



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2020/039

Mr Andy Johnson

By email: foi+request-6134-7cb27c8d@righttoknow.org.au

Dear Mr Johnson

I refer to your valid request dated 18 February 2020, made to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

I would like to request a copy of the recent Gaetjens report as well as all documents that both informed and were informed by the report.

Media reports are excluded.

Authorised decision-maker

The authorised decision-maker for your request is Mr Peter Rush, Assistant Secretary, Parliamentary and Government Branch.

Notice and reasons for intention to refuse your request

Section 24(1) of the FOI Act provides that an agency may refuse a request if it is satisfied that the request raises a practical refusal reason.

Section 24AA of the FOI Act provides that for the purposes of section 24 of the FOI Act a request raises a practical refusal reason in relation to an agency if:

- the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations (section 24AA(1)(a)(i) of the FOI Act); and/or
- the request does not satisfy the requirement in section 15(2)(b) of the FOI Act that a request provide such information concerning the document as is reasonably necessary to enable a responsible officer of an agency to identify it (section 24AA(1)(b)).

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

The work involved in processing the FOI request would substantially and unreasonably divert the resources of the agency from its other operations (section 24AA(1)(a)(i) of the FOI Act)

Preliminary searches undertaken by the Department, based on the particular terms of your request, have so far identified over 250 documents (excluding media reports) potentially falling within the scope of your request.

Before the decision-maker can make a decision regarding any disclosure of documents, these documents would need to be examined. The decision-maker has formed the view that, in order to process your request, the task of thoroughly examining the material identified to date, firstly to assess whether the material is within the scope of your request and, secondly, to decide whether that material should be released, will be substantially time consuming. Documents would then have to be checked, possible redactions made, third parties consulted, a schedule of documents prepared and a decision letter written, which would also add to the time required to process your request.

Based on a conservative estimate of two pages per document, the Department estimates that the time involved to process your request would be over 100 hours.

For the reasons given above, the decision-maker considers that your request raises a practical refusal reason under section 24AA(1)(a)(i) of the FOI Act. Accordingly, the decision-maker intends, at this stage, to refuse your request under section 24(1) of the FOI Act.

Opportunity to revise the request

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the specific documents you wish to access. We will assess whether any revised request has removed the practical refusal reason.

You may wish to consider revising the scope of your request by, for example:

- specifying a timeframe;
- limiting your request to external correspondence to and from the Department.

Action required

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

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

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

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

Calculation of 30 day period


Please note that the time taken to consult with you regarding the scope of your 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 your request.

No guarantee of access

Please be aware that even if you revise your 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 your request can be processed – not what the eventual outcome may be if it is processed.

Should you wish to discuss any aspect of your request, please contact the Department by email at foi@pmc.gov.au or by phone 02 6271 5849.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'A. Haley'.

A/g Senior Adviser
FOI and Privacy Section

19 March 2020