



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 - DECISION

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.

Decision

On 31 October 2023, I advised you of my intention to refuse to deal with your application in its current form, under section 43(1)(a) 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
 - (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.

Freedom of Information Access Application - Decision Notice – JACS2023/14706

You were provided with an opportunity to amend the scope of your application or provide any additional information that would address the concerns with your application outlined above.

On 2 November 2023, you responded as follows:

“If there are 4,000 files of “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)” I request access to all of them.”

Per the notice of intention to refuse, I note that ACT Courts and Tribunal (ACTCT) determined that upwards of 4000 files would need to be reviewed individually to locate information within scope of your request. You were advised 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.

I confirm that you have not addressed the concerns outlined in the notice of intention to refuse and as such, I have decided to refuse to deal with your application under section 43(1)(a) of the Act.

Online publishing – disclosure log

Under section 28 of the Act, JACS maintains an online record of access applications called a disclosure log. My response to your access application will be published on the JACS disclosure log no later than 10 days after the decision. Your personal contact details will not be published.

You may view the JACS’ disclosure log at: <https://www.justice.act.gov.au/disclosure-log>

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published on the JACS disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

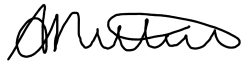
Freedom of Information Access Application - Decision Notice – JACS2023/14706

The review of decision application form is available at:

<https://www.ombudsman.act.gov.au/complaints/how-to-make-a-complaint>

If you have any queries concerning the directorate's processing of your request, or would like further information, please contact JACSFOI@act.gov.au or phone (02) 6207 2167.

Yours sincerely



Amanda Nuttall
Information Officer
15 November 2023