



**Australian Government**  
**Department of Industry, Science,  
Energy and Resources**

Our ref: 66860

Denis Jakota

By email: [foi+request-6624-f459ca40@righttoknow.org.au](mailto:foi+request-6624-f459ca40@righttoknow.org.au)

Dear Denis

**Freedom of Information Act – Notice of intention to refuse**

I refer to your request received by the Department of Industry, Science, Energy and Resources (the department) on 21 August 2020, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

*In relation to TMINUS ACCELERATOR, all periods of leave approved for this contractor, and all correspondence between this contractor and the department between 10 June 2018 and 30 June 2018 inclusively.*

**Background**

On 9 September 2020, you were notified that you were liable to pay a charge for the processing of your request in the amount of \$195.98. You were also advised at this time of the need to conduct a third party consultation in relation to your request.

On 10 September 2020, the department received a payment in the amount of \$195.98 for the processing of your request. Subsequently, in accordance with section 15(6) of the FOI Act the time limit was extended by 30 days to allow for third party consultation.

This preliminary assessment of charges was based on approximately 15 documents consisting of 20 pages, and at least one third party who would need to be consulted under section 27 of the FOI Act.

In the process of retrieving the relevant documents, the department identified additional documents that may be within the scope of your request. Thus far, the department has identified approximately 20 additional documents that contain several large attachments. The attachments relate to applicant applications and therefore will require third party consultation. In total, the additional documents are estimated to consist of approximately 635 pages.

On this basis, I am of the view your request may be too voluminous to process.

**Intention to refuse**

Under subsection 24(1) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to this request. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

My view is based on a conservative estimate that over 127 hours of decision making and processing time is required to deal with this request. I also wish to advise that:

- I estimate that there are approximately 40 documents consisting of approximately 635 pages relevant to your request as presently framed;
- There are at least four third parties identified in the relevant documents and consultation will be required prior to considering possible release of many of the documents falling within the scope of the request; and
- Many of the documents you are seeking contain sensitive information that requires more decision making time, thus adding to the voluminous nature of your request.

In accordance with section 24(1)(a) and 24AB of the FOI Act, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

### **Request consultation process**

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a 'practical refusal reason' no longer exists. Although it is your responsibility to suggest ways that your request may be revised and narrowed, you may consider limiting your request to particular topics or particular timeframes.

Further, you may wish to consider the following suggestions to revise the scope of your FOI request (please note that these are suggestions only and do not guarantee the practical refusal reason/s will no longer exist):

- Consider excluding all third party information. This will substantially reduce the number of pages identified as relevant to your request and the amount of decision making time required.

Should you wish to revise your request, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at [FOI@industry.gov.au](mailto:FOI@industry.gov.au).

Under subsection 24AB(6) of the FOI Act, you must, before the end of the 14-day consultation period, do one of the following by written notice to the department:

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

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection(6) before the end of the consultation period.

In accordance with subsection 24AB(8) of the FOI Act, the 14-day consultation period is to be disregarded in calculating the processing period for the request.

Your written response should be addressed to:

FOI Coordinator  
Department of Industry, Science, Energy and Resources  
GPO Box 2013  
CANBERRA ACT 2601

Or by email to: [FOI@industry.gov.au](mailto:FOI@industry.gov.au)

**Payment received**

Should you wish to revise your request and the department deems your revised scope acceptable to process, you will be issued a revised Notice of Charge (revised charges) and the payment already received by the department in the amount of \$195.98 will be applied to the revised charges for the processing of your request. In the event the revised charges are less than the amount you have already paid, the overpayment amount will be refunded to where the payment originated from.

If you decide to withdraw your request or indicate that you do not wish to revise your request, the payment already received by the department in the amount of \$195.98 will be refunded to where the payment originated from.

Should you wish to discuss this matter further, please contact the FOI team on 02 6102 8423 or by email at [FOI@industry.gov.au](mailto:FOI@industry.gov.au).

Yours sincerely



Sasha Pestic  
Senior FOI Officer  
Legal, Audit & Assurance  
1 October 2020