



Australian Government
Attorney-General's Department

FOI14/113

11 July 2014

Mr Brendan Molloy
By email: foi+request-642-c1c006a2@righttoknow.org.au

Dear Mr Molloy

Freedom of Information Request no. 14/113

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) for access to documents relating to the implementation of the Korea-Australia Free Trade Agreement.

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this Department from its other operations. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you have requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

You have sought documents relating to:

"Documents, including advice, that contributed to the development of the view that the implementation of the Korea-Australia Free Trade Agreement would require amendments to the Copyright Act 1968 as per paragraph 17 of the National Interest Analysis."

I have decided that a practical refusal reason exists because I have determined that processing this request would substantially and unreasonably divert the resources of this Department from its other operations.

I have considered the elements provided in subsection 24AA(2) of the FOI Act in making this determination, including the resources required to:

- a. identify, locate or collate the documents within the filing system of the Department
- b. decide whether to grant, refuse or defer access to a document, or to grant access to an edited copy (including resources required to examine the document, or conduct any necessary consultation)
- c. make a copy, or an edited copy, of the documents, and

- d. notify you of any interim or final decision on the request.

In identifying the practical refusal reason in relation to your request I took the following factors into account:

1. Approximately 420 documents fall within the scope of your request and would need to be considered; and
2. Processing your request would involve approximately 94 hours of work, comprising:
 - Approximately 16 hours to retrieve, sort and prepare electronic copies of the documents and prepare a schedule which identifies those documents
 - Approximately 33 hours to review the relevant documents in order to make decisions about granting access
 - Approximately 35 hours to conduct necessary consultations, and
 - Approximately 10 hours to draft a statement of reasons and document schedule, and to prepare documents for release.

Taking into account the other work of the Department, I consider this to be a substantial and unreasonable diversion of the Department's resources from its other operations.

Request consultation process

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 documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, such as limiting your request to documents created within a particular timeframe, the Department will be able to pinpoint the documents quicker, and avoid using excessive resources to process documents you are not interested in obtaining. Further, you may also wish to consider amending your request to exclude particular documents, such as internal emails of an administrative nature, drafts that precede final copies of documents, or duplicate documents.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request, or
- advise the Department that you do not wish to revise your request.

The consultation period is for 14 days and will commence on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

Contact officer

If you would like to revise your request or if you have any questions concerning the request consultation process or practical refusal reason identified above, please contact Jorja Wallace, by telephone on 02 6141 6666 or by email foi@ag.gov.au quoting the reference FOI 14/113 in your correspondence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Walter', written over a horizontal line.

Andrew Walter
Assistant Secretary
Commercial and Administrative Law Branch

