



Mr Dan Monceaux

Email: foi+request-2933-c46481a6@righttoknow.org.au

Dear Mr Monceaux

Freedom of Information Request No. 170108
Notification of practical refusal reason

I refer to your request of 9 January 2016 to the Department of the Environment and Energy (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**). Your request seeks access to:

All written submissions received by the department in response to the EPBC Referral for "BHP BILLITON OLYMPIC DAM CORPORATION PTY LTD/Mining/Olympic Dam/South Australia/Expansion of the Olympic Dam copper, uranium, gold and silver mine, processing plant and associated infrastructure" - Ref#2005/2270.

Practical refusal reason

I am writing to inform you of my intention to refuse the above request, as it attracts a practical refusal reason.

Read overall, the request seeks all written submissions received by the Department in response to EPBC 2005/2270. We have identified 406 unique submissions that fall within the scope of the request in addition to a large amount of pro forma submissions – submissions that have duplicated content between them, but were submitted by different persons.

The total page count of the unique and pro forma submissions within the scope of your request is 10,897 pages. If a decision were to be made over these documents, each submission would need to be examined to determine whether any personal or business information would attract an exemption under the Act.

I consider that due to the excessive page count and that a level of decision making will be required for each document, the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations. Pursuant to section 24 of the FOI Act, I am therefore satisfied that a 'practical refusal reason' exists and intend to refuse your request for this reason. Prior to making a decision to this effect, the Department is required to undertake a 'request consultation process' with you (pursuant to section 24AB of the FOI Act).

Request consultation process

The purpose of the process is to assist you in refining the scope of your request so that the 'practical refusal reason' no longer exists.

The request consultation process will run for 14 days after the day you receive this notice. This period may be extended with the agreement of both parties. The processing period for your FOI request is suspended during the request consultation period.

Before the end of the consultation period, you **must** take one of the following actions by written notice to the Department via its FOI Contact Officer (details below):

- a) withdraw your request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

If you do not take one of the above steps within 14 days after the day that you receive this notice, your request will be taken to have been withdrawn.

For clarity, the Department considers a "revised request" to be request that captures a certain amount of documents subject to your original scope, but which does not attract a practical refusal reason.

Suggestions for making a revised request

The simplest way to make a revised request is to amend the scope of your existing request, either through removing certain items or adding qualifiers to the scope. Taking these steps usually results in less documents being captured by the scope of the request, and removing the practical refusal reason.

If you refined your request so that it only captured submissions made by state, territory or local governments, the request would no longer attract a practical refusal reason, and could be processed by the Department. One way to word this request would be:

Submissions made by State, Territory or local governments received by the Department in response to the EPBC Referral for "BHP BILLITON OLYMPIC DAM CORPORATION PTY LTD/Mining/Olympic Dam/South Australia/Expansion of the Olympic Dam copper, uranium, gold and silver mine, processing plant and associated infrastructure" - Ref#2005/2270

Please note that it is still open to the Department to issue charges for the Department to issue charges for the request, or to extend the statutory timeframe to consult with third parties.

Further, if you wish to exclude pro-forma submissions from the scope of your request, with no further refinements, the request would continue to attract a practical refusal reason due to the large amount received.

If you would like to discuss this matter further, you are welcome to contact us at the numbers below.

Further assistance

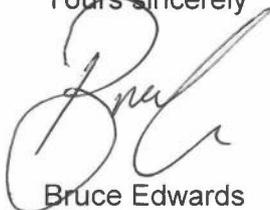
You may contact the FOI Contact Officer at the following addresses:

By post: FOI Contact Officer
General Counsel Branch
Department of the Environment
GPO Box 787
Canberra ACT 2601

By email: foi@environment.gov.au

By phone: (02) 6274 2098

Yours sincerely

A handwritten signature in black ink, appearing to read 'Bruce Edwards', written over a large, stylized circular flourish.

Bruce Edwards
Assistant Secretary
Assessments (WA, SA, NT) and Air Branch

8 February 2017

