



ACT

Government

Justice and Community Safety

2023/14706

Karen

Right to Know

Via email: foi+request-10668-afcae8cd@righttoknow.org.au

Dear Karen

FREEDOM OF INFORMATION ACCESS APPLICATION

I refer to your application under the [Freedom of Information Act 2016](#) (the Act), received by the Justice and Community Safety (JACS) Directorate on 18 September 2023 following consultation with the directorate on the scope of the request. Following advice from the JACS Freedom of Information team (JACS FOI) you submitted an amended scope and sought access to:

“all INTERNAL emails and memos from 1 July 2021 to 30 June 2023 with the words "rectification"; "builder" (and/or "nominee") and "statute of limitations"(OR its internal abbreviation).”

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Intention to Refuse

I am writing to advise you of my intention to refuse to deal with your application in its current form, under section 43(1)(a) of the Act.

Grounds for refusal

I intend to refuse to deal with the application in its current form on the grounds set out in the following section of the Act:

43 Refusing to deal with application—general

- (1) A respondent may refuse to deal with an access application wholly or in part only if—
 - (a) dealing with the application would require an unreasonable and substantial diversion of the respondent’s resources (see section 44).

44 Refusing to deal with application—unreasonable and substantial diversion of resources

- (1) For section 43(1) (a), dealing with an access application would require an unreasonable and substantial diversion of the respondent’s resources only if—
 - (a) the resources required to identify, locate, collate and examine any information held by the respondent, including the resources required in obtaining the views of relevant third parties under section 38, would substantially inhibit the ability of the respondent to exercise its functions; and

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- (b) the extent to which the public interest would be advanced by giving access to the information does not justify the use of the required resources.

ACT Courts and Tribunal (ACTCT) have determined that upwards of 4000 files would need to be reviewed to locate information within scope of your request.

I have determined that the work required to collate, examine the information, and consult the relevant third parties would be an unreasonable and substantial diversion of resources. ACTCT and the JACS FOI team's ability to perform its functions would be severely inhibited and I do not consider that the public interest would be advanced enough to justify such a diversion.

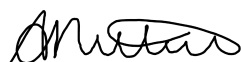
Consultation Period

Before I make a decision, you have an opportunity to provide me with an amended application or any additional information relevant to your application that would address the concerns with your application outlined above. If you do so, I recommend that you address my reasons outlined above for intending to refuse your application.

If you decide not to provide any further information or submit a revised application by 14 November 2023, your access application will be taken as withdrawn. You are entitled to amend your application, and if you do, the day the amended application is received becomes the commencement date of the decision process.

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact JACS FOI via jacsfoi@act.gov.au or phone 6207 2167.

Yours sincerely



Amanda Nuttall
Information Officer
31 October 2023