



21 December 2017

Mr C Powers

BY EMAIL: foi+request-4257-34b8dab7@righttoknow.org.au

In reply please quote:

FOI Request: FA 17/12/00568

File Number: ADF2017/134205

Dear Mr Powers

Notice under s.24AB of the *Freedom of Information Act 1982*

I am writing to you in relation to your request under the *Freedom of Information Act 1982* (the Act) on 14 December 2017 for:

'I would like all reports given to the Attorney-General, Attorney-General's Department or Office of Legal Services Coordination regarding compliance with the Legal Services Directions, including but not limited to annual compliance certificates, for the period 1 July 2015 to present.'

Purpose of this notice

The purpose of this notice is to advise you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its broad nature, size and complexity. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

Practical Refusal

It is the Department's view that where it appears that a request under the Act for access to documents is likely to take more than 40 hours to complete, the request should be assessed under s.24AA(1) of the Act to determine if a practical refusal reason exists in relation to the request. This balances the rights of applicants to seek information under the Act with the Departments need to appropriately allocate resources to its functions.

The Department has identified 67 documents in total that fall within the scope of your request which have been roughly estimated to contain at least 1000 folios that would need to be assessed in order to make decision on this request. In calculating the processing time at approximately five minutes per page, which includes ensuring all documentation

has been sourced, compiling a schedule of documents and assessing and applying redactions, I estimate that it would take in excess of 83 hours to process this request.

In the circumstances, at the present time, Department would be required to divert significant resources from its current operations in order to assess and then decide whether to grant, refuse or defer access to the large number of documents to which your request relates, or to grant access to edited copies of such documents, including resources that would have to be used to examine the documents, or to consult with any person or body in relation to the request, and to make copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

This diversion would result in a significant drain on the resources of the area within the agency that would be required to process this request. To process the request would require a complete diversion from that area's ability to carry out their normal functions and activities.

In light of the above, I am satisfied that your request would substantially and unreasonably divert the resources of the Department from its other operations and that a practical refusal reason applies to your request as it currently stands. Therefore, I am required to consult with you under s.24AB of the Act regarding the scope of your request.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

In order to assist you in re-scoping the request to make it more manageable, I suggest that:

1. The time period be reduced so that it only captures all documents between the period of 1 January 2017 to present.
2. The subject matter regarding the Department's compliance with *Legal Services Directions* be narrowed down to the specific provisions of the *Legal Services Directions 2017*.

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or
- withdraw your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact Reetu Kakkar at foi@homeaffairs.gov.au.

Reetu Kakkar
Authorised Decision Maker
Department of Home Affairs