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Australian Government

Office of Parliamentary Counsel

Our ref: T24/33

Alex Pentland
foi+request-11138-bb49a9fc@righttoknow.org.au

Dear Mr Pentland

Freedom of information request no. 14-2024

1 I refer to your request for access under the *Freedom of Information Act 1982* (FOI Act) to:

- all of the responses received by the Office of Parliamentary Counsel for their contentious redesign of the Federal Register of Legislation unveiled in 2024, dated from then until today (19 February 2024);

2 I, Stephen Campbell, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

3 The work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations. This is called a ‘practical refusal reason’ (section 24AA).

4 On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, 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.

Why I intend to refuse your request

5 I decided that a practical refusal reason exists because the work involved in processing this request, in its present broad terms, would substantially and unreasonably divert the resources of OPC from its other operations.

6 A preliminary search of OPC’s holdings indicates that there were over 1000 email correspondence received in the feedback inbox during the time period specified. It would be resource intensive for OPC to search all correspondence to identify records that fall within the scope of your request. We anticipate the broad scope of this request has the potential to produce a large number of documents to be assessed to determine whether access can be granted in part or in full.

Request consultation process

7 You now have an opportunity to revise your request to enable it to proceed.

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8 Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, our agency will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

9 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.

10 The consultation period runs for 14 days and starts on the day after you receive this notice.

11 During this period, you are welcome to seek assistance from the contact person I have listed below 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. (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.)

12 If you do not wish to proceed with your FOI request, you may either withdraw your request or advise OPC that you do not wish to revise your request. Your request will be withdrawn if you do not contact us or provide written notice of the revised scope of your request within 14 days from receipt of this notice.

Contact officer

13 If you wish to discuss this decision, the FOI case officer for this matter is Kathleen, who can be reached on (02) 6120 1400 or by email to foi@opc.gov.au.

Yours sincerely



Stephen Campbell
General Manager Corporate Services
8 March 2024

Attachment A

Section 24AA of the FOI Act: When does a practical refusal reason exist?

- (1) For the purposes of section 24, a [practical refusal reason](#) exists in relation to a [request](#) for a [document](#) if either (or both) of the following applies:
 - (a) the work involved in processing the [request](#):
 - (i) in the case of an [agency](#)--would substantially and unreasonably divert the resources of the [agency](#) from its other operations; or
 - (ii) in the case of a Minister--would substantially and unreasonably interfere with the performance of the Minister's functions;
 - (b) the [request](#) does not satisfy the requirement in [paragraph](#) 15(2)(b) (identification of [documents](#)).
- (2) Subject to [subsection](#) (3), but without limiting the matters to which the [agency](#) or Minister may have regard, in deciding whether a [practical refusal reason](#) exists, the [agency](#) or Minister must have regard to the resources that would have to be used for the following:
 - (a) identifying, locating or collating the [documents](#) within the filing system of the [agency](#), or the office of the Minister;
 - (b) deciding whether to grant, refuse or defer access to a [document](#) to which the [request](#) relates, or to grant access to an [edited copy](#) of such a [document](#), including resources that would have to be used for:
 - (i) examining the [document](#); or
 - (ii) consulting with any person or body in relation to the [request](#);
 - (c) making a copy, or an [edited copy](#), of the [document](#);
 - (d) notifying any interim or final decision on the [request](#).
- (3) In deciding whether a [practical refusal reason](#) exists, an [agency](#) or Minister must not have regard to:
 - (a) any reasons that the [applicant](#) gives for [requesting](#) access; or
 - (b) the [agency](#)'s or Minister's belief as to what the [applicant](#)'s reasons are for [requesting](#) access; or
 - (c) any maximum amount, specified in the regulations, payable as a charge for processing a [request](#) of that kind.

Section 24AB of the FOI Act: What is a request consultation process?

Scope

- (1) This section sets out what is a [request consultation process](#) for the purposes of section 24.

Requirement to notify

- (2) The [agency](#) or Minister must give the [applicant](#) a written notice stating the following:
 - (a) an intention to refuse access to a [document](#) in accordance with a [request](#);
 - (b) the [practical refusal reason](#);

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- (c) the name of an [officer](#) of the [agency](#) or member of staff of the Minister (the contact person) with whom the [applicant](#) may consult during a period;
- (d) details of how the [applicant](#) may contact the contact person;
- (e) that the period (the consultation period) during which the [applicant](#) may consult with the contact person is 14 days after the day the [applicant](#) is given the notice.

Assistance to revise [request](#)

- (3) If the [applicant](#) contacts the contact person during the consultation period in accordance with the notice, the [agency](#) or Minister must take reasonable steps to assist the [applicant](#) to revise the [request](#) so that the [practical refusal reason](#) no longer exists.
- (4) For the purposes of [subsection](#) (3), reasonable steps includes the following:
 - (a) giving the [applicant](#) a reasonable opportunity to consult with the contact person;
 - (b) providing the [applicant](#) with any information that would assist the [applicant](#) to revise the [request](#).

Extension of consultation period

- (5) The contact person may, with the [applicant](#)'s agreement, extend the consultation period by written notice to the [applicant](#).

Outcome of [request consultation process](#)

- (6) The [applicant](#) must, before the end of the consultation period, do one of the following, by written notice to the [agency](#) or Minister:
 - (a) withdraw the [request](#);
 - (b) make a revised [request](#);
 - (c) indicate that the [applicant](#) does not wish to revise the [request](#).
- (7) The [request](#) is taken to have been withdrawn under [subsection](#) (6) at the end of the consultation period if:
 - (a) the [applicant](#) does not consult the contact person during the consultation period in accordance with the notice; or
 - (b) the [applicant](#) does not do one of the things mentioned in [subsection](#) (6) before the end of the consultation period.

Consultation period to be disregarded in calculating processing period

- (8) The period starting on the day an [applicant](#) is given a notice under [subsection](#) (2) and ending on the day the [applicant](#) does one of the things mentioned in [paragraph](#) (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in [paragraph](#) 15(5)(b).

Note: [Paragraph](#) 15(5)(b) requires that an [agency](#) or Minister take all reasonable steps to notify an [applicant](#) of a decision on the [applicant](#)'s [request](#) within 30 days after the [request](#) is made.

No more than one [request consultation process](#) required

- (9) To avoid doubt, this section only obliges the [agency](#) or Minister to undertake a [request consultation process](#) once for any particular [request](#).