



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2017/005

William Summers

By email: foi+request-2935-f1ca1165@righttoknow.org.au

Dear Mr Summers

I refer to your email dated 1 January 2016 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) seeking access to the following:

Copies of all letters between Prime Minister Paul Keating (20 Dec 1999-11 Mar 1996) and i) the Queen ii) Prince Charles. This should also include correspondence with their respective officers (e.g. Private Secretaries).

The authorised decision-maker for your request is Mr Peter Arnaudo, Assistant Secretary, Honours, Symbols and Legal Policy Branch.

Notice of practical refusal reason

I write to advise you that, subject to possible clarification which would narrow your request, the decision-maker considers that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, the decision-maker intends to refuse access to the documents you have requested.

However, before the decision-maker makes a final decision to refuse the request for a practical refusal reason, 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.

Reasons for intention to refuse your request

Pursuant to s24AA(1)(a)(i) of the FOI Act, a practical refusal reason exists in relation to a request for a documents if the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operation.

Section 24AA(2) of the FOI Act provides that, without limiting the matters to which an agency may have regard in deciding whether a practical refusal reason exists, the agency must have regard to the resources that would have to be used for the following:

- (a) identifying, locating or collating the documents within the filing system of the agency;
- (b) deciding whether to grant, refuse or defer access to the documents 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:
 - i. examining the document; or
 - ii. consulting with any person or body in relation to the request;
- (c) making a copy, or an edited copy, of the document;
- (d) notifying any interim or final decision on the request.

The Department has undertaken reasonable steps to identify and locate documents within the filing system of the agency. Having regard to the decision maker's knowledge of where documents potentially relevant to the applicant's request would be held, if they existed, the decision maker arranged for the following searches to be undertaken:

- The Department's file management system was searched for potentially relevant files.
- Inquired with officers who had knowledge of the subject matter and would be likely to be able to locate documents within the scope of the request.

As a result of the searches, the Department found that most of the documents you seek would be in the custody of the National Archives of Australia (NAA). Due to the relocation of the National Archives Preservation Facility there is a significant delay in retrieving Departmental material. Taking into account of the delays in retrieving the files from the NAA, the decision-maker advised that processing this request is considered to be an unreasonable diversion of resource from its other operations.

In reaching this view, the decision-maker has regard to the public interest in access to information held by the Department and considers that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

The decision-maker acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, the decision-maker considers that the Department could not reasonably divert resources to assist in processing your request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Please note, for avoidance of doubt, that should you agree to limit your request in any way, this would not automatically remove the practical refusal ground outlined above, nor would it guarantee that the processing of your request could then proceed. This would be a matter for the decision-maker having regard to the revised terms of your request,

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request; or

- tell us that you do not wish to revise your request.

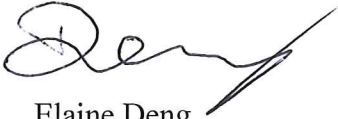
The consultation period runs for **14 days** and will start on the day after you receive this notice. I am the relevant person for you to contact for the consultation process.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30 day time limit for processing your request.

If you do not do one of the three things listed above during the 14 day consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact the Department by email at foi@pmc.gov.au or by phone on 02 6271 5849.

Yours sincerely



Elaine Deng
FOI Adviser

Honours, Symbols and Legal Policy Branch

8 February 2017