



Australian Government
**Australian Customs and
Border Protection Service**

Customs House
5 Constitution Avenue
Canberra ACT 2601

21 March 2013

Red

BY EMAIL: foi+request-75-7feab2b7@righttoknow.org.au

Dear Red

Freedom of Information Request

I refer to your email dated 8 March 2013 in which you request access to documents held by the Australian Customs and Border Protection Service (Customs and Border Protection) under the *Freedom of Information Act 1982* (the FOI Act).

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 its broad nature, size and complexity. 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.

Scope of Request

You have requested access to documents relating to:

"the introduction of alcohol and drug testing for Customs officers, including - but not limited to - discussions between Customs and other parties about the drafting of the Customs (Drug and Alcohol Testing) Regulation 2013, correspondence about the development of internal policies and procedures related to alcohol and drug testing, copies of the finalised policy and procedure documents, reports on any such testing undertaken already (minus personal details, but including such information as date of test, state in which test was conducted, results, etc.), documents related to any staff or union consultation on the matter and their feedback, etc."

In order for your request to be valid it must not substantially and unreasonably divert the resources of the agency from its other operations.

Grounds for Practical Refusal

Please note that a general request for all documents concerning a particular subject will likely attract refusal under section 24AA of the FOI Act because it would not be possible for the decision maker to certify that he or she has located every copy of every single document in Customs and Border Protection's possession, which falls within the scope of the request, without conducting a search of every hard copy file and all individuals electronic communication records in the agency.

Preliminary searches have been undertaken in relation to your request, and the Integrity Implementation Team has indicated that they alone hold in excess of 4,283 documents. The time required to search and retrieve these documents and prepare the necessary schedule of documents to facilitate the decision making process is estimated to be in the region of 445 hours.

Additional time would then be required to examine, consult where necessary and prepare a decision in relation to each of the documents retrieved. Without first retrieving the 4,283 documents identified in preliminary searches, it is not possible to give an accurate estimate in relation to the decision making element of your request, although an initial estimate indicates that at least a further 420 hours would be required.

Customs and Border Protection would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the agency. In addition, significant resources would be required to decide whether to grant, refuse or defer access to the large number of documents to which your request relates, or to grant access to edited copies of such documents, including resources that would have to be used to examine the documents, or to consult with any person or body in relation to the request, and to make copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

This diversion would result in a significant drain on the resources of the area within the agency that would be required to process this request. To process the request would require a complete diversion from that area's ability to carry out their normal functions and activities.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

If you wish to revise your request to specify the document(s) you are seeking access to, the agency may be able to process your request and consider whether it holds any relevant documents.

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

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

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact the FOI Coordinator via email at foi@customs.gov.au.

A handwritten signature in black ink, appearing to read 'R. Rush', with a stylized flourish extending from the end of the name.

A/g National Manager Integrity Implementation
Australian Customs and Border Protection