



In reply, please quote:
FOI30/123

17 January 2023

CR

By email: foi+request-10975-8346e9bc@righttoknow.org.au

Dear CR,

Re: Freedom of Information Request Consultation Process

1. I refer to your email dated 18 December 2023 to the Bureau of Meteorology ('the Bureau'), in which you request access to documents under the *Freedom of Information Act 1982* ('FOI Act')¹. The Bureau acknowledged your email on 21 December 2023, and sought clarification with respect to your access request; on the same date you replied by providing a revised request. **Attachment A** contains copy of this access request.
2. On 29 December 2023, you (also under the pseudonym 'CR') submitted a further request under the FOI Act². A copy of this access request is also contained in **Attachment A**³.
3. I am authorised under section 23(1) of the FOI Act to issue this notice to you pursuant to s 24AB(2). This is notice of my view that a practical refusal reason exists in relation to your access request (as combined). Further follows.

Dealing with multiple requests

4. As noted above, you made two access requests to the Bureau under the FOI Act.
5. Paragraphs [3.122]-[3.123] of the **FOI Guidelines**, as issued by the Australian Information Commissioner under s 93 of the FOI Act, provides⁴:

In deciding whether a practical refusal reason exists, two or more requests may be treated as a single request if the agency or minister is satisfied that:

- the requests relate to the same document or documents (s 24(2)(a))
- the subject matter is substantially the same for the requests (s 24(2)(b)).

The most common circumstance in which requests may be combined under s 24(2) is likely to be multiple requests from a single applicant. However, s 24(2) can also apply to two or more requests from different applicants. An example is where different applicants made more than 100 requests for documents relating to individual incidents reported on a single spread sheet published on an agency's disclosure log. Multiple requests can only be combined as a single request under s 24(2) if there is a clear connection between the subject matter of the

¹ The Bureau's Reference number for this is FOI30/123.

² The Bureau's Reference number for this is FOI30/124.

³ Both of your access under your pseudonym 'CR' is accessible on the Right to Know website: <https://www.righttoknow.org.au/body/bom>.

⁴ Citation omitted. Also, having regards to paragraphs [3.122]-[3.126].

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requested documents. Straightforward examples are where one request is for folios 1–100 of a file, and another request for folios 101–200 on the same file; or where three requests relate to three different chapters of one report.

6. Having regard to your two access requests, it is my view that both requests are substantially the same or that they relate to the same document/documents. Accordingly, those requests are being treated as a single request. The combined request has been allocated reference number FOI30/123.
7. Your access request (as combined) comprises of the following:
 1. Documents (in the ordinary sense of the word) that include directives, procedures, or instructions pertaining to the provision of the Severe Thunderstorm Warning Service in the Queensland region. This encompasses the Queensland Severe Thunderstorm Directive, the Queensland Severe Weather Directive, and the Weather and Oceanographic Services Handbook.
 2. Emails and communications that relate to changes or updates regarding the directives, procedures, or instructions for the provision of the Severe Thunderstorm Warning Service in the Queensland region. This may include correspondence highlighting amendments to procedures or the introduction of new versions of relevant documents. The timeframe for this part of the request is limited to the period from January 1, 2023, to December 18, 2023.
 3. Documents (in the ordinary sense of the word) solely dedicated to the Australian Integrated Forecasting System. This may include a handbook, procedures, or directives related to the system.
 4. Documents (in the ordinary sense of the word) solely focused on the Disaster Mitigation Program. This may include a policy handbook, procedures, or directives associated with the program.
 5. Documents (in the ordinary sense of the word) that include directives, procedures, or instructions pertaining to the provision of Heatwave warnings in the Queensland region.
 6. Documents (in the ordinary sense of the word) that include directives, procedures, or instructions pertaining to the provision of tropical cyclone warnings in Australia.

In relation to 'Items 5 and 6'⁵, you wrote '*Please provide the latest final versions of the above documents. I also request that any draft versions of the listed documents be provided separately from the final version*'⁶.

(I refer to this as 'your request'.)

Practical refusal reason

8. In my view, the scope of your request is broad. In its current form, I consider the work involved in processing your request would substantially and unreasonably divert the resources of the Bureau from its other operations. This view includes consideration that, to process your request, there would be an unreasonable diversion of limited specialist staff from their crucial operational duties during this current peak weather season.
9. I have decided that a practical refusal reason exists because the amount of time involved in fulfilling your request would be in excess of 430 hours. Based on our preliminary assessment of your request, majority of this time would involve:

⁵ Items 5 and 6 in this combined access request as reproduced here are 'Items 1 and 2' in your access request dated 29 December 2023 (Ref: FOI30/124). Attachment A contains a copy of the access request.

⁶ These are words taken from your access request dated 29 December 2023 (Ref: FOI30/124). Attachment A contains a copy of the access request.

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- a. Our staff, including our specialist staff earlier noted, undertaking extensive searches to identify all documents relevant to your request. This process would include taking all reasonable steps to locate and retrieve electronic and/or hardcopy documents. We consider this process extensive because of the considerable breadth of your request, not merely in terms of the wide timeframe.

For example, aside from 'Item 2' of your request, many other parts are not bound by any stated timeframe; they are broad in range. This means document searches are to cover all relevant 'documents' (as broadly stated) within a potentially very broad timeframe. This may entail, for instance, the search for all emails (including emails of former and current staff members and any involving third parties) across a very wide timeframe (up to and inclusive of the date of your access request); the meaning of 'document' not being limited to emails.

- b. Each relevantly retrieved document will need to be reviewed to identify whether the whole document or merely part of one is relevant to your request.
- c. Staff will need to then prepare a copy of each document in scope. This practically includes the copying of or, in the case of hardcopy materials, the scanning of documents.
- d. Staff will need to review each page of each document to identify whether any material is exempt from release (for example, it contains personal information), or whether some material relates to third parties. Where third party consultation is considered appropriate, documents must be prepared for that process.

I also note that your request is broadly expressed to include material either not in scope of your request or are duplicates. The review process will need to consider these matters.

- e. Processing your request will involve preparing the relevant decision and document schedule (including considering consultation responses where relevant), as well as preparing documents for release, including removing any exempt or irrelevant material (where relevant).

10. I note the estimate provided above is conservative in character. The estimate is based on preliminary electronic searches where keywords (such as 'procedure' or 'policy handbook') were iteratively entered into the Bureau's electronic system. Further, this preliminary assessment was limited to a timeframe of 1 January 2016 to 29 December 2023 (inclusive) to obtain an indication of the work involved in processing your request.

11. Your request as currently stated is broader than our preliminary efforts, both in terms of timeframe and the type of 'documents' it includes. We anticipate that the total number documents to be processed will be greater than the estimate. For instance, our estimate does not take account of the following matters:

- a. Five Items of your request have no clearly expressed timeframe⁷. Further searches involving a broader range of time would need to be undertaken. This broader search is likely to capture a greater set of documents that will need to be retrieved, prepared, and reviewed.

⁷ Only 'Item 2' provides a timeframe of '*from January 1, 2023, to December 18, 2023*'.

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- b. The estimate is based on preliminary searches with keywords taken from four Items of your request. Further searches involving other keywords for all Items and across broader timeframe would need to be undertaken. For this process, I am advised that there are technical limitations in conducting electronic searches for documents where a request involves broad parameters (as is the case with your request).
12. In other words, to process your request, further and reasonably fuller searches involving a greater set of keywords across all parts of your request and a wider timeframe (where necessary) would be required. In my view, processing your request would substantially and unreasonably divert its staff and other resources from their current duties or focus.
13. Having regard to the above and other relevant considerations, I intend to refuse access to the documents in scope of your request. This is called a 'practical refusal reason', as set out in section 24AA of the FOI Act.

Request consultation process

14. You now have an opportunity to revise your request to enable it to proceed. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.
- 15. You have 14 days to respond to this notice in one of the ways set out below. I encourage you to respond.**
- 16. Before the end of the consultation period, you must do one of the following, in writing:**
 - A. withdraw your request
 - B. make a revised request
 - C. tell us that you do not wish to revise your request.
17. Some suggestions for reducing the work involved in your request include:
 - a. Reducing the period of time for which you are seeking access to the documents. As earlier noted, only one Item ('Item 2') contains a clear timeframe. You may consider, for example, reducing for all parts of your request the time to a one-month period.
 - b. As earlier noted, your request is also broadly expressed with six Items that appears inclusive of many types of 'documents'. You may consider providing further details specifying or narrowing the particular documents for which you seek access to. For example, you may consider limiting the documents you seek to be 'policy handbook' or 'procedure'; or limiting documents to be only emails sent/received between particular persons.
 - c. You may consider excluding any materials involving third parties. This might avoid the need to consult third parties.
18. Please keep in mind that revising the scope of your request does not preclude you from making another request for access to documents under the FOI Act at a later date.

Timeframe and next steps

19. The consultation period runs for **14 days** and starts on the day after you receive this notice.
20. During this period, you are welcome to seek assistance from the Bureau's FOI Officer 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 it.

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21. 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.
22. If we do not hear from you during the consultation period, your request will be taken to have been withdrawn.
23. Please email FOI@bom.gov.au during this period to advise us which of option —A, B or C set out above.

For further information

24. If you would like to revise your request or you have any questions about this letter, or need further information, please do not hesitate to contact FOI@bom.gov.au.
25. The Bureau aims to provide accessible documents. If you need this document in a different format, please contact FOI@bom.gov.au.

Yours sincerely

(Approved Electronically)

Matthew Collopy

General Manager, Environmental Prediction Services, Community Services Group

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