



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI/2015/143

Mr Jackson Gothe-Snape  
Right to Know Website

By email: [foi+request-1132-d127415d@righttoknow.org.au](mailto:foi+request-1132-d127415d@righttoknow.org.au)

Dear Mr Gothe-Snape

I refer to your email dated 10 July 2015 in which you made a request to the Department of the Prime Minister and Cabinet (Department) under the *Freedom of Information Act 1982* (FOI Act) in the following terms:

‘Can you please provide copies of emails sent or received on 9 July 2015 mentioning "South Australia", "South Australian", "SA" or "Adelaide".’

The authorised decision-maker for your request is Mr Brendan MacDowell, Senior Adviser, Honours, Symbols and Legal Policy Branch.

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

Mr MacDowell considers that processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a ‘practical refusal reason’ under section 24AA(1)(a) of the FOI Act. On this basis Mr MacDowell intends to refuse access to your request.

However, before Mr MacDowell 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**

##### *Substantial and unreasonable diversion of resources*

The decision maker considers the work involved in searching and undertaking the decision making process for relevant documents would amount to a substantial and unreasonable diversion of the Department’s resources. The decision making involved in processing the request includes examining over 2000 emails, undertaking third party consultations, editing any exempt material, copying the documents and notifying you and any third parties of the final decision.

A preliminary search has been undertaken to find documents potentially relevant to your request. We have identified over two thousand documents in the Department's possession that we expect would be within the scope of your request. Processing your request would mean each document would need to be reviewed to confirm that it falls within the scope of your request. If a document is found to be within scope, careful consideration would then need to be given to determining the possible exemptions that could apply to parts of each document. 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.

Having regard to the significant number of documents that would need to be reviewed, the decision-maker is satisfied that processing your request would be a substantial and unreasonable diversion of the Department's resources from its other operations.

Where consultation is required with third parties, this would add to the time required to process your request. Following identification of documents and consultation with the relevant third parties, each document would need to be assessed for possible release. Subject to consideration of particular documents, additional time would be required to consider, prepare and notify a decision on your request and any relevant documents that could be released. If Mr MacDowell were to make a decision to release material contrary to the objections of any third parties, then additional time would be required to prepare and notify decisions to the relevant third parties.

The decision-maker further considers the ability of relevant line areas and the FOI area to undertake other work would be substantially and unreasonably affected. The decision-maker acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, the Department could not reasonably divert resources to assist in processing the documents relevant to your request. In reaching this view, the decision-maker has had regard to the public interest in access to information held by the Department but considers the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment, including the processing of other FOI requests.

### **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, you must 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 MacDowell is the relevant person for you to contact for the consultation process.

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 MacDowell during this period, your request will be taken to have been withdrawn.

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

Yours sincerely



FOI Adviser  
Honours, Symbols and Legal Policy Branch

August 2015