



FOI16/147; 16/10491

13 October 2016

Mark Mildenhall

By email: [foi+request-2285-876e17f9@righttoknow.org.au](mailto:foi+request-2285-876e17f9@righttoknow.org.au)

Dear Mr Mildenhall

### **Freedom of Information Request FOI 16/147**

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) for access to documents relating to Airsoft, specifically:

*"I would like to request copies all the correspondence in regard to Airsoft and in particular the correspondence that was referred to in documents from the office of the Attorney General from the 2010 briefing for the firearms policy working group. "*

I, Erin Wells, 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.

On 7 October 2016 your request was acknowledged and you were informed that, in its current form, your request was likely to result in a practical refusal notice being issued. You were invited to narrow the request to the following:

*"the correspondence that was referred to in documents from the office of the Attorney-General from the 2010 briefing for the firearms policy working group. "*

You were asked to notify the Attorney-General's Department by 10 October 2016 whether you agreed to the proposed revised scope to your request.

As the department has not heard from you about revising the scope of your request, 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 its broad scope. 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.

A search of the department's electronic document management system returned approximately 520 documents which are likely to be within the scope of your request as it currently stands.

When deciding whether a practical refusal reason exists in relation to your request, I organised for sampling to be conducted for a random sample of the documents identified as relevant to your request.

Based on examination of a sample of 68 randomly chosen documents, I estimate that:

- there are approximately 3,700 pages contained in the 520 documents likely to be within the scope of your request
- it would take approximately 300 hours to examine the documents for decision making (based on an estimate of 5 minutes per document)
- consideration would need to be given to exempting material under section 47F of the FOI Act to remove the personal information of third parties, and
- it would take approximately 26 hours to prepare a schedule detailing all relevant documents (based on an average of 30 minutes per 10 documents).

The department would also need to consult with a number of external agencies and third parties in relation to a number of these documents.

Taking all of these factors into account, I am satisfied 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:

- if you are able, identify any particular documents you are interested in and amend the scope of your request to seek access to those documents in particular
- as suggested to you on 7 October 2016, revise your request to the following:  
    *“the correspondence that was referred to in documents from the office of the Attorney-General from the 2010 briefing for the firearms policy working group”*,  
and/or
- limiting your request to a specific timeframe, for example to a particular financial or calendar year.

Before the end of the consultation period, I ask that you do one of the following, in writing:

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

The consultation period runs for 14 days and starts on the day after you receive this notice. 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 the department's FOI team at [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Erin Wells  
Acting Assistant Secretary