



Australian Government
Department of Employment

Mr Jackson Gothe-Snape

By email: foi+request-3780_ba01e43d@righttoknow.org.au

Dear Mr Jackson Gothe-Snape

1. I refer to your correspondence, received by the Department of Employment (the Department) on 8 August 2017, in which you requested access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

...travel expenses, invoices, receipts, credit card statements and reimbursements for the most expensive trip taken by a Minister or Assistant Minister in your Department's portfolio area in 2016-17.

2. The Department responded to your request on 11 August 2017, indicating that it did not have portfolio responsibility for ministerial travel and also indicating that it would not be possible to identify the most expensive trip taken by the Minister as the reporting and acquittal process for the 2016-17 financial year was not completed. We suggested that you withdraw your request and contact the Independent Parliamentary Expenses Authority (IPEA) in relation to your request.
3. You sent further correspondence to the Department on 16 August 2017, asking whether the Department would be able to process your request if the scope of your request were amended to 'trips taken by the Minister that also included Departmental staff'.

Notice of intention to refuse your FOI request

4. I have consulted with officers within the Finance Branch who are best placed to advise on whether the Department is likely to hold documents within the scope of your request.
5. Paragraph 15(2)(b) of the FOI Act provides that a request must provide such information concerning the document as is reasonably necessary to enable an agency to identify it. Your amended request does not provide enough information for the Department to identify the documents you are seeking.
6. As previously advised, the Department does not have portfolio responsibility for ministerial travel and it is not yet possible to readily identify the documents falling within the scope of your request as the reporting and acquittal processes have not yet been completed.
7. In order to process your request as currently worded, the Department would have to identify all documents containing information about employee travel to determine whether the travel that the document relates to also involved a 'trip taken by a Minister'. Given that travel by departmental employees may potentially be undertaken in relation to all matters falling within the Department's portfolio, the range of documents that would need to be evaluated is very large. The Department would also be required to obtain documents it does not hold (e.g. from

the Minister's office); and evaluate these documents in order to determine the most expensive trip taken by the Minister involving departmental staff.

8. The Department is not required under the FOI Act to undertake this level of analysis in order to identify documents falling within the scope of a request.
9. In view of this, I am writing to you under subsection 24AB(2) of the FOI Act to notify you of my intention to refuse your FOI request, on the basis that a practical refusal reason exists, i.e. the request does not satisfy the requirements of paragraph 15(2)(b) of the FOI Act.

Request Consultation Process (section 24AB)

10. Before making a decision to refuse your request on the above grounds, I am required under section 24 of the FOI Act to provide you with an opportunity to make submissions in support of your request as currently worded or to revise the scope of your request, so that the practical refusal reason will no longer exist.
11. It is open to you to pursue your request by making submissions in support of your request as currently worded, or to further amend the scope of your request. Please note, however, that the Department is not the agency with responsibility for ministerial travel, and it remains the case that any requests concerning ministerial travel should be directed to the IPEA.
12. You have 14 days from the day you receive this letter to contact me and do one of the following:
 - a. withdraw your request;
 - b. make a revised request; or
 - c. indicate that you do not wish to revise the request.
13. You can contact me by writing to the following address:

Attention: James Ramsay
A/g Senior Government Lawyer
Information Law, Practice Management and Corporate Advising Branch
Loc: C12MT1-Legal
GPO Box 9880
Canberra ACT 2601

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

14. If you do not contact the Department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) of the FOI Act.

Yours sincerely



James Ramsay
A/g Senior Government Lawyer
Information Law Team
Corporate Legal
22 August 2017