



Australian Government
**Australian Pesticides and
Veterinary Medicines Authority**

Our reference: G11008 (LEX 3782)

7 April 2014

Mr Adam Presnell

By email: foi+request-526-91540cf8@righttoknow.org.au

Dear Mr Presnell

**Freedom of Information Request
Notice of Decision on Access
GLORICIDE**

1. On 21 February 2014 you submitted the following request under the *Freedom of Information Act 1982 (FOI Act)*:

Please provide copies of all correspondence/notes/briefs etc with the Commonwealth Government, Queensland Government, Sunshine Coast Regional Council, Biosecurity Queensland and Mark Steele regarding GLORICIDE.

2. On 27 February 2014 the APVMA advised you that the request in its current form had the potential to substantially and unreasonably divert the resources of the agency from its operations. On this same date you submitted the following revised request:

I wish to receive documents, emails, notes, decision notices etc relating to GLORICIDE to all Government Departments and to Mark Steele that the APVMA has.

The matter commenced in 2010, so all documents between todays date 27/2/2014 and 1/1/2010.

3. On 21 March 2014 the APVMA issued you with a 'Notice under s24 of the FOI Act of intention to refuse your request and invitation to consult'. On this same date you submitted the following revised request:

If i can't have access to all your information in relation to GLORICIDE, please provide all correspondence, advise, notes, briefings etc for the Office of the Prime Minister or the Prime Minister, DAFF (Comm) or the Minister, Commonwealth Ombudsman, Office of Chemical Safety, Department of Environment, Safework Australia and Barrister Mark Steele.

4. I am an officer of the Australian Pesticides and Veterinary Medicines Authority (**APVMA**) authorised under section 23 of the FOI Act to make decisions in respect of access requests. I am also authorised to make decisions in respect of the publication of information released in response to access requests.

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Decision

5. Pursuant to section 24(1)(b) of the FOI Act, I have decided to refuse access to the documents subject to your request as the work involved in processing the request would result in a substantial and unreasonable diversion of resources from the APVMA's other operations.
6. A statement of reasons in support of my decision is at **Attachment 1**.

Review and complaint rights

7. You may seek review of this decision if you are not satisfied with it. Further information about your review rights is available in FOI Fact Sheet 12 published by the OAIC, available at http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI-fact-sheet12_your-rights_online_April2011.pdf. Please be aware that if you wish to seek review of this decision you have 30 days from receiving this letter to seek internal review, or 60 days to seek OAIC review.
8. If you are concerned about the way your FOI request was handled you may complain to the OAIC. Information about this process is available in FOI Fact Sheet 13 published by the OAIC, available at [http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI fact sheet13 how to make a complaint.pdf](http://www.oaic.gov.au/images/documents/freedom-of-information/foi-factsheets/FOI_fact_sheet13_how_to_make_a_complaint.pdf).
9. If you have any questions, wish to seek internal review of this decision by the APVMA, or require assistance accessing a copy of the FOI Act or FOI Fact Sheets 12 or 13; please contact the FOI team at foi@apvma.gov.au or on (02) 6210 4785.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dwayne Currie'.

Mr Dwayne Currie
Acting Deputy General Counsel
Legal Program



STATEMENT OF REASONS FOR MR PRESNELL

Material relied upon

1. I gave regard to the following material:
 - a. the terms of the applicant's request dated 21 February 2014 and subsequent revised requests of 27 February 2014 and 21 March 2014;
 - b. the FOI file (G11008) which records the management and processing of this FOI request;
 - c. the 'Notice under s24 of the FOI Act of intention to refuse your request and invitation to consult' issued by the APVMA on 21 March 2014;
 - d. correspondence with the applicant in relation to the request;
 - e. the Guidelines issued under section 93A of the FOI Act by the Office of the Australian Information Commissioner (the Guidelines);
 - f. the FOI Act including the objects provision;
 - g. advice from the Information Technology Operations group within the APVMA, whom retrieved the documents subject to the request of 21 March 2014; and
 - h. the documents subject to the request of 21 March 2014.

Reasons for decision

2. The applicant has revised his scope twice during the processing of this request. The APVMA advised the applicant in relation to both his initial scope of 21 February 2014 and his revised scope of 27 February 2014 that they would result in a substantial and unreasonable diversion of resources.
3. To assist the applicant with refining his scope, the APVMA issued a 'Notice under s24 of the FOI Act of intention to refuse your request and invitation to consult' on 21 March 2014 (the notice). The notice provided six suggestions that would limit the scope and requested that more specific information be provided about the documents sought as part of the FOI request. On 21 March 2014 the applicant submitted a revised request that did not implement any of these suggestions.
4. Section 24AB(3) of the FOI Act requires the APVMA to take reasonable steps during a request consultation period to assist the applicant with revising their request so that the practical refusal reason no longer exists. However the applicant in this case has not taken steps to implement any of the APVMA's suggestions to revise the scope of his request and has not made any indication that he will do so in the future. This limits the effectiveness of any reasonable steps that the APVMA can take. Unfortunately I cannot identify any further assistance that would be reasonable or effective in revising the scope of this request.



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5. The applicant has previously been informed of the reasons why his initial request of 21 February 2014 and his revised request of 27 February 2014 would be refused. I do not intend to repeat those reasons here. My decision below relates to his most recent revised request of 21 March 2014.
6. As part of determining whether the scope of this request would result in a substantial and unreasonable diversion of resources, the APVMA Information Operations group retrieved every email that met the scope of the applicant's request. This process yielded 97 emails containing a total of 4730 pages. I estimate that it would require 1204 hours to process this FOI request in full, including the identifying of relevant material, consulting with third parties and making a decision on the release of the documents.
7. The APVMA is a small agency with limited resources to manage FOI requests. I find that the work involved in processing this request would substantially and unreasonably divert the resources of the APVMA from its other operations and I refuse the request for access pursuant to section 24 of the FOI Act.