



LS5662 ~ file 16/564

Victoria Kotevich
Right to Know
By email to

foi+request-2034-5ab1bf35@righttoknow.org.au

Dear Ms Kotevich

YOUR FREEDOM OF INFORMATION REQUEST NO. LS5662

I refer to your email dated 4 July 2016 12:48 PM to the Australian Electoral Commission ('AEC') in which you request (your 'FOI Request') access under the [Freedom of Information Act 1982](#) (the 'FOI Act') access to information about payments for polling sites in NSW.

Administrative Access

- 2 The AEC is able to provide you with the details of what was budgeted for the procurement of all polling venues in Australia for the 2016 federal election (the '2016 Election'), namely \$10.9 million for all venue hire that is not limited to the cost of polling places.

Summary

- 3 I, Paul Pirani, Chief Legal Officer of the AEC, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
- 4 I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the AEC from its other operations due to its size, complexity and broad scope. This is called a 'practical refusal reason' (section 24AA).
- 5 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

- 6 In your request you sought documents relating to:

How much is paid to sites to be polling venues eg Mosman High School and the Mosman Art Gallery in New South Wales.

7 I decided that a practical refusal reason exists because:

- (a) At this stage the AEC has not paid for all the polling venues in New South Wales. The payments are made through the AEC's ELMS system which generally manages the conduct of an electoral event. The ELMS system is currently in use to manage 2016 Election and it would be very disruptive of its processing to interrogate it for the information that you require.
- (b) I also note that any detailed breakdown of information will require the AEC to consult the hirers of the venue about giving access to their business information. There were in New South Wales 2319 polling places appointed under section 80 of the [Commonwealth Electoral Act 1918](#). The AEC lacks the resources to undertake a consultation with them during the electoral period for the 2016 Federal Election which continues until all writs for the election are returned. The deadline fixed for the return of writs is 8 August 2016.

Request consultation process

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

9 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.

10 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.

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

- (a) 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.)
- (b) If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

Contact officer

- 12 If you would like to revise your request or have any questions, the contact officer for your request is Owen Jones, Senior Lawyer at:

email:	owen.jones@aec.gov.au
fax:	02 6293 7657
post:	Locked bag 4007, Canberra ACT 2601
telephone:	02 6271 4528

Yours sincerely



Paul Pirani
Chief Legal Officer

5 July 2016