



OFFICIAL

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: **Melissa Jones**
Right to Know

Notice of Request Consultation Process

Dear Ms Jones,

Your freedom of information request - FOI/2021/030

1. I refer to your request for access to documents, made to the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act).
2. I am an officer authorised by the NIAA's Chief Executive Officer under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Requirement to undertake a Request Consultation Process

3. I am writing to tell you that I intend to refuse access to the documents you requested because I believe that your request does not provide enough information as is reasonably necessary to enable the NIAA to identify the documents you are seeking. This is called a 'practical refusal reason' (section 24AA of the FOI Act).
4. However, before I make a final decision to refuse access to the documents you requested, 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.
5. You have 14 days to respond to this notice in one of the ways set out under the heading 'How to respond to this notice'.

Summary

6. On 11 June 2021, you requested access to documents in the following terms:

*'Dear Aboriginals Benefit Account Advisory Committee,
Please provide a dollar figure for the last 5 financial years general ledger for the department.
We are not asking for the details being the GL just the expenditure by line item for the department for the 5 years'*

7. On 22 June 2021, you were advised your request had been transferred to the NIAA under section 16(1)(b) of the FOI Act.
8. On 22 June 2021 and 2 July 2021, the NIAA sought clarification from you about what documents you wish to access. No response has been provided.

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Why I intend to refuse your request

9. I am satisfied that a practical refusal reason exists in relation to your request under section 24AA(1)(b) of the FOI Act because:
- (a) Your request is addressed to the 'Aboriginals Benefit Account Advisory Committee' (the Committee), however you express that you are seeking access to a dollar figure for the general ledger for 'the department'. It is unclear if you are seeking information about the Committee, or the NIAA.
 - (b) The NIAA has attempted to clarify the scope of your request on 22 June 2021 and 2 July 2021, to allow reasonable searches for documents to be undertaken, but did not receive a response from you.
 - (c) Your request in its current form is to access information, rather than documents. Without additional clarification from you, the NIAA is unable to reasonably identify the specific documents you are seeking access to.
10. I am satisfied that the NIAA does not have enough information as is reasonably necessary to allow a responsible officer in the NIAA to undertake reasonable searches for documents.

Request consultation process

11. You now have an opportunity to revise your request to enable it to proceed.
12. Revising your request can mean 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 agency will be able to undertake searches to identify the documents you wish to access.
13. To assist you further, please note the Committee advises the Minister for Indigenous Australians on Aboriginals Benefit Account payments for projects that will benefit Aboriginal people living in the Northern Territory. The NIAA administers the Aboriginals Benefit Account, which is a special account established under the *Aboriginal Land Rights (Northern Territory) Act 1976*.
14. Some options for you to revise the scope of your request include:
- specifying if you are interested in documents containing financial information about the Aboriginals Benefit Account Advisory Committee, or the Aboriginals Benefit Account, or the NIAA, and
 - providing a category of documents you are interested in (for example, financial statements, annual report, general ledger summary accounts).
15. Please note, providing the additional information as suggested above may not be sufficient to allow a reasonable office to undertake reasonable searches and may still result in a practical refusal. However, we consider that providing additional information about your request in one or more of the ways suggested above would increase the chances of the NIAA being able to process your request.

How to respond to this notice

16. 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.



17. The consultation period runs for 14 days and starts on the day after you receive this notice. Please address your response to the contact officer:

The FOI Coordinator
National Indigenous Australians Agency
foi@niaa.gov.au

18. During the consultation period, you are welcome to seek assistance from the contact person I have listed above 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 time limit for processing your request.

19. 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.

20. Please note that if you indicate that you do not wish to revise your request, or you revise your request in such a way that does not remove the practical refusal reason, I may refuse your request under paragraph 24(1)(b) of the FOI Act.

21. You may contact the FOI Coordinator at foi@niaa.gov.au if you have any questions about this notice.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Maria Babler'.

Maria Babler

A/g Branch Manager
Finance and IT Branch

7 July 2021