



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: 1708-F1750
File No: 17/23044
8 September 2017

Mr Jackson Gothe-Snape
Sent by email to: foi+request-3801-8d20ab02@righttoknow.org.au

Dear Mr Gothe-Snape

Re: Freedom of Information (FOI) Request

I refer to your e-mail of 22 August seeking access under the provisions of the *Freedom of Information Act 1982* ('the FOI Act') to:

"Can you please provide 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. 'Most expensive event' shall be determined only by expenses paid - directly or through reimbursement - by the Department".

The Department of Foreign Affairs and Trade hosts many official functions, receptions, events, launches and other gatherings to advance Australia's foreign, trade and development interests, both throughout Australia and at Australian Government posts overseas. The Department does not have standard definitions for these terms. The Department does not have reporting mechanisms to capture readily the information you are seeking.

To attempt to identify the 'most expensive event', and then to provide all of the information you have requested, would entail a significant and unreasonable diversion of the Department's resources. This is because it would require searches to be conducted across Canberra, all of the Department's State and Territory offices, and over 100 diplomatic missions overseas, and a range of complex and time-consuming comparative assessments then undertaken.

Practical refusal reason

Notice is hereby given under section 24AB(2) of the FOI Act of an intention to refuse to grant access to the documents sought. The practical refusal reason is that the work involved in processing your request (specifically, the searches required) would substantially and unreasonably divert the resources of DFAT from its other operations.

In deciding that this practical refusal reason exists, I have given consideration to how the Department could proceed to process your request, and the time and resources that would be involved in doing so.

For the reasons outlines above, I am of the opinion that processing your request in its current form would be a substantial and unreasonable diversion of the Department's resources within the meaning of section 24AA(1) of the FOI Act.

Consultation process


In accordance with section 24AB(2)(e), the consultation period during which you may consult with me to revise the scope of your request is 14 days after the day you are given this notice. Please note that if you do not take this opportunity to consult, in accordance with section 24AB(7)(a), your request will be taken to have been withdrawn under section 24AB(6).

I am the DFAT officer with whom you may consult if you wish to revise the request to a narrower scope such that it could in fact be processed. I may be contacted by email at: foi@dfat.gov.au and I am happy to take any reasonable steps provide you, so far as is reasonably practicable, with any information that I can to assist you in amending your request under the FOI Act.

Please note that during this period of consultation, the statutory timeframe under section 15(5) of the FOI Act for the processing of your request is on hold (see section 24AB(8) for details).

I have attached a copy of sections 24, 24AA and 24AB of the FOI Act for your information.

Yours sincerely



Helen Horsington
Acting Corporate Counsel
Corporate Legal Branch

24 Power to refuse request—diversion of resources etc.

- (1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:
 - (a) must undertake a request consultation process (see section 24AB); and
 - (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.
- (2) For the purposes of this section, the agency or Minister may treat 2 or more requests as a single request if the agency or Minister is satisfied that:
 - (a) the requests relate to the same document or documents; or
 - (b) the requests relate to documents, the subject matter of which is substantially the same.

24AA When does a *practical refusal reason* exist?

- (1) For the purposes of section 24, a *practical refusal reason* exists in relation to a request for a document if either (or both) of the following applies:
 - (a) the work involved in processing the request:
 - (i) in the case of an agency—would substantially and unreasonably divert the resources of the agency from its other operations; or
 - (ii) in the case of a Minister—would substantially and unreasonably interfere with the performance of the Minister’s functions;
 - (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).
- (2) Subject to subsection (3), but without limiting the matters to which the agency or Minister may have regard, in deciding whether a practical refusal reason exists, the agency or Minister must have regard to the resources that would have to be used for the following:
 - (a) identifying, locating or collating the documents within the filing system of the agency, or the office of the Minister;
 - (b) deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for:
 - (i) examining the document; or
 - (ii) consulting with any person or body in relation to the request;
 - (c) making a copy, or an edited copy, of the document;
 - (d) notifying any interim or final decision on the request.
- (3) In deciding whether a practical refusal reason exists, an agency or Minister must not have regard to:
 - (a) any reasons that the applicant gives for requesting access; or
 - (b) the agency’s or Minister’s belief as to what the applicant’s reasons are for requesting access; or
 - (c) any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.

24AB What is a *request consultation process*?

Scope

- (1) This section sets out what is a *request consultation process* for the purposes of section 24.

Requirement to notify

- (2) The agency or Minister must give the applicant a written notice stating the following:
 - (a) an intention to refuse access to a document in accordance with a request;
 - (b) the practical refusal reason;
 - (c) the name of an officer of the agency or member of staff of the Minister (the *contact person*) with whom the applicant may consult during a period;
 - (d) details of how the applicant may contact the contact person;
 - (e) that the period (the *consultation period*) during which the applicant may consult with the contact person is 14 days after the day the applicant is given the notice.

Assistance to revise request

- (3) If the applicant contacts the contact person during the consultation period in accordance with the notice, the agency or Minister must take reasonable steps to assist the applicant to revise the request so that the practical refusal reason no longer exists.
- (4) For the purposes of subsection (3), *reasonable steps* includes the following:
 - (a) giving the applicant a reasonable opportunity to consult with the contact person;
 - (b) providing the applicant with any information that would assist the applicant to revise the request.

Extension of consultation period

- (5) The contact person may, with the applicant's agreement, extend the consultation period by written notice to the applicant.

Outcome of request consultation process

- (6) The applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:
 - (a) withdraw the request;
 - (b) make a revised request;
 - (c) indicate that the applicant does not wish to revise the request.
- (7) The request is taken to have been withdrawn under subsection (6) at the end of the consultation period if:
 - (a) the applicant does not consult the contact person during the consultation period in accordance with the notice; or
 - (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Consultation period to be disregarded in calculating processing period

- (8) The period starting on the day an applicant is given a notice under subsection (2) and ending on the day the applicant does one of the things mentioned in paragraph (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in paragraph 15(5)(b).

Note: Paragraph 15(5)(b) requires that an agency or Minister take all reasonable steps to notify an applicant of a decision on the applicant's request within 30 days after the request is made.

No more than one request consultation process required

- (9) To avoid doubt, this section only obliges the agency or Minister to undertake a request consultation process once for any particular request.