



Australian Government

Department of Health

Department Reference: FOI 881

Ms Melissa Sweet

Via email: foi+request-4895-1dc43727@righttoknow.org.au

Dear Ms Sweet

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

I refer to your request of 13 October 2018 to the Department of Health (Department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

'all of the Department's documents and reports about the health impacts of climate change since 2014.'

Background

On 13 October 2018, you made two requests to the Department of Health (Department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

- *'all of the Department's documents and reports about the health impacts of climate change since 2014'* (FOI 881); and
- *'all Ministerial briefing papers and documents about climate change and its health impacts that have been prepared since 2014'* (FOI 888)

You advised the Department via telephone on 23 October 2018, that you agreed to withdraw FOI 888, as the scope of this request would be captured in FOI 881. The Department requested written confirmation via email on 24 October 2018. While you are yet to provide written confirmation, you indicated via telephone on 26 October 2018 that you agreed to withdraw FOI 888 and would respond in writing shortly. Except where expressly stated, this letter relates to FOI 881.

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 your request, in 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 your request has identified in excess of 998 documents comprising approximately 5, 988 pages contained across numerous electronic files that would need to be examined to identify relevant documents. I estimate that it would take over 58 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 7.7 business days 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.

Departmental officers are yet to search numerous other locations, which would also need to be examined to identify relevant documents, including further electronic files saved on departmental officers' work computers, email inboxes, notebooks, and records held within other Divisions of the Department. This would increase the time required to search, retrieve and schedule the documents and, in turn, to process your request.

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 299 hours of my time (or approximately 40 business days).

It is estimated your request in its current form would take, at a minimum, 357 hours (or 47.6 business days and a half) to process.

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 Portfolio Strategies Division works to ensure health policies and programs are integrated, strategic and outcomes focused at a portfolio-wide level; and works across the Department to bring a whole of system perspective to health and ageing - both internally and externally. The Strategic Policy Branch leads the Department's engagement on safety and quality, and emerging complex health issues such as climate change, implications of genomic and other emerging technologies/practice.

Reallocation of limited staff resources to deal specifically with your FOI 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 reasons 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 **5:00pm Thursday 15 November 2018**.

Contact person

The contact person whom you may consult is the Department's FOI Coordinator who can be contacted by telephone on (02) 6289 1666 or by email at FOI@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;
- (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.

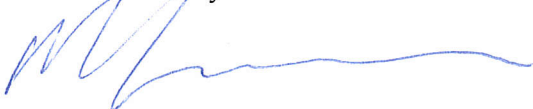
Could you please also provide written confirmation that you wish to withdraw FOI 888. If you do not do so, FOI 888 will be taken to be withdrawn.

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/C2018C00310>

Yours sincerely



Moira Campbell
A/g Assistant Secretary
Strategic Policy Branch

1 November 2018