



Australian Government

Department of Finance

Reference: FOI15/41, 15/42 & 15/43
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Mr Jackson Gothe-Snape
Right to Know

via email: foi+request-1055-28a3db9a@righttoknow.org.au;

Dear Mr Gothe-Snape,

Freedom of Information Request – FOI15/41, 15/42 & 15/43

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

FOI15/41

... records of all bookings of COMCAR by Christopher Pyne since the later of 1 December 2007 or the date of the oldest record in the current record keeping system in a machine readable format, preferably CSV or XLS, with the following fields: City; Date; From; To; Start time; Finish time; Amount

FOI15/42

... records of all bookings of COMCAR by Jamie Briggs since the later of 1 December 2007 or the date of the oldest record in the current record keeping system in a machine readable format, preferably CSV or XLS, with the following fields: City; Date; From; To; Start time; Finish time; Amount

FOI15/43

... records of all bookings of COMCAR by Simon Birmingham since the later of 3 May 2007 or the date of the oldest record in the current record keeping system in a machine readable format, preferably CSV or XLS, with the following fields: City; Date; From; To; Start time; Finish time; Amount

The statutory period for processing your requests commences from the day after Finance received your requests. Your requests were received by Finance on 30 April 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 requests. This is due to the work involved in processing the requests having been estimated to substantially and unreasonably divert the resources of the agency from its other operations.

Section 24 Power to refuse request – diversion of resources

Paragraph 24(2)(b) of the FOI Act prescribes that:

- (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:*
- (b) the requests relate to documents, the subject matter of which is substantially the same.*

The decision maker, Ms Cheryl-anne Moy, First Assistant Secretary, Ministerial and Parliamentary Services Division is satisfied that the three requests relate to documents which have substantially the same subject matter.

All three requests are for records of COMCAR bookings requiring the same information. Additionally the time frames for each request and the nature of the requests are substantially the same.

In accordance with subsection 24(2) of the FOI Act, Ms Moy has decided to treat the three requests as one.

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.

Ms Moy 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 your request would take in excess of 240 hours. As such, Ms Moy has concluded that identifying, consulting on and assessing the documents sought would involve a considerable amount of work, which would substantially and unreasonably divert the resources of the department

from its other operations. Due to this unreasonably diversion of resources Ms Moy intends to practically refuse your request pursuant to 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.

The information relating to amounts, city and date of each of the trips is publicly available via the six monthly reports on Finance's website.

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 Thursday, 28 May 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

14 May 2015