



## Australian Government

### Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT  
BARTON

FOI

FOI/PMO/2013/014

Nikos Thomacos  
foi+request-427-c4b75924@righttoknow.org.au

Dear Mr Thomacos

I refer to your email of 30 September 2013 in which you made a request addressed to the Prime Minister under the *Freedom of Information Act 1982* (FOI Act) as follows:

I am aware that 20 business leaders/ people are accompanying you on your current trip to Indonesia. Can you please release details about who these 20 people are, and also details regarding the process and reasons that these 20 people were chosen.

#### Authorised decision-maker

Under arrangements in place for decisions on freedom of information (FOI) requests made to the Prime Minister, the authorised decision-maker for your request on behalf of the Prime Minister is Mr Shaun Schmitke, Senior Adviser, Office of the Prime Minister (the Office).

As the Department of the Prime Minister and Cabinet (the Department) provides administrative support to the Prime Minister in relation to FOI requests made to him, I am writing to provide you with more information on your request.

#### Notice of practical refusal reason

I write to advise you that Mr Schmitke considers your FOI request does not provide such information concerning the documents requested as is reasonably necessary to enable the Office to identify the documents in accordance with section 15(2)(b) of the FOI Act. This constitutes a 'practical refusal reason' under section 24AA(1)(b) of the FOI Act. On this basis, Mr Schmitke intends to refuse access to your request.

Before Mr Schmitke makes a decision to refuse the request for a practical refusal reason, 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. You have **14 days to respond** to this notice in one of the ways set out below.

## **Reasons for intention to refuse your request**

Mr Schmitke considers the terms of your request do not provide sufficient information to identify the documents. You have requested the Prime Minister provide you with information rather than seeking access to specific documents. The right of access provided under the FOI Act is to existing documents, rather than to information. The FOI Act does not require an agency or Minister to create a new document in response to a request for access, except in certain limited circumstances where the applicant seeks access in a different format or where the information is stored in a computer system rather than discrete form.

For this reason Mr Schmitke considers your request in its current form does not provide such information concerning the documents as is reasonably necessary to enable the Prime Minister to identify the documents.

## **Publicly available information**

We are aware that there has been significant news reporting about the Prime Minister's trip to Indonesia and understand that much of the information you are seeking may already be publicly available.

## **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed. In providing guidance on revising your request to remove the practical refusal reason, Mr Schmitke suggests you explain in more detail the specific documents you wish to access.

Before the end of the consultation period, you **must** do one of the following, in writing:

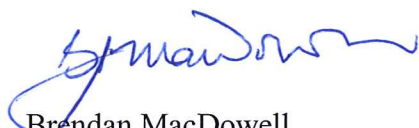
- withdraw your request;
- make a revised request; or
- advise that you do not wish to revise your request.

The consultation period runs for 14 days and will start on the day after you receive this notice. If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30 day time limit for processing your request.

If you have any queries, the contact officer for your request is the FOI coordinator, contactable on telephone (02) 6271 5849, or email to [foi@pmc.gov.au](mailto:foi@pmc.gov.au).

Yours sincerely



Brendan MacDowell  
A/g Assistant Secretary  
Parliamentary and Government Branch

5 November 2013