



Our reference: FOIREQ20/00233

Julie

By email: foi+request-6953-12b09c50@righttoknow.org.au

Freedom of Information request FOIREQ20/00233

Dear Julie,

I refer to your request for access to documents made under the *Freedom of Information Act 1982* (Cth) (the FOI Act) and received by the Office of the Australian Information Commissioner (OAIC) on 7 December 2020.

In your email of 7 December 2020 (3.12am) you sought access to the following:

“For the purposes of the Freedom of Information Act, I request copy of documents relating to AusTender CN371714
[In your subsequent email of 7 December 2020 \(3.30am\) you sought access to the following:](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2F4a6ddba6-17c5-4962-8151-8391888ffa32&data=04%7C01%7Clegal%40oaic.gov.au%7C82c590bd56244db984a308d89a01ab0a%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428679890630667%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=zZRNZuTZU1k1z93ZlzRUHcPOk2pTr35mFLfvTzS8JLk%3D&reserved=0”</p></div><div data-bbox=)

“I amend my scope to also include documents relating to:

* AusTender CN3711121

[* AusTender CN3700621](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2F4a6ddba6-17c5-4962-8151-8391888ffa32&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=C1iU0oANW6X%2FPc33pVvAGr1NaEysCGeZQJkqDRQinSI%3D&reserved=0</p></div><div data-bbox=)

[1300 363 992
\[enquiries@oaic.gov.au\]\(mailto:enquiries@oaic.gov.au\)](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2Fb2df63a6-f14d-4a10-abd0-d71f099b0b8f&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCi6Mn0%3D%7C2000&sdata=C1iU0oANW6X%2FPc33pVvAGr1NaEysCGeZQJkqDRQinSI%3D&reserved=0</p></div><div data-bbox=)

[uMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=%2BThga3FjtCle0mf6bwrMJlopKYdiO7WaysB3o%2BqYZ0g%3D&reserved=0](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2F2671b392-c6a2-411f-b132-ee4d6b74d86f&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=OYE9UN%2FhEq3jGZlr9CLRCbEcnSz0XOsa0maNLG88FYo%3D&reserved=0)

* AusTender CN3695712

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2F2671b392-c6a2-411f-b132-ee4d6b74d86f&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=OYE9UN%2FhEq3jGZlr9CLRCbEcnSz0XOsa0maNLG88FYo%3D&reserved=0>

* AusTender CN3694802

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2Fd099f04b-8669-4590-b6c4-7d93c67d00ab&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=b%2FgNtlmG0UKkC%2BncvuVoZ3RFnEN2ufW4hYJ1j5G3%2F%2FY%3D&reserved=0> and

* AusTender CN3693305

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.tenders.gov.au%2FCn%2FShow%2F505cc6c0-15ca-44db-8c8e-745dccc8f78&data=04%7C01%7Clegal%40oaic.gov.au%7Cbbe0fd21f3b74c587bae08d89a041f5d%7Cea4cdebd454f4218919b7adc32bf1549%7C0%7C1%7C637428690281102412%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCI6Mn0%3D%7C2000&sdata=J5eN20sZ%2F5%2BmSwUq64ka9tirfn9UAzEk3tvSkxwFnLU%3D&reserved=0> - including any document identifying the need for \$59K+ resilience development program for the less than 100 ongoing Oaic staff members (making it roughly \$600 per ongoing staff member to teach them how to be resilient)”.

On 25 December 2020 you clarified the scope your request and confirmed that in your request you are referring to:

- AusTender CN3717147 not AusTender CN371714.
- AusTender CN3711121 – not the hyperlink provided which goes to Contract Notice View - CN3717147

On 15 January 2021 I wrote to you that I believed the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Oaic from its other operations due to its size and broad scope. I explained that a failure to comply with these requirements is a ‘practical refusal’ reason under s 24AA of the FOI Act.

I gave you an opportunity to consult me to revise your request to remove the practical refusal reasons and asked you to confirm whether you wanted to revise your request, withdraw your request or whether you did not want to revise your request.

I advised you that the consultation process ran for 14 days and that you must respond by Friday 29 January 2021. I advised you that you could ask me for help to revise your request during this period. I provided you with my email address and direct phone number.

Request consultation process

A request is taken to be withdrawn under s 24AB(7) of the FOI Act if the applicant does not consult the contact person during the consultation period in accordance with the notice or:

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

In my letter of 15 January 2021 I advised you that if you did not do one of these three things during the 14 day consultation period or you did not consult me during this period, your FOI request will be taken to have been withdrawn.

I did not receive a response from you to my letter of 15 January 2021. Accordingly, under s 24AB(7) of the FOI Act, this FOI request is taken to be withdrawn. Your file is now closed.

Yours sincerely,

John Molloy
Senior Lawyer

4 February 2021