



Australian Government

Department of Finance

Reference: FOI16/108
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: FOI@finance.gov.au

Mr James Horton

via email: foi+request-2313-edf677fo@righttoknow.org.au

Dear Mr Horton

Freedom of Information Request – FOI16/108

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act).

I note that the 2014-15 Annual Report references the role of the Registry and Licencing Business Advisory Committee:

"During 2014–15, the (Registry and Licensing Business Advisory) committee was actively engaged by the Department of Finance Scoping Study working group in providing feedback on and input into the future ownership options being considered for the registry business." (2014-15 Annual Report pg 160)

While not to be limited by this, I am seeking documentation provided to the committee and associated meeting minutes as they relate to the Scoping Study.

I am also seeking any other briefing documents, extracts or versions of the study provided to committee or otherwise that are not deemed to be cabinet documents.

The statutory period for processing your request commences from the day after Finance received your request. Your request was received by Finance on 3 October 2016.

The purpose of this letter is to provide you with a notice, under subsection 24AB(2) of the FOI Act, which outlines Ms Pitson's (FOI Decision Maker) intention to refuse your request.

Why the department intends to refuse your request

Section 24AA of the FOI Act states:

- (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 the agency – would substantially and unreasonably divert the resources of the agency from its other operations; or

- ii. in the case of the 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)

In your request you sought documents relating to (emphasis added):

I note that the 2014-15 Annual Report references the role of the Registry and Licencing Business Advisory Committee:

"During 2014–15, the (Registry and Licensing Business Advisory) committee was actively engaged by the Department of Finance Scoping Study working group in providing feedback on and input into the future ownership options being considered for the registry business." (2014-15 Annual Report pg 160)

While not to be limited by this, I am seeking documentation provided to the committee and associated meeting minutes as they relate to the Scoping Study.

I am also seeking any other briefing documents, extracts or versions of the study provided to committee or otherwise that are not deemed to be cabinet documents.

As emphasised above, in the scope of your request you refer to the Australian Securities & Investments Commission (ASIC) 2014-2015 Annual Report (not the Department of Finance Annual Report) and the Registry and Licensing Business Advisory Committee, which appears to be an ASIC internal committee. Therefore, it is unclear whether the information you have requested belongs to ASIC or Finance, however, it would appear the ambit of the request relates to documents created for, arising from or used in ASIC internal deliberations and related activities. As such, the documents are not clearly identified sufficiently to enable Finance to reasonably identify the scope of your request.

As such, Ms Pitson has decided that a practical refusal reason exists as the scope of your request does not provide enough information for an officer of Finance to reasonably identify the documents you are seeking.

Clarifying the terms of your request

When a request involves a practical refusal reason, the department, in line with subsection 24(1)(a) of the FOI Act, undertakes a request consultation process. **This provides you with an opportunity to clarify the terms the scope of your request.** It may be that there are specific elements within the request subject-matter that you are particularly interested in that could be isolated with a view to clarify the terms of the request.

You now have an opportunity to revise your request to enable it to proceed. The request consultation runs for 14 days after the day you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request; or
- revise your request; or
- advise us that you do not wish to revise your request.

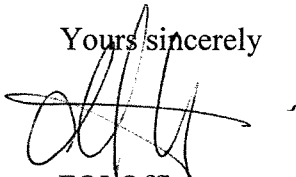
If you revise your request, in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request). If you do not complete one of the three options listed above during the consultation period, or you do not consult with the FOI Team during this period, your request will be taken to have been withdrawn.

Way Forward

To assist Finance in the processing of your request, could you please consider the scope of your request and Finance's suggestions in regards to clarifying the request scope. Please provide a response by **close of business (9 November 2016)**.

Please contact the FOI Team on the above contact details if you have any questions in relation to your request.

Yours sincerely



FOI Officer

Legal Services Branch

27 October 2016

