



Mr Shane Townsend

via email: [foi+request-4559-c2a70047@righttoknow.org.au](mailto:foi+request-4559-c2a70047@righttoknow.org.au)

Dear Mr Townsend

**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 4 May 2018, for access under the *Freedom of Information Act 1982* (FOI Act) to:

*'All video footage of animals on board live animal export ships that have departed Australia since 1 November 2017.'*

**Practical refusal reasons**

Under s 24AA(1)(a)(i) of the FOI Act, 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'. Under s 24 of the FOI Act, an agency may also refuse an FOI request if a practical refusal reason exists in relation to a request after a request consultation process.

Based on advice from the departmental business areas, the scope of your request, as presently worded, would involve departmental officers spending an excessive number of hours assessing whether the documents (consisting of video footage) were appropriate for release. The process would also include consulting with third parties about them.

A conservative estimate from the relevant departmental business area indicates documents within the scope of your request would involve 33.5 hours of footage and 870 video files. It would take many staff hours initially to inspect the footage.

In addition to the retrieval and inspection of the footage, the footage contains both personal and business information that could not be released without consultation with those individuals and businesses, who may also be required to inspect the footage and provide their comments. The decision making process would require a significant amount of staff hours to undertake consultations, examine the footage, consider relevant exemption provisions, edit the footage for release if required, and prepare a decision.

The impact of processing the request would be significant and adversely affect the department's Live Animal Exports Branch and the Freedom of Information team. Even if officers were assigned to deal with the request on a dedicated basis, it would be possible to process the request in the statutory timeframes. It would also have a clear detrimental effect on the other operations that these officers perform.

I also note that even if the above tasks were performed, the video footage may not be released due to obligations of confidentiality, business and personal information exemptions.

On this basis, it appears the work in processing your request on the above terms would involve a substantial and unreasonable diversion of departmental resources from other required operations. The department therefore intends to refuse access to the document(s) you requested. However, before a final decision is made 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.

### **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.

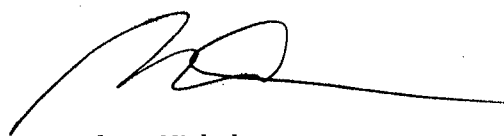
If you do not consult with the department or do one of these things within the next 14 days, your request will be taken to have been withdrawn. Even with consultation, if the scope of your request cannot be sufficiently revised, the request may be refused.

Please note that 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**

If you have any questions or seek assistance, you can contact FOI Officer, Ms Louise Dorrian by telephone on (02) 6272 4927 or email [foi@agriculture.gov.au](mailto:foi@agriculture.gov.au).

Yours sincerely



Melissa Nickols  
Director (A/g)  
FOI and Privacy Section  
Assurance and Legal Division

13 June 2018