



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

Our reference: LEX 5044

15 May 2017

Mr Adam Presnell
via email to foi+request-3221-b22ee366@righttoknow.org.au

Dear Mr Presnell

**Freedom of Information Request
Deemed withdrawal of FOI request
Adverse experience documents for unregistered product 'gloricide' and certain named chemicals**

1. I refer to your original request and revised request for access to documents made under the *Freedom of Information Act 1982* received by the APVMA on 15 March 2017 and 31 March 2017 respectively.
2. Your original request sought access to 'correspondence in relation to an "Unregistered Chemical product" used illegally and unapproved active constituents the APVMA was notified of as per Senate Estimates May.'

First request consultation process

3. On 21 March 2017, you were advised by the APVMA of its intention to refuse your original request and you were invited to revise the scope of your request.
4. Your revised request seeks access to the following information about the unregistered product 'gloricide' and certain named chemicals:

All correspondence, including informal reports/correspondence, received by the APVMA in relation to all reports of Adverse Experiences for the chemicals: unregistered product 'gloricide', 2,4- Methyl Esters, 2,4,5-T and 2-(2-(2-oxo-3-oxazolidinyl)ethyl)-1,2-benzisothiazolin -3-one and 2,4-D and Metsulfuron methyl, since 2010.

Second request consultation process

5. On 24 April 2017, the APVMA advised you of its intention to refuse your request for access to the documents sought in your revised request. The APVMA was of the view that the resource impact of processing your revised request remained substantial and unreasonable in accordance with paragraph 24AA(1)(a)(ii) of the FOI Act as the work involved in processing the request would substantially and unreasonably divert resources of the APVMA from its other operations. You were invited to further revise your request.

Australian Information Commissioner Guidelines on the request consultation process

6. The FOI Guidelines (<https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-3-processing-requests-for-access#decisions-on-requests-for-access-to-documents>) provide at [3.115] that:

Agencies are only obliged to undertake a request consultation process once for any particular request (s24AB(9)), but they may choose to continue discussions with an applicant in order to refine a request that is still too large or vague.

7. The APVMA has undertaken the request consultation process twice in relation to your request.

Authority to make FOI decisions

8. 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.

Decision


9. As detailed in my notice dated 24 April 2017, you were required within the 14 day period to:
- withdraw the request
 - make a revised request; or
 - indicate that you did not wish to revise the request.
10. As you did not do any of these things within the 14 day period, your request is taken to have been withdrawn.
11. Accordingly, pursuant to subsection 24AB(7) of the FOI Act, you are taken to have withdrawn the request for access to the documents concerned.

Future FOI requests

12. If you still require access to the documents requested, please contact the FOI team who will be able to assist you with making a new request so that the scope is unlikely to be refused on practical refusal grounds. Please note that the estimated FOI charges based on your revised request exceed \$2,000 and even if reduced to recognise your personal circumstances are likely to exceed \$1,000.
13. As previously advised in my notice dated 24 April 2017, the large scope of your request could be reduced by –
- limiting the number of active constituents forming the basis of your request, or
 - limiting the number or types of products for which the APVMA searches (you can identify product names for your FOI request through the PubCRIS search facility at <https://portal.apvma.gov.au/pubcris>).
14. Please note that as your current request is deemed withdrawn, you will need to make a new request with a revised scope.

15. Alternatively, you may consider breaking your current request into several FOI requests. Please note that if the overall scope of any separate FOI requests you may choose to lodge in a given period remains the same as the scope of the request to which this decision relates, it may be necessary to negotiate additional timeframes for the processing of your requests in order to prevent refusal of access to the documents on practical refusal grounds.
16. If you have any questions, please contact the FOI Team at foi@apvma.gov.au or on (02) 6210 4794.

Yours sincerely,

A handwritten signature in black ink that reads "Margaret Horne". The signature is written in a cursive style with a large, looped initial 'M'.

Margaret Horne
Principal Legal Officer (PN 0097)
Legal and Compliance Program