



Charlie Schroeder

Email: [foi+request-4715-62d1f9c5@righttoknow.org.au](mailto:foi+request-4715-62d1f9c5@righttoknow.org.au)

Dear Mr Schroeder

**Freedom of Information Request No.180716**  
**Notification of practical refusal reason**

I refer to your request of 27 July 2018 to the Department of the Environment and Energy (the **Department**) under the *Freedom of Information Act 1982* (the **FOI Act**). Your request seeks access to:

*a copy of all reports, approval requests, letters, documents and management plans pertaining to East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria (EPBC 2009/5017) submitted to the Minister for Department of Environment and Energy, or any previous name of that department, from January 2009 to July 2018*

**Practical refusal reason**

I am writing to inform you of my intention to refuse the above request, as it attracts a practical refusal reason.

Your request for documents is very broad in scope. As identified above, it appears to capture the majority of documents submitted to the Minister in connection with the East Gippsland Shire Council Poplar Removal Program - Grey-headed Flying-fox (*Pteropus poliocephalus*) Summer Camp, Bairnsdale, Victoria EPBC approval number 2009/5017 over the last nine and a half years. Preliminary searches have identified in excess of 1,000 pages of documents falling within the scope of your FOI request. The request will also require the Department to retrieve and review a number of years of archived paper files, and create copies of any relevant documents identified in those files.

I consider that due to the large number of pages and documents identified within the scope of the request thus far, and the further searches required, to process your request, including searches of archived paper files, the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.

Pursuant to section 24 of the FOI Act, I am therefore satisfied that a 'practical refusal reason' exists and intend to refuse your request for this reason. Prior to making a decision to this effect, the Department is required to undertake a 'request consultation process' with you (pursuant to section 24AB of the FOI Act).

**Request consultation process**

The purpose of the process is to assist you in refining the scope of your request so that the 'practical refusal reason' no longer exists.

The request consultation process will run for 14 days after the day you receive this notice. This period may be extended with the agreement of both parties. The processing period for your FOI request is suspended during the request consultation period.

Before the end of the consultation period, you **must** take one of the following actions by written notice to the Department via its FOI Contact Officer (details below):

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

If you do not take one of the above steps within 14 days after the day that you receive this notice, your request will be taken to have been withdrawn.

For clarity, the Department considers a "revised request" to be request that captures a certain amount of documents subject to your original scope, however does not attract a practical refusal reason.

### **Suggestions for making a revised request**

The simplest way to make a revised request is to amend the scope of your existing request, either through removing certain items or adding qualifiers to the scope. Taking these steps usually results in less documents being captured by the scope of the request, and removing the practical refusal reason.

With respect to your request you could:

- redraft your request so that it no longer seek documents "pertaining to" any aspect of the subject matter concerned;
- identify specific documents or categories of documents with detail that you are interested in
- further limit the date range of the request;
- placing qualifiers on the scope of your request, identifying categories of documents that you are *not* interested in.

### **Further assistance**

You may contact the FOI Contact Officer at the following addresses:

**By post:** FOI Contact Officer  
General Counsel Branch  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

**By email:** [foi@environment.gov.au](mailto:foi@environment.gov.au)

**By phone:** (02) 6274 2098

Yours sincerely



Greg Manning  
Assistant Secretary  
Assessment & Post Approvals Branch

6 August 2018