



Australian Government
Department of Finance

Reference: FOI15/33
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Mr Jason Radcliffe
Right to Know

via email: foi+request-1025-9ad15143@righttoknow.org.au;

Dear Mr Radcliffe,

Freedom of Information Request – FOI15/33

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act).

I write to request, pursuant to the Freedom of Information Act ("the FOI Act") any and all documents held by the Department of Finance ("the Department") concerning the recent relocation of the electorate office of Adam Bandt MP ("the Member"). Such documentation could include, but may not be limited to:

- Correspondence held by the Department between the Member, the Department and the Special Minister of State and any other department concerning the justification or reasoning for the relocation;*
- Quotations, invoices or other like financial documents relating to work performed in the process of the relocation (eg. moving expenses, installation of new infrastructure, advertising the relocation to the Member's constituents etc); and*
- Copies of the leases held by the Department in relation to the properties of 280 King Street and 296 Brunswick Street.*

In an email, dated 25 March 2015, you provided the following clarification:

The request relates to any documents held by the Department in relation to the relocation of the office of Adam Bandt MP from 280 King Street to 296 Brunswick Street, irrespective of the date of the document.

The statutory period for processing your request commences from the day after Finance received your request. Your request was received by Finance on 22 March 2015.

The purpose of this letter is to provide you with a notice, under subsection 24AB(2) of the FOI Act, which outlines Finance's intention to refuse your request. This is due to the work involved in processing the request having been estimated to substantially and unreasonably divert the resources of the agency from its other operations.

Assessment of the volume of material that may be relevant to your request

In considering your request, Finance acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions and FOI requests may require reallocation of resources within an agency.

The decision-maker, Ms Cheryl-anne Moy, First Assistant Secretary, Ministerial and Parliamentary Services Division, notes that Finance has identified a large amount of material relating to the subject-matter of your request. In considering your request, Ms Moy has also given careful consideration to the public interest in access to information held by the department and the resources which would need to be employed to provide access in accordance with your request.

The Office of the Australian Information Commissioner Guidelines (OAIC Guidelines) prescribes that:

When assessing whether a practical refusal reason exists, the agency or minister can have regard to any relevant matter, but must have regard to the resources required to perform the following activities:

- *the identification, location or collation of the documents within the filing system of the agency or minister;*
- *the decision making process, including such activities as:*
 - examination of the document;*
 - consultations;*
- *the preparation of the decision and documents including:*
 - editing of exempt material to grant access to the remainder of a document;*
 - copying documents;*
- *notifying the applicant of any interim or final decision on the request.*

Taking into account the factors listed above, it has been estimated that processing this request would take in excess of 230 hours. As such, Ms Moy has concluded that identifying, consulting on and assessing the documents sought would involve a very considerable amount of work. This work would unreasonably interfere with the performance of the functions of the department, a practical refusal reason in terms of subparagraph 24AA(1)(a)(i) of the Act.

Clarifying the terms of your request

When a request involves a practical refusal reason, an unreasonable diversion of resources, the department, in line with subsection 24(1)(a) of the FOI Act, undertakes a request consultation process. This provides you with an opportunity to clarify the terms and, where appropriate, to refine the scope of your request.

It may be that there are specific elements within the request subject-matter that you are particularly interested in that could be isolated with a view to narrowing the terms of the request.

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

The request consultation runs for 14 days after the day you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request; or
- revise your request; or
- advise us that you do not wish to revise your request.

If you revise your request, in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)

If you do not complete one of the three options listed above during the consultation period, or you do not consult with the FOI Team during this period, your request will be taken to have been withdrawn.

Way Forward

To assist Finance in the processing of your request, could you please consider the scope of your request and Finance's suggestions in regards to refining the request scope. Please provide a response by **close of business Tuesday 21 March 2015**.

Please contact the FOI Team on the above contact details if you have any questions in relation to your request.

Yours sincerely



FOI Officer
Legal Services Branch
7 April 2015