



Australian Government
Department of Education and Training

Ms Eliza Berlage

By email: foi+request-3531-867b8537@righttoknow.org.au

Dear Ms Berlage

Freedom of Information (FOI) Request: Notice of Intention to Refuse

I refer to your FOI request to the Department of Education and Training (the department) dated 18 May 2017. You have sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'Any email correspondence between May 2 and May 12 that relates to school funding changes.'

I am an authorised decision maker under section 23 of the FOI Act.

Sections 24 and 24AA of the FOI Act together provide that an agency may refuse a request on the ground that the work involved in its processing would *'substantially and unreasonably divert the resources of the agency from its other operations'*. Section 24AB provides that, before an agency can refuse a request on that ground, it must advise the applicant of its intention to do so and provide the applicant with an opportunity to revise the request.

Your request, as it is presently worded, is very broad and captures within its scope many documents in the possession of the department. I am advised that over 10,000 pages of material would be potentially within the scope of the request. Two hours have already been spent in locating and identifying these documents and it is estimated that another 15 hours would be needed to complete that task and then retrieve them.

The documents would then have to be examined, a decision made on whether to release them, consultations conducted, redactions made and a decision letter prepared. It is estimated that the complete processing of the request would take well in excess of 100 hours.

I am satisfied, given the volume of material involved, that the work required to process your request would substantially and unreasonably divert the resources of the department from its other operations. This notice, given pursuant to section 24AB of the FOI Act, is therefore to advise you of my intention to refuse your request under section 24 on the ground that the work involved in its processing would unreasonably and substantially divert the resources of the department from its other operations.

The FOI Act provides that you now have 14 days from the day you receive this letter to contact me and do one of the following:

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

You can contact me by writing to the following address:

FOI Team
Schools, Child Care and Corporate Legal Branch
Department of Education and Training
GPO Box 9880
CANBERRA ACT 2601

Alternatively, you can send an email to foi@education.gov.au.

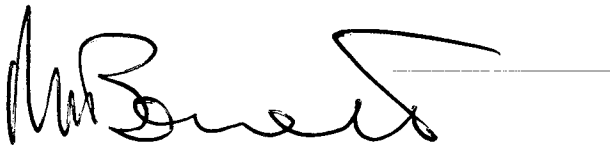
The FOI Act further provides that if you do not contact the department within this period and do one of the above, your FOI request will be taken to have been withdrawn.

Processing Period

Please also note that, under section 24AB(8), the 30 day period during which we are required to take all reasonable steps to finalise your request, will be suspended. It will only resume if and when you do one of the three things listed above within the next 14 days.

If you have any questions about this matter, please do not hesitate to contact me at foi@education.gov.au or by telephone on 61215161.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Mal Bennett', followed by a horizontal line.

Mal Bennett
Senior Government Lawyer
Schools, Child Care and Corporate Legal Branch
People, Communication and Legal Group

6 June 2017