



OFFICE OF THE HON MATT THISTLETHWAITE MP

Assistant Minister for Defence
Assistant Minister for Veterans' Affairs
Assistant Minister for the Republic

Ref: FOI23/321; CM23/12513

Alex Pentland

By email: foi+request-10409-aab81d42@righttoknow.org.au

Dear Alex

Freedom of Information Request FOI23/321 – Decision letter

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Department (the department). You were advised on 27 June 2023 that your request was transferred under s 16(1) of the FOI Act to the Assistant Minister for the Republic.

Your request

On 26 June 2023, you requested access to:

I seek access to all Correspondence between the Assistant Minister for the Republic Matt Thistlethwaite and the following organisations from 1 June 2022 until today:

- (a.) Australian Monarchist League;*
- (b.) Australian Republican Movement;*
- (c.) Australians for Constitutional Monarchy; and*
- (d.) Real Republic;*

On 18 July 2023, the department wrote to you on behalf of the Assistant Minister for the Republic, advising you that a practical refusal reason exists under section 24AA of the FOI Act, and requesting you reduce the scope of your FOI request.

You replied to the department the same day requesting an internal review of your FOI request, and advised that you did not wish to revise the scope of your request.

On 19 July 2023, the department, on behalf of the Assistant Minister for the Republic wrote to you advising that an internal review for your FOI request was not possible during the consultation process and sought your agreement to revise the scope of your request by 1 August 2023.

The department did not receive a further reply from you.

My decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

As advised in my letter of 18 July 2023, I have previously decided that a practical refusal reason exists in relation to your FOI request within the meaning in section 24AA of the FOI Act (copy at **Attachment A**).

I am writing now to advise that, as you did not revise the scope of your FOI request, a practical refusal reason still exists.

In coming to this decision, I have taken into consideration the ministerial office resources that would be required to identify, locate and collate all documents within the scope of your request, and decide whether to grant, refuse or defer access to each of those documents would divert the resources of the office from its other operations.

Accordingly, I have decided to refuse access to the documents you requested pursuant to section 24(1)(b) of the FOI Act (copy at **Attachment A**).

A similar FOI request has been published on the Attorney-General's Departments [Disclosure Log](#). You may wish to request a copy of the documents released for this request, FOI23/364 by emailing the Freedom of Information team at foi@ag.gov.au

Review rights and questions

Your review rights under the FOI Act are set out at **Attachment B** to this letter.

If you wish to discuss this decision, the FOI case officer for this matter is Kellie, who can be reached on (02) 6141 6666 or by email to foi@ag.gov.au

Yours sincerely

**Eleesa
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Date: 2023.08.02
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Eleesa Hodgkinson | Chief of Staff
Office of the Hon Matt Thistlethwaite MP

2 August 2023

Attachments

Attachment A: Sections 24AA and 24 of the FOI Act
Attachment B: Review rights

Section 24AA of the FOI Act: When does a practical refusal reason exist?

- (1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:
 - (a) the work involved in processing the request:
 - (i) in the case of an agency--would substantially and unreasonably divert the resources of the agency from its other operations; or
 - (ii) in the case of a Minister--would substantially and unreasonably interfere with the performance of the Minister's functions;
 - (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).
- (2) Subject to subsection (3), but without limiting the matters to which the agency or Minister may have regard, in deciding whether a practical refusal reason exists, the agency or Minister must have regard to the resources that would have to be used for the following:
 - (a) identifying, locating or collating the documents within the filing system of the agency, or the office of the Minister;
 - (b) 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:
 - (i) examining the document; or
 - (ii) consulting with any person or body in relation to the request;
 - (c) making a copy, or an edited copy, of the document;
 - (d) notifying any interim or final decision on the request.
- (3) In deciding whether a practical refusal reason exists, an agency or Minister must not have regard to:
 - (a) any reasons that the applicant gives for requesting access; or
 - (b) the agency's or Minister's belief as to what the applicant's reasons are for requesting access; or
 - (c) any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.

Section 24 of the FOI Act: Power to refuse request--diversion of resources etc.

- (1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:
 - (a) must undertake a request consultation process (see section 24AB); and
 - (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists--the agency or Minister may refuse to give access to the document in accordance with the request.
- (2) For the purposes of this section, the agency or Minister may treat 2 or more requests as a single request if the agency or Minister is satisfied that:
 - (a) the requests relate to the same document or documents; or
 - (b) the requests relate to documents, the subject matter of which is substantially the same.

FOI Review rights

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter, and be lodged in one of the following ways:

email: foi@ag.gov.au

post: Freedom of Information and Privacy Section
Strategy and Governance Branch
Attorney-General's Department
3-5 National Circuit BARTON ACT 2600

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of the decision letter, and be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>