



Mr James Dickson

By email: [foi+request-613-e0f28353@righttoknow.org.au](mailto:foi+request-613-e0f28353@righttoknow.org.au)

Dear Mr Dickson

I refer to your correspondence received by the Department of Education (the department) on 15 May 2014, in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

*Any and all internal correspondence, ministerial briefing papers, policy documents, memos or file notes relating to any proposal to amend the payment thresholds and payment rates for the Higher Education Loan Program (HELP) between 8 September 2013 and 14 May 2014.*

#### **Notice of intention to refuse your FOI request**

I am now writing to notify my intention to refuse your request under section 24 of the FOI Act because I am satisfied that a practical refusal reason exists under subparagraph 24AA(1)(a)(i) in that processing your request would amount to a substantial and unreasonable diversion of the department's resources.

Accordingly, I am initiating a request consultation process under section 24AB of the FOI Act, and I encourage you to contact me within 14 days of receiving this notice to further discuss your request (more information is provided below).

#### **Substantial and unreasonable diversion of resources**

I have consulted with departmental officers in the Higher Education Funding Branch regarding the number and nature of documents held by the department which are likely to be relevant to your request, and the work involved in processing your request. I am advised that the department holds approximately 47 documents consisting of approximately 332 pages, and includes documentation which would require consultation with other government departments. This includes a number of documents that were prepared for Cabinet and would require consultation with the Department of Prime Minister and Cabinet.

Based on the above, I have formed the view that the scope of your request is voluminous and the work required to process your request would involve a substantial and unreasonable diversion of the department's resources from its operations. Accordingly, I am initiating a request consultation process under section 24AB of the FOI Act, and I encourage you to contact me within 14 days of receiving this notice to further discuss your request (more information is provided below).

#### **Request consultation process**

In accordance with section 24AB of the FOI Act, I am now writing to provide you with an opportunity to make a written submission in support of your request as currently worded, or to revise the scope of your request so that the practical refusal reason no longer exists. Alternatively, you may also withdraw your request at this stage.

As a starting point, you may wish to consider:

- excluding certain categories of documents (such as documents prepared for Cabinet); or
- limiting the time period of the creation of the documents you have requested.

You have **14 days** from the day you receive this letter to contact me and do one of the following:

- (a) withdraw your request;
- (b) make a revised request; or
- (c) indicate that you do not wish to revise the request.

You can contact the department by writing to the following address:

Attention: Alexandra Brown  
Child Care, Corporate and External Review Legal Branch  
Legal and Compliance Group  
Department of Education  
LOC: C12MT1-LEGAL  
GPO Box 9880  
CANBERRA ACT 2601

Alternatively, you can send an email to [foi@education.gov.au](mailto:foi@education.gov.au).

If you do not contact the department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

If you have any questions about this matter, please do not hesitate to contact Alexandra Brown on 02 6240 2570 or me on 02 6121 5966.

Yours sincerely



Kirsten Burns  
Senior Government Lawyer  
Child Care, Corporate and External Review Legal Branch  
Legal and Compliance Group

6 June 2014