



Australian Government
Attorney-General's Department

14/8456

18 July 2014

Mr Brendan Molloy
Councillor
Pirate Party Australia
Email: foi+request-656-71762278@righttoknow.org.au

Dear Mr Molloy

Freedom of Information Request no. FOI 14/123

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) for access to documents relating to submissions received on the exposure draft Bill, which proposed amendments to the *Racial Discrimination Act 1975* (the Act).

On 20 June 2014 you requested access to submissions provided to the Department regarding proposed amendments to the Act. Specifically you sought access to:

All submissions to the consultation into amendments to the Racial Discrimination Act 1975.

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

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to the number of documents and the extent of third party consultation required. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you 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

I have decided that a practical refusal reason exists because a large number of documents fall within the scope of your request. As a result, processing your request would require diversion of significant staff resources from the other operations of the Department.

In determining that a practical refusal reason exists I have had regard, as required under subsection 24AA(2) of the FOI Act, to the resources that would have to be used for:

- identifying, locating or collating the documents within the filing system of the agency

- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request)
- making a copy or edited copy of the documents, and
- notifying of any interim final decision on the request.

There are over 5,000 documents, comprised of approximately 7,000 pages, within the scope of your request. Allowing an average of five minutes for each document, I have estimated that over 400 hours would be required for officers of the Department to examine each document. That examination would be necessary to determine, in relation to each submission, whether or not the author had requested that the submission not be made public and whether consultation would be required prior to making a decision to grant access to the submission. Additional time would be required to conduct consultations with those authors who may wish to content that a document is conditionally exempt under section 47F of the FOI Act because it contains personal information and that access to it should be refused.

Following completion of the consultations, additional time would have to be spent by Department officers in drafting an appropriate statement of reasons for a decision on your request, preparing a schedule of documents and preparing copies of the documents.

Based on this assessment of the work involved, I am satisfied that processing your request in its current form would be an unreasonable diversion of the resources of this Department 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, our Department will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

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

- withdraw your request
- make a revised request or
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts 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 have any questions, the contact Meagan Wilson on (02) 6141 6666 or by email at foi@ag.gov.au.

Yours sincerely



Stephen Bouwhuis
Assistant Secretary