this period, the FOI Act deems your request to have been withdrawn. If your request is deemed withdrawn, you are not prevented from making a new request in the future.

**Contact officer**

If you would like to revise your request or have any questions, the contact officer for your request is:

Rachal McKay  
FOI Officer  
[Foi@finance.gov.au](mailto:Foi@finance.gov.au)

Yours sincerely,



Ryan Cassidy  
Ag/Assistant Secretary  
Commercial Group  
Department of Finance  
14 June 2023

