



Office of Senator the Hon Penny Wong
Minister for Foreign Affairs

FOI Reference: LEX 9365
December 2023

Foifoi Mcgee
Right to Know

By email: foi+request-10799-2e60acda@righttoknow.org.au

Dear Foifoi Mcgee

RE: Freedom of Information Request – notice of intention to refuse request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 26 October 2023, for access under the *Freedom of Information Act 1982* (the FOI Act) to:

“All documents, including but not limited to reports, meeting minutes, memos, ministerial submissions, correspondence, talking points held by the Minister for Foreign Affairs that references, mentions or alludes to collective punishment in Gaza, from the 7th October 2023 to the date of this FOI request.”

Your request was transferred to the office of the Minister for Foreign Affairs (FMO) on 31 October 2023.

I am writing to inform you that the FMO has identified a large volume of material that would require assessment to determine whether it is suitable for release, the processing of which we assess (for the reasons set out below) would constitute a substantial and unreasonable diversion of resources.

However, you are welcome to revise the scope of your request in line with [section 24AB\(2\)\(e\) of the FOI Act](#), so that it might be processed.

Sections of the FOI Act referred to in this notice are accessible at www.legislation.gov.au.

Notice of intended practical refusal

In accordance with section 24AB(2) of the FOI Act, I am providing you notice of my intention to refuse to grant access to documents in accordance with your request.

The reason for the proposed practical refusal is that the work involved in processing the request as it currently stands would substantially and unreasonably divert the office's resources from its other operations.

In making this assessment, I have had regard to the time and resources required to process the request, pursuant to section 24AA(2) of the FOI Act, including the resources involved in collating documents, examining the documents, consulting with third parties, and redacting material from the documents. I have been assisted in this task to date by staff in the FMO.

Preliminary searches have captured over 2000 pages of records. These documents would then need to be manually assessed to determine which documents are within scope of the request, and whether they are suitable for release. Given the volume of pages currently captured, I estimate the time required to process the request is 140 hours.

For these reasons, I am of the view that processing your request in its current form would be a substantial and unreasonable diversion of the office's resources, and therefore a practical refusal reason exists within the meaning of section 24AA(1) of the FOI Act.

Consultation to revise the scope of the request

Pursuant to section 24AB(2)(e) of the FOI Act, you have 14 days from the day you are given this notice to:

- a) withdraw your request,
- b) revise the scope of your request, or
- c) inform the department that you do not wish to revise your request.

I invite you to contact me (via foi.fmo@dfat.gov.au) should you wish to revise the request in order that it may be processed.

To support your consideration of a revised scope, you may wish to consider:

- revising the scope of your request to exclude media releases and transcripts of publicly available statements and remarks; and/or
- further limiting the date range of your request; and/or
- revising the scope of your request to include only the last version of documents (as at the closing date of the FOI request) where the document is routinely updated – some documents identified during searches were updated multiple times a day.

Please note that under section 24AB(7) of the FOI Act, if you do not take an opportunity to consult with the department within 14 days, your request will be considered to have been withdrawn.

Please also be aware that during this period of consultation, the statutory timeframe under section 15(5) of the FOI Act for the processing of your request is on hold (see section 24AB(8) of the FOI Act for details).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'T Mooney', with a long horizontal stroke extending to the right.

Thomas Mooney
Chief of Staff
Senator the Hon Penny Wong
Minister for Foreign Affairs

08/12/23