



JS

Email: [foi+request-5529-bbf38ba3@righttoknow.org.au](mailto:foi+request-5529-bbf38ba3@righttoknow.org.au)

Dear JS

**Freedom of Information Request No. 190717**  
**Decision on Access**

I refer to your request of 24 July 2019 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:

*Under FOI I seek access to documents to which FOI applicants have been given access to since 18 December 2018. I limit the scope of the request to documents the release of which should have been subject to an entry in the disclosure log.*

**Authority**

I am authorised by the Secretary of the Department under section 23 of the FOI Act to make a decision in relation to your request.

**Decision**

I have decided to refuse access to the documents under section 24 of the FOI Act. This is because, after undertaking a request consultation process with you, I am satisfied that a practical refusal reason still exists.

Read overall, the request seeks documents released to applicants since 18 December 2018. Our records show that 75 document sets have been identified that fall within the scope of the request, capturing over 10,000 pages.

On 23 August 2019, I notified you of my intention to refuse your request, as it would attract a practical refusal reason. That is, the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations. In that notification you were invited to revise the scope of your request so that the practical refusal reason no longer exists.

On 4 September 2019, you confirmed that you did not wish to revise the scope of your request. You also indicated that it was not reasonable for the Department to conclude that a practical refusal reason existed because the Department should have already uploaded documents to the disclosure log consistent with the requirements under the FOI Act.

As I acknowledged in my letter of 23 August 2019, the Department is currently experiencing a back log in uploading documents onto the Department's disclosure log. Please be assured that we are taking steps to reduce the back log in uploading documents onto the Department's disclosure log.

I consider that, due to the number of documents, excessive page count and our current efforts towards working through the backlog, processing the request would substantially and unreasonably divert resources of the agency from its other operations.

**ATTACHMENT A** contains information regarding your review rights, should you wish to seek review of my decision.

**Further assistance**

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

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

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

Yours sincerely



Kate Lalor  
Acting General Counsel  
General Counsel Branch

17 September 2019

**ATTACHMENTS:**

**A.** Information sheet "Your Review Rights"



## **YOUR REVIEW RIGHTS**

You may seek review of this primary decision either internally by the Department (internal review), or externally by the Information Commissioner (Information Commissioner review).

### **Internal review**

An internal review is a review of the decision conducted by a senior officer within the Department. The reviewing officer will not be the same person whom made the primary decision.

If you wish to seek an internal review, you must submit a written application to the Department within 30 days after the day you are notified of this decision. Whilst there is no required form for the written internal Review application, it is recommended that you include your reasons as to why the primary decision should be reviewed.

The decision on the internal review will be provided to you within 30 days of the Department receiving your application.

You can submit your written internal review application to the below addresses:

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

**Post:** FOI Contact Officer  
General Counsel Branch  
Department of the Environment and Energy  
GPO Box 787  
Canberra ACT 2601

### **Information Commissioner review**

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Department, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

**Online:** <https://www.oaic.gov.au/freedom-of-information/foi-review-process>  
**Post:** GPO Box 5218, Sydney NSW 2001  
**Fax:** 02 9284 9666  
**Phone:** 1300 363 992  
**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

