



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI
FOI/2019/086

Freedom Fighter of Information

By email: foi+request-5348-970e2fcc@righttoknow.org.au

Dear Freedom Fighter of Information

I write in relation to your request, dated 3 April 2019, and made to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the Act) in the following terms:

I would like to re-submit this request to seek access to the documents that were included in Caroline Millar's folder for the February 2019 session of the Senate Committee for Finance and Public Administration.

Authorised decision-maker

The authorised decision-maker for the request is Mr Justin Hayhurst, First Assistant Secretary, International Division.

Refusal of large requests

The Act provides that an agency may refuse a FOI request if it is satisfied that its processing would substantially and unreasonably divert the resources of the agency from its other operations.

However, before an agency can refuse a request in this manner, it is required by section 24AB of the Act to give the applicant a notice advising of the decision-maker's intention to refuse the request and inviting the applicant to consider revising it to make it more manageable.

Notice of intention to refuse the request

Preliminary searches conducted by the relevant line area indicate that there are over 40 documents comprising over 400 pages within scope of your request

It is estimated that processing these parts of the request would already take at least 73 hours. The process involves, firstly, identifying the material within the scope of the request and, secondly, deciding whether that material should be released. Documents would then have to be checked, possible redactions made, third parties consulted, a schedule of documents prepared and a decision letter written. Such tasks would be very time consuming, particularly given the large number of third parties who would potentially be consulted.

Hence, the decision-maker is of the view that the work involved in processing the request, in its current form, would substantially and unreasonably divert the resources of the Department from its other operations. Consequently, the decision-maker intends, at this stage, to refuse the request under subsection 24(1) of the Act on the above grounds.

Opportunity to revise the request

You may consider revising the scope of request by, for example, specifying a particular topic. You may wish to refer to the 2018-2019 Additional estimates webpage (https://www.aph.gov.au/Parliamentary_Business/Senate_Estimates/fpa/2018-19_Additional_estimates) to assist in revising the scope.

You are welcome to contact us on foi@pmc.gov.au or (02) 6271 5849 to discuss how the request may be revised.

Action required

Section 24AB of the Act provides that you must do one of the following, in writing, within the next 14 days:

- revise the request;
- indicate that you do not wish to revise it; or
- withdraw the request.

If you do *not* do one of the above within the next 14 days, the request will be taken to have been withdrawn.

If you were to revise the request in a way that adequately addresses the above concerns and makes it manageable, the Department will continue to process it.

No guarantee of access

Please be aware that even if you revise the request to enable it to be processed, there is still no guarantee that documents will ultimately be released. That is a matter for the decision-maker to decide in the usual manner after examining the relevant documents. The issue we are addressing at the moment is whether the request can be processed – not what the eventual outcome may be if it is processed.

Calculation of 30 day period

Please also note that the time taken to consult with you regarding the scope of the request is not taken into account for the purposes of calculating the 30 day period during which the Department is required to take all reasonable steps to process the request.

Yours sincerely



Senior Adviser
FOI and Privacy Section

17 April 2019