



In reply, please quote:

FOI30/123

1 March 2024

CR

By email: foi+request-10992-746e2eba@righttoknow.org.au

Dear CR,

Re: Freedom of Information Request – Decision

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.
2. On 29 December 2023, you (under the pseudonym 'CR') submitted a further request under the FOI Act².
3. By letter dated 17 January 2024, I issued a notice to you pursuant to s 24AB(2) of the FOI Act, expressing the view that a practical refusal reason exists in relation to your access requests ('consultation notice'). As I informed you in this notice, both access requests were combined³.

Consultation process:

4. By issuing the consultation notice the Bureau commenced a consultation process with you in relation to your combined requests.
5. I note that the Bureau made efforts in good faith to engage you in relation to all your access requests. This included providing you at an early stage its assessment with regard to the resource demands in processing a broadly stated request particularly at this current peak weather season⁴. For example, the Bureau noted⁵:

We reiterate that, as observed in the notice to you on 17 January 2024, the decision maker's view regarding the practical refusal reason includes the consideration that there would be an unreasonable diversion of limited specialist staff from their crucial operational duties during this current peak weather season. We note that this concern remains. Many of the Bureau's operation staff necessary to the task of processing the request are focused on their operational duties during this crucial peak weather season. To divert these and other operational resources

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

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

³ Therefore, the combined matter is referenced under the matter number FOI30/123.

⁴ I note the Bureau's efforts also included engaging with you in a fair manner during the consultation process. For example, as noted in the Bureau's email to you on 1 February 2024, where you provided proposed revisions to your access requests you also added that, '*[b]efore formally revising the scope of my request, I am seeking your feedback...*', we understood this to indicate that you wanted further engagement with the Bureau before 'formally' revising your request.

⁵ See email to you on 30 January 2024.

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remains a significant and substantial diversion of resources and poses grave concern to ongoing operations.

6. At the end of consultation process, you provided the following revised request⁶:
 1. The procedure handbooks relating to the provision of severe weather warnings, severe thunderstorm warnings, and heatwave warnings in the Queensland region. The procedure handbooks relating to the provision of tropical cyclone warnings in Australia.
 - All other versions except for the latest final versions of these documents are excluded.
 2. Emails from senior executive staff highlighting amendments to the above directives, from 1 January 2023 to 18 December 2023.
 - For an example of the emails sought, please refer to Document 2 of FOI request 30/5531 (16 April 2012).
 3. The Queensland Severe Thunderstorm Warnings summary that was issued monthly throughout the entirety of 2023.

In relation to the three Items above, you have excluded:

- i. Names and contact details of staff below Group Executive level and third parties.
- ii. Duplicate content
- iii. Early parts of email streams captured in later emails.

(For convenience, I refer to this as 'your revised request'.)

Your request and processing timeframe

7. As earlier noted, you submitted two access requests pursuant to the FOI Act.
8. In its email to you dated 21 December 2023⁷, the Bureau wrote:

We respectfully request your agreement, pursuant to s 15AA, to an additional 30 calendar days to deal with your access request. This additionally will assist the Bureau to process your access request as effectively as practicable and within time, particularly considering the Bureau's resources are limited at this period of year either because many of the Bureau's staff are/will soon be taking leave and that limited specialist staff capable of providing assistance on your access request are focused on crucial operational matters during this current weather season.
9. By email dated 21 December 2023, you declined, noting that:

While I understand your request for an extension of time, I must inform you that it is within my interest to allow the FOI request to expire, as this would impact your ability to impose charges (ss 7(2) and (3) of the Charges Regulations). Consequently, I understand if this decision results in the Bureau not being able to provide the requested information within the statutory time limit.
10. As a result, the specific access request fell due on 17 January 2024. Additionally, I should again note that you submitted a further request dated 29 December 2023. This fell due on 29 January 2024.
11. As discussed above, I issued the consultation notice to you – the consultation notice is dated 17 January 2024. An effect of the consultation notice is that the consultation process period is disregarded in '*calculating processing period*' provided under s 15(5)(b).
12. Following the end of the consultation process, the Bureau did not issue a decision but sought, pursuant to s 15AC, an extension of time from the Australian Information

⁶ See your email dated 1 February 2024.

⁷ In relation to access request dated 18 December 2023.

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Commissioner ('AIC'). By decision dated 5 February 2024, the delegate of the AIC, in exercising powers, granted the Bureau an extension. As noted in the decision letter (at [11]):

This further time granted under s 15AC of the FOI Act means that the deemed refusal is taken never to have applied if the agency makes a decision on the request by 1 March 2024. Such an extension can only be granted once and cannot be extended by a variation.

13. This is a decision on your revised request.

My decision

14. I am authorised pursuant to s 23 of the FOI Act to make a decision in relation to your revised request. My decision and reasons for it follow.

Document searches

15. Searches were undertaken for documents falling in scope of your revised request. The searches included the following:

- a. staff capable of identifying relevant document/s were identified; and
- b. steps were taken to identify and produce a copy of relevant document/s for the purpose of processing your request.

16. I note a number of search efforts were undertaken following receipt of your revised request, including searches during the extended time granted by the AIC.

17. I am satisfied that all reasonable steps were taken to identify documents in scope of your revised request.

Documents and decision

18. Nine documents were identified as within scope of your revised request.

19. The documents are described in [Attachment A](#).

20. My decision is:

In relation to Items 1 and 2 of your revised request:

- a. The nine documents noted above at para [18] are relevant to these Items of your revised request.
- b. I have decided that the nine documents should be released in full.
- c. Three of the documents contain irrelevant information that is excluded by you (see para [8] above)⁸.
- d. I have turned my mind to whether access to documents containing exempt and/or excluded information could be provided pursuant to s 22. (Section 22 is set out in [Attachment B](#).)
- e. The FOI Guidelines provides that one relevant consideration is whether any 'deletions' of the material will leave '*only a skeleton of the former document that*

⁸ Documents 1, 8, and 9



*conveys little of its content or substance*⁹. I do not consider that to be the case here. In the circumstances here, access under s 22 provides a practicable balance of facilitating access to documents while not disclosing information that is excluded by you.

In relation to Item 3 of your revised request:

- f. In relation to 'Item 3', our search efforts have been unable to identify documents in scope of this Item. Given the result, I refuse access pursuant to s 24A of the FOI Act on the basis that document/s in scope '*cannot be found or do not exist*'.
- g. However, I have directed relevant staff to consider whether it is possible to provide access to such other information that may be of interest to you. Our staff have provided me with such information.
- h. In summary, I refuse access pursuant to s 24A because document/s in scope '*cannot be found or do not exist*'. However, I consider it appropriate to provide you such other information that may be of interest to you. This information is in [Attachment C](#). Further regarding my decision is discussed below.

21. My reasons for decision follow.

Reasons for decision

Item 3 of your revised request:

22. You have requested:

- 3. The Queensland Severe Thunderstorm Warnings summary that was issued monthly throughout the entirety of 2023.

23. Section 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

24. 'Reasonable', in the context of s 24A, involves taking steps that are '*not going beyond the limit assigned by reason; not extravagant or excessive; moderate...Of such an amount, size, number etc., as judged to be appropriate or suitable to the circumstances or purpose*'¹⁰.

25. What constitutes 'reasonable search' '*will depend on the circumstances of each request and will be influenced by the normal business practices in the agency's operating environment*'¹¹. Relevant FOI guidance further provides that¹²:

⁹ See FOI Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act at [3.98] ('FOI Guidelines').

¹⁰ *Josh Taylor and Minister for Foreign Affairs* [2021] AICmr 33 at [10].

¹¹ *FOI Guidelines* (n 7) at [3.89].

¹² *Ibid* (citation omitted).

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At a minimum, an agency or minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents
- the current and past file management systems and the practice of destruction or removal of documents
- the record management systems in place
- the individuals within an agency or minister's office who may be able to assist with the location of documents, and
- the age of the documents.

26. I am satisfied that all reasonable steps have been taken to search for and identify documents in scope of all part of your revised request – this includes Item 3. However, document/s in scope of this Item of your revised request cannot be found or does not exist. Searches undertaken by personnel included searching relevant record systems or facilities to reasonably identify documents described by your request. However, the result was that no document in scope of your request were identified. Accordingly, I refuse your request for access pursuant to s 24A(1) of the FOI Act.

27. However, as earlier discussed, I have further directed relevant staff to consider whether it is possible to provide access to such other information that may be of interest to you.

28. I note in an earlier email from you dated 1 February 2024, you wrote:

Regarding item 5 of my request, I note the Severe Thunderstorm Directive Queensland 2011/12 Season released under FOI request 30/5531 refers to such summaries being accessible via your information management system (page 27, item 8.1.2)...¹³

29. The relevant reference '8.1.2' in the 'Directive' provides the following:

8.1.2 A summary of the Severe Thunderstorm Warnings issued per month can be accessed via the web-based services information management system (SIMS). SIMS can be accessed via a web browser at <http://s...>

30. '8.1.2' of the 'Directive' indicates that a 'summary of the Severe Thunderstorm Directive...issued per month can be accessed via the...(SIMS)'. Based on enquiries, I am advised that '8.1.2' references that the relevant systems, SIMS, could be used to gather statistics on warning issuance. However, no 'monthly summary' document was produced.

31. However, I have considered it appropriate to assist as far as reasonable by directing a staff to generate equivalent information regarding number of Severe Thunderstorm and Severe Weather warnings in Queensland for 2023. This information is provided in [Attachment C](#).

¹³ The reference is to material published on the Bureau's disclosure log: <http://www.bom.gov.au/foi/release/qldThunderstorm.pdf>.



Materials considered in making my decision

32. In making my decision I have had regard to:
- a. your revised request;
 - b. matters regarding the document search process;
 - c. the FOI Act;
 - d. the FOI Guidelines; and
 - e. other relevant matters in the circumstances.

For further information

33. Information about your review rights are set out in the following pages.
34. The Bureau aims to provide accessible documents. If you need this document in a different format, please contact FOI@bom.gov.au.
35. If you have any questions about this letter, or need further information, please do not hesitate to contact FOI@bom.gov.au

Yours sincerely
(Approved electronically)

Matthew Collopy

General Manager
Environmental Prediction Services

Review rights

36. You may seek a review of this decision by way of the review rights available to you.
37. Under section 54 of the FOI Act, you may apply for an internal review of this decision. An internal review application must be made by whichever date is the later between:
- 30 days of you receiving this notice; or
 - 15 days of you receiving the documents to which you have been granted access.
38. An internal review will be conducted by a different authorised decision-maker. No particular form is required to apply for review although it will assist your case to set out the grounds on which you believe that the original decision should be overturned.
39. An application for an internal review can be made by either:

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- **Email:** FOI@bom.gov.au
- **Post, addressing it to:**
Freedom of Information Officer
Bureau of Meteorology
GPO Box 1289 Melbourne 3001

40. If you seek an internal review, please note *the Bureau's internal reference* number provided at the start of this decision notice.
41. If you seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner ('AIC') for a review of the internal review decision.

External review by the Australian Information Commissioner

42. Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the AIC without first undertaking an internal review. Your application must be made within 60 days of you receiving this notice.
43. The AIC is an independent office holder who may review decisions of agencies under the FOI Act. More information is available on website of the Office of the Australian Information Commissioner: www.oaic.gov.au.
44. You can contact the OAIC to request a review by one of the following ways:
- **Via the online form on the OAIC website:** <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>
 - **Email:** foidr@oaic.gov.au
 - **Post, addressing it to:**
Director of FOI Dispute Resolution
GPO Box 5218, Sydney NSW 2001

FOI complaints

45. If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can complain to the AIC. A complaint must be made in writing and can be lodged in one of the following ways:
46. You can contact the OAIC to request a review by one of the following ways:
- **Via the online form on the OAIC website:** <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>
 - **Email:** foidr@oaic.gov.au
 - **Post, addressing it to:**
Director of FOI Dispute Resolution
GPO Box 5218, Sydney NSW 2001
47. More information about Information Commissioner reviews and complaints can be found on the OAIC's website: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints>.

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Attachment A: Schedule of documents

Document No.	Date	Description of document	FOI Act exemptions & editing	Decision & notes
Document 1	1/9/2024	CSG Detailed Severe Thunderstorm Warnings – work instructions	s 22	Release in full. (Contains information excluded by the FOI Applicant.)
Document 2	1/9/2024	CSG Regional Severe Thunderstorm Warnings – work instructions	N/A	Release in full.
Document 3	1/9/2024	CSG Severe Weather Warnings – work instructions	N/A	Release in full.
Document 4	Undated	Detailed Work Instruction – Heatwave Warnings	N/A	Release in full.
Document 5	2/2/2024	Heatwave Service Level Specification Season 2023-2024	N/A	Release in full.
Document 6	9/11/2023	Thunderstorm and Severe Weather Service Level	N/A	Release in full.

Melbourne Office

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Document No.	Date	Description of document	FOI Act exemptions & editing	Decision & notes
		Specification Season 2023-2024		
Document 7	February 2024	Tropical Cyclone Service Level Specification	N/A	Release in full.
Document 8	Undated	Tropical Cyclone Forecast Process	N/A	Release in full.
Document 9	23/10/2023	Email	s 22	Release in full. (Contains information excluded by the FOI Applicant.)
Document 9A	Undated	Attachment to Document 9	s 22	Release in full. (Contains information excluded by the FOI Applicant.)

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Attachment B: section 22 of the FOI Act

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.



Attachment C: Severe Thunderstorm and Severe Weather Warning statistics for Queensland 2023.

Product	Month	Count of Warnings
Detailed Severe Thunderstorm Warning - Queensland	January	67
Detailed Severe Thunderstorm Warning - Queensland	February	42
Detailed Severe Thunderstorm Warning - Queensland	March	42
Detailed Severe Thunderstorm Warning - Queensland	April	17
Detailed Severe Thunderstorm Warning - Queensland	August	10
Detailed Severe Thunderstorm Warning - Queensland	September	25
Detailed Severe Thunderstorm Warning - Queensland	November	60
Detailed Severe Thunderstorm Warning - Queensland	December	227
Regional Severe Thunderstorm Warning - Queensland	January	138
Regional Severe Thunderstorm Warning - Queensland	February	94
Regional Severe Thunderstorm Warning - Queensland	March	106
Regional Severe Thunderstorm Warning - Queensland	April	35
Regional Severe Thunderstorm Warning - Queensland	June	2
Regional Severe Thunderstorm Warning - Queensland	July	5
Regional Severe Thunderstorm Warning - Queensland	August	6
Regional Severe Thunderstorm Warning - Queensland	September	12
Regional Severe Thunderstorm Warning - Queensland	October	4
Regional Severe Thunderstorm Warning - Queensland	November	150
Regional Severe Thunderstorm Warning - Queensland	December	246
Severe Weather Warning - Queensland	January	21
Severe Weather Warning - Queensland	February	12
Severe Weather Warning - Queensland	March	26
Severe Weather Warning - Queensland	September	7
Severe Weather Warning - Queensland	December	41