



Australian Government
Attorney-General's Department

FOI 16/133; 16/9881

22 September 2016

Mr Jeremy Cooper-Stout
By email: foi+request-2230-f08f4959@righttoknow.org.au

Dear Mr Cooper-Stout

Freedom of Information Request FOI16/133

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) for access to 'all documents created on or after 6 May 2015 referring to Mr Theo Tavoularis', who was appointed as a Senior Member of the Administrative Appeals Tribunal (AAT) on 5 May 2016.

I, Cassandra Ireland, Acting Assistant Secretary, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests made to the Attorney-General's Department (the department).

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 this agency from its other operations due to the size and broad scope of your request. This is called a 'practical refusal reason' (section 24AA).

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 in section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways described below.

Why I intend to refuse your request

I have decided that a practical refusal reason exists because processing this request in its current form would substantially and unreasonably divert the resources of the department from its other operations.

In coming to this decision, I have considered the elements to which I must have regard under subsection 24AA(2) of the FOI Act, including the resources that would be used for:

- identifying, locating or collating the documents within the filing system of the agency
- 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 examining the document or consulting with any person or body in relation to the request)
- making a copy or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Currently, the scope of your request covers every document held by the department created on or after 6 May 2015 that contains Mr Theo Tavoularis' name, including documents where the only

reference to Mr Tavoularis is a mention of his name with no substantive information. Given the work involved in progressing statutory appointments, and given that Mr Tavoularis' appointment was progressed in conjunction with a large number of other appointments, there are a large number of documents including multiple versions of the same or similar documents (such as progress reporting or tracking documents).

A search of the department's electronic document management system returned 223 documents which are likely to be within the scope of your request as it currently stands.

I estimate that:

- there are approximately 1341 pages contained in the 223 documents likely to be within the scope of your request
- taking into account consideration of exemptions that may apply, it would take approximately 188 hours to examine the estimated 1341 pages for decision making
- while some of the documents refer to Mr Theo Tavoularis, it appears that there are exemptions in the following categories of material that will need to be considered:
 - irrelevant material (section 22) to remove the personal information of the junior officers of the department and references to other AAT appointments
 - deliberative matter (section 47C)
 - personal privacy (section 47F), and
- it would take approximately 11 hours to prepare a schedule detailing all relevant documents (based on an average of 30 minutes per 10 documents).

Taking all of these factors into account, I am satisfied that processing this request would substantially and unreasonably divert the department's resources from its operations.

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 documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, we will be able to identify the documents more quickly and avoid using excessive resources to process documents that are not of interest to you.

Some suggestions about how you could narrow the scope of your request further are as follows:

- reducing the timeframe of your request (which currently includes all documents created on or after 6 May 2015)
- identifying any particular documents or classes of documents you are interested in and amend the scope of your request to seek access to those documents in particular
- excluding duplicate documents, including parts of email chains, where complete email chains are separately in scope of the request
- where there are multiple similar versions of a document (such as tables summarising appointments), agreeing to receiving only the latest version of that document
- excluding draft documents

- excluding internal departmental emails sent in the process of preparing documents for AAT appointments to be made, such as emails checking and confirming details about various AAT appointments and emails seeking changes to draft documents
- excluding media articles, media releases and other similar documents that are publicly available, and
- excluding documents that list the names of all AAT appointments and details about their appointment such as the dates of appointment, location and the division to which they are assigned, as the AAT publishes a list of all current AAT members on its website.

If you agree to narrow the scope of your request in all or some of the above ways, I will consider whether the practical refusal reason is removed and whether it would be possible for the department to process your revised request.

Within 14 days of you receiving this notice, I ask that you do one of the following, in writing:

- withdraw your request
- make a revised request, or
- advise us that you do not wish to revise your request.

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 about the scope of your request is not included in the 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 the contact person during this period, your request will be taken to have been withdrawn.

Contact officer

If you would like to revise your request or have any questions, please contact Monique, FOI Legal Officer by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Cassandra Ireland
Acting Assistant Secretary