



Australian Government
**Australian Pesticides and
Veterinary Medicines Authority**

Our reference: LEX 5044

21 March 2017

Adam Presnell

Via email: Adam Presnell <foi+request-3221-b22ee366@righttoknow.org.au>

Dear Mr Presnell

Freedom of Information Request
Notice of intention to refuse request
Unregistered product and unapproved actives 2,4,5-T and 2-(2-(2-oxo-3-oxazolidinyl)ethyl)-1,2-benzisothiazolin -3-one

I refer to your request under the *Freedom of Information Act 1982 (FOI Act)* received by the APVMA on **15 March 2017**, for

'...correspondence in relation to an 'Unregistered Chemical Product' used illegally and unapproved active constituents the APVMA was notified of as per Senate Estimates May 2013 i.e. 2,4,5-T and 2-(2-(2-oxo-3-oxazolidinyl)ethyl)-1,2-benzisothiazolin -3-one.'

2. I am an officer of the Australian Pesticides and Veterinary Medicines Authority (**APVMA**) authorised under section 23 of the FOI Act to make decisions in respect of access requests. I am also authorised to make decisions in respect of the publication of information released in response to access requests.
2. The APVMA is of the view that your request, as presently worded, does not provide such information concerning the document/s as is reasonably necessary to enable a responsible officer of the APVMA to identify it/them in accordance with paragraph 15(2)(b) of the FOI Act (identification of documents).
3. In accordance with section 24AA of the FOI Act, the APVMA has decided that a practical refusal reason exists.
4. 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.
5. You have 14 days, from the receipt of this notice, to consult with the APVMA concerning your request. The APVMA will assist you to revise your request so that the desired documents are sufficiently identified.

6. Under sub-section 24AB(6) of the FOI Act, you are required within the 14 day period to:
- withdraw the request
 - make a revised request; or
 - indicate that you do not wish to revise the request.
7. If you do not consult with the APVMA or do one of these things within the next 14 days, your request will be taken to have been withdrawn. Even with consultation, if the scope of your request cannot be sufficiently revised, the request may be refused.
8. In order to assist you to draft a more focussed request, we highlight the following ambiguities. The request refers an 'unregistered chemical product used illegally' and 'unapproved active constituents the APVMA was notified of as per Senate Estimates May 2013 i.e. 2,4,5-T and 2-(2-(2-oxo-3-oxazolidinyl)ethyl)-1,2-benzisothiazolin-3-one. Firstly, we require you to specify the name for the unregistered product. Secondly, we require you to specify whether you seek access to correspondence in relation to the unnamed product and the two active constituents separately or do the active constituents form part of the 'unregistered product', or any other relevant combination. This is especially important as unapproved active constituents can be used under permit (i.e. legally). Finally, we require you to specify if the correspondence is also related to, or arose out of, the Senate Estimates hearings in May 2013, and if so we require you to specify the exact nature of the relationship and if possible details of the precise hearing or question (e.g. are you referring to these segments of the hearings http://www.google.com.au/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwixYar5SubSAhWGwrwKHTaZDJgQFggZMAA&url=http%3A%2F%2Fwww.aph.gov.au%2F%2Fmedia%2Festimates%2FLive%2Frratctte%2Festimates%2Fbud_1314%2Fdaff%2F14-70_APVMA.ashx&usg=AFQjCNFGsd3oW4KN9mFHrs_Dz8XD7fZKyg or http://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/rratctte/estimates/bud1314/index)
9. Thinking about revising your scope with these ambiguities in mind will enable us to know where to start searching for relevant documents.
10. If you have any questions about how best to formulate the request for access to documents, or require assistance in describing or identifying the documents that are the subject of the request, I strongly suggest you contact the FOI team at foi@apvma.gov.au or on (02) 6210 4794.

Yours sincerely



Paul Grutt
Senior Legal Officer
Legal and Compliance Program