



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI

FOI/PMO/2015/022

Ms Jess Portas-Hills

By email: [foi+request-1086-0c8a364a@righttoknow.org.au](mailto:foi+request-1086-0c8a364a@righttoknow.org.au)

Dear Ms Portas-Hills,

I refer to your email of 5 June 2015 in which you made a request to the Prime Minister under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

*ABC news published an article online (<http://www.abc.net.au/news/2014-12-07/paid-parental-leave-abbott-to-take-changes-to-cabinet-next-year/5949406>) on December 8, 2014. In that article they quoted you Mr Tony Abbott telling reporters, "We will be better targeting our paid parental leave scheme so that we can not only deliver a paid parental leave scheme which helps families but more available and more affordable child care as well".*

*I wish to follow up this statement by requesting any contracts and/or documentation between December 2014 when this claim was made and Today that shows action taken to implement this plan.*

The Department of the Prime Minister and Cabinet (the Department) provides administrative support to the Prime Minister and the Office of the Prime Minister in relation to freedom of information (FOI) requests made to the Prime Minister.

The authorised decision-maker for your request is Mr Shaun Schmitke, Senior Adviser, Office of the Prime Minister.

#### **Notice of practical refusal reason**

I write to advise you that, subject to possible clarification which would narrow your request, Mr Schmitke considers that the work involved in processing your request in its current form would substantially and unreasonably interfere with the performance of the Prime Minister's functions. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, Mr Schmitke intends to refuse access to the documents you have requested.

However, before Mr Schmitke makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request

consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

### **Reasons for intention to refuse your request**

Your request in its current form would be expected to capture a substantial amount of documents, including briefings, emails and correspondence. Processing your request would raise a large number of Cabinet-related and Budget-related documents. Each document would need to be reviewed and careful consideration would need to be given to determining the possible exemptions that could apply to parts of each document. Having considered the documents that may fall within the scope of your request as currently framed, Mr Schmitke is satisfied that there would be a substantial number of complex exemptions to consider for each document located. Subject to consideration of particular documents, additional time would also be required to consider, prepare and notify a decision on your request and any relevant documents that could be released.

The large number of documents captured by your request means that a substantial amount of resources would need to be devoted to search for all potentially relevant documents, consider each document for possible exemptions and prepare any documents for release. Accordingly, Mr Schmitke considers the effort required to process your request would substantially and unreasonably interfere with the performance of the Prime Minister's functions.

In reaching this view, Mr Schmitke has had regard to the public interest in access to information held by the Prime Minister and considers that the public interest in access is outweighed by the competing public interest in the ability of the Prime Minister to do his job without substantial impairment. The support provided to the Prime Minister by his office would be substantially impeded if it were to process your request as currently framed.

Mr Schmitke acknowledges that the processing of requests for access to documents is a legitimate part of each minister's functions, and that FOI requests may require reallocation of resources within a minister's office. However, Mr Schmitke considers that the Office of the Prime Minister could not reasonably divert resources to assist in processing your request. This assessment includes the ability of the Office of the Prime Minister to allocate fairly its resources to process FOI requests to the Prime Minister from other applicants. This assessment also includes such resources as are available from the Department to assist in processing the request.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the specific documents you wish to access.

Before the end of the consultation period, the FOI Act requires you to do one of the following, in writing:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and will start on the day after you receive this notice. Mr Schmitke is the relevant person for you to contact for the consultation process. He may be reached on 02 6277 7700.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, processing would recommence. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30 day time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with Mr Schmitke during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact the Department by email at [foi@pmc.gov.au](mailto:foi@pmc.gov.au) or by phone on 02 6271 5849.

Yours sincerely

FOI Adviser  
Legal Policy Branch

20 July 2015