



Jackson Gothe-Snape

via email: foi+request-3795-b0e935a3@righttoknow.org.au

Dear Mr Gothe-Snape

Notice under s 24AB of the *Freedom of Information Act 1982* - request consultation process

I am writing about your request, received by the department on 16 May 2017, for access under the *Freedom of Information Act 1982* (FOI Act) to:

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

Practical refusal reasons

Under s 15(2)(b) of the FOI Act, a request must *'provide such information concerning the document as is reasonably necessary to enable the responsible officer of the [department] to identify it.'* As currently worded, your request does not do this. Where a request does not satisfy the requirements of s 15(2)(b) of the FOI Act, a practical refusal reason exists.

If a practical refusal reason remains in relation to a request after this request consultation process, the department's decision maker intends to refuse your request under s 24 of the FOI Act. You have the opportunity through this process to revise your request to address this practical refusal reason.

To assist you with addressing the practical refusal reason, the comments below highlight some areas of the request that make it insufficiently clear to enable requested documents to be identified.

The term 'event' may involve events organised by the department, as well as external events. Many events that the Minister or Assistant Ministers may attend are not organised or paid for by the department. The department is also not responsible for all costs associated with all events attended by ministers in the Agriculture and Water Resources portfolio, nor is it responsible for reporting on associated expenditure.

It is not clear from your request whether you refer to events attended and hosted by the Minister/Assistant Minister, events attended by the Minister/Assistant Minister and organised by the department, or events attended by the Minister/Assistant Minister and organised by a third party. In any event, the department is not responsible for the costs associated with all events attended by the Minister or Assistant Minister. Therefore, it is not possible for the department to determine the "most expensive event" attended by either the Minister or Assistant Minister.

You should also be aware that s 24AA(1)(a)(i) of the FOI Act provides that, a *'practical refusal reason exists if the work involved in processing the request ... would substantially and unreasonably divert the resources of the agency from its other operations'*. Your request as currently expressed would require a comparison of all events in order to determine 'the most expensive event'. Therefore, even if you

sufficiently clarify your request, the department's decision maker may still refuse your request if processing it would involve a substantial and unreasonable diversion of the department's resources.

Time for consultation

You have 14 days, from the receipt of this notice, to consult with the department concerning your request.

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.

If you do not consult with the department 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.

Please note the time period for making a decision in response to your request is suspended until the conclusion of the consultation process described in this letter.

Contact details

Should you wish to discuss any issues arising from this letter, please contact Stuart Plowman on 02 6272 5051 or email foi@agriculture.gov.au.

Yours sincerely



Charine Bennett
Principal Government Lawyer
Office of the General Counsel

30 August 2017