



**Australian Government**

**Department of Health**

Department Reference: FOI 189-1718

Mr Simon Victory

By email: [foi+request-4347-dfa4086f@righttoknow.org.au](mailto:foi+request-4347-dfa4086f@righttoknow.org.au)

Dear Mr Victory

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB  
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 29 January 2018 to the Department of Health (Department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

*'I am seeking documents in relation development and ongoing maintenance of the National Public Toilet Map (located at <https://toiletmap.gov.au/>), such as contracts/MoUs/implementation strategies of a technical nature.*

*To help guide and confine your search, I am looking for:*

*\*MoUs/contracts between the Department of Health and Department of Social Services (who are the data.gov.au custodians of the toilet map dataset <https://data.gov.au/dataset/553b3049-2b8b-46a2-95e6-640d7986a8c1>)*

*\*MoUs/contracts between the Department of Health and other Departments/Agencies or Private entities that relating to the toilet map*

*\*Design or implementation strategies for toiletmap.gov.au (you may get this from the Department's Enterprise Architecture section)*

*\*Any documents relating to the future of toiletmap.gov.au beyond 2018 (not including Instant Messages, but may include official documents shared between website development teams or external vendors)*

*Documents pre-2012 may be safely ignored if the content is covered/updated in more recent document (e.g. documents for the website design/implementation in 2006 is different to the documents for the current or post-2012 design/implementation, of which I am looking for the latter)'*

**Practical refusal reason**

I have considered the scope of your request. I am satisfied, for the reasons set out below, that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations (the 'practical refusal reason') (s 24AA(1)(a)(i) of the FOI Act).

## **Intention to refuse access**

Before I can make a decision to refuse access to the documents on the basis of the practical refusal reason, the FOI Act requires me to undertake a request consultation process which gives you an opportunity to revise your request (s 24(1)(a) & s 24AB).

This letter constitutes a written notice in accordance with s 24AB(2) of the FOI Act giving you a 14-day period to consult with the Department about the terms of your request.

## **Substantial diversion of resources**

The reasons for my assessment that a practical refusal reason exists is as follows. I have considered your request and have assessed the work that would be involved in processing a sample of relevant documents from one financial year, including both the searches required to identify the documents relevant to your request and the examination of these documents for decision making. As set out below, the scope of your request would require a substantial amount of work.

### *Search and Retrieval*

A preliminary assessment of the sample has identified in excess of 36 documents comprising approximately 377 pages contained across numerous electronic files that would need to be examined to identify relevant documents. I estimate that it would take over 3.5 hours to search, retrieve and schedule the documents. The number of hours is calculated based on the following:

- 30 seconds to review each page and tag the relevant pages falling within the scope of the request; and
- 30 seconds per document for preparation of the schedule of documents for review by the decision maker.

This means that it would take a Departmental officer working on the task full time (7.5 hours a day) approximately half a business day to complete the search and retrieval of documents that fall within the scope of the request. During this period, other duties expected of that officer would not be attended.

### *Decision Making*

To discharge my responsibility as decision maker, it would take me, on a conservative estimate, an average of 3 minutes to examine and make a decision about each page. This could take up to 19 hours of my time (or approximately two and a half business days).

It is estimated that your request in its current form would take, at a minimum, 22.5 hours (or 3 business days) to process.

Given that you request information from 2012, it is apparent that it would encompass searching for and retrieving documents spanning five financial years. On that basis, it would take approximately at least 15 business days to process your request in its current form.

As a senior executive officer in the Department and the decision maker for your request, if I were to work on nothing other than your FOI request, this would unreasonably divert me from my other tasks.

### **Unreasonable diversion of resources**

Having formed the view that processing your FOI request would substantially divert the Department's resources from its other operations, I have considered whether this substantial diversion of resources would be 'unreasonable' in the circumstances.

The Department's In-Home Aged Care Division is responsible for facilitating access to aged care services for older Australians including arranging needs assessments and helping consumers find services that meet their needs. The Home Support and Hearing Branch within that division helps older people to remain at home and be more independent in the community through funding entry-level support and care services through the Commonwealth Home Support Program, and more complex home care services. The branch is also responsible for administering the Australian Government Hearing Services Program.

Reallocation of limited staff resources to deal specifically with your freedom of information request would compromise the Department's ongoing divisional work set out above. This would need to be significantly altered as a result if the work of your request is to proceed in its current form. I am therefore of the opinion that utilising adequate resources to process your request would result in an unreasonable diversion of resources of the Department from its other operations.

Having regard to the volume of documents falling within the scope of your request, the amount of available resources that would be required and the impact on the administration of the Department's usual activities, processing your request would involve both a substantial and unreasonable diversion of resources from the Department's other operations.

On this basis, I am satisfied that a practical refusal reason exists for the purposes of paragraph 24AA(1)(a) of the FOI Act.

### **Consultation period**

The consultation period during which you can consult the below contact person is **14 days** commencing after today and ending on **Thursday 8 March 2017 at 5:00pm**.  
**Contact person**

## Contact person

The contact person whom you may consult is **Bev Hamming** who can be contacted by telephone on 02 6289 2971 or by email at [bev.hamming@health.gov.au](mailto:bev.hamming@health.gov.au)

## What you need to do

Under s 24AB(6) of the FOI Act, you are required to notify the Department, in writing, before the end of the consultation period that you either:

- (a) Withdraw your request;
- (b) Make a revised request; or
- (c) Indicate that you do not wish to revise the request.

Under s 24AB(7), your request will have been taken to be withdrawn if you neither contact the Department's FOI Coordinator during the 14 days nor do any of the things mentioned above at (a), (b) and (c) before the consultation period ends.

## Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2018C00016>

Yours sincerely



Nick Morgan  
Assistant Secretary  
Home Support and Hearing Branch

22 February 2018