



Australian Government
Attorney-General's Department
Office of Corporate Counsel

13/2343
28 February 2013

Mr Patrick Gardner

Sent via email only: foi+request-60-caeb55b9@righttoknow.org.au

Dear Mr Gardner

Re: Section 24AB - Notice of Intention to Refuse

I refer to your request made under the *Freedom of Information Act 1982* (the Act) received by this Department on 10 February 2013. You have sought access to:

'(a) Electronically available documents prepared prior to Australia's ratification of the Australia-United States Free Trade Agreement ('AUSFTA'), which discuss amendments to the Copyright Act (1968) in order to comply with provisions of AUSFTA.

(b) Electronically available documents prepared following Australia's ratification of AUSFTA, of the same kind requested in (a).

(c) Any electronically available correspondence with the Productivity Commission in relation to the impact of AUSFTA on intellectual property rights and associated legislation.

Please consider items (a), (b) and (c) as separate requests. If there is to be a substantial delay in providing this information, please advise, as a general indication of the quantity of documents fitting into (a) and (b) may satisfy those requests.

I am, pursuant to arrangements approved by the Secretary of this Department under section 23(1) of the Act, authorised to make decisions on behalf of this Department, in relation to this matter.

Accordingly, I have obtained advice from relevant line areas of this Department on how many documents would need to be examined to process your request. I am advised that the documents you have sought comprise many thousands of pages of material. Once all such material was located and examined, extensive consultation would then be necessary, both within and outside the Department and to include a foreign government. As you will appreciate, that would be a very resource and time consuming task.

Sections 24 and 24AA of Act – Unreasonable Diversion of Resources

Sections 24 and 24AA of the Act together allow an agency to refuse a request where its processing would *'substantially and unreasonably divert the resources of the agency from its other*

operations'. In short, based on the above advice from the relevant line areas of this Department, I believe that the processing of your request, as it is presently worded, would involve a substantial and unreasonable diversion of the resources of this Department.

Section 24AB - Notice of Intention to Refuse

Subsection 24AB(2) of the Act provides that where an agency believes that the processing of a request would involve such a diversion of resources, it must give the applicant a written notice advising of its intention to refuse the request on that ground – and at the same time give the applicant an opportunity to narrow the scope of the request to render it manageable.

Accordingly, pursuant to subsection 24AB(2) of the Act, I am hereby providing you with notice that, unless your request is significantly revised and its ambit significantly narrowed, I intend to refuse it on the above ground.

In accordance with subsection 24AB(6) of the Act, you now have 14 days to either:

- withdraw your request;
- revise your request; or
- advise that you do not wish to revise your request.

During this 14 day period, which concludes on Wednesday 13 March 2013, you are welcome to consult with me and seek my assistance in revising your request. Briefly, the simplest ways of reducing the scope of your request would, of course, be to limit either the time frame and/or the subject matter.

Please note that subsection 24AB(7) of the Act provides that if you have not consulted me, or have not done any of the three things mentioned above, within 14 days of the date on which you receive this letter, your request will be deemed to have been withdrawn.

Yours sincerely,



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