



OFFICE OF THE PRIME MINISTER

Reference: FOI/PMO/2022/004

Mr Jimmy Recard

By email: foi+request-8349-69e27dba@righttoknow.org.au

Dear Mr Recard

I refer to your email dated 31 January 2022, in which you made a request to the Office of the Prime Minister under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**), in the following terms:

Pursuant to the Freedom of Information Act 1982, I seek access to all the documents you hold in relation to correspondence between your office and the Department of Health in regards to the safety of the Pfizer manufactured Covid-19 vaccination "Comirnaty".

This request is a matter of public interest and health and strongly favors access.

Authorised decision-maker

I am authorised to make a decision in this matter on the Prime Minister's behalf.

Practical refusal reasons

Section 24(1) of the FOI Act provides that a request to a Minister may be refused if the decision maker is satisfied that a practical refusal reason exists in relation to the request.

Section 24AA(1)(a)(ii) of the FOI Act provides that a practical refusal reason exists if the work involved in processing the request would substantially and unreasonably interfere with the performance of the Minister's functions.

However, before a request can be refused in this manner, the FOI Act provides that the applicant must be provided with a notice advising of the decision maker's intention to refuse the request and inviting the applicant to consider revising it to make it more manageable.

Notice of intention to refuse your request

I am of the view that the work involved in processing your request, in its current form, would substantially and unreasonably interfere with the performance of the Prime Minister's functions.

This is mainly because of the broad timeframe, expansive categories of documents covered in your request, and the likelihood of a need to conduct third party consultation.

The Prime Minister is the head of the national government and your request presents a significant challenge to the day-to-day execution of his duties. Should your request be processed, there are several considerations that will need to be taken into account.

Firstly, the work of both the Prime Minister and his staff will be delayed and there are likely to be many unmet demands on their time. Secondly, searches for documents potentially meeting the terms of your request, if such documents exist, are likely to be time-consuming. Thirdly, there is a risk of inappropriate or inadvertent disclosure of sensitive information about the Prime Minister's activities and his discussions or meetings with a wide range of people or on a range of issues.

As a result, and to adequately avoid these risks, processing your request would require dedicated resources and a significant allocation of time, which would need to be balanced with national issues that the Prime Minister and his staff deal with on a daily basis.

I consider that processing your request, in its current terms, would substantially and unreasonably interfere with the performance of the Prime Minister's functions, considering the other responsibilities of the Prime Minister and the demands on his time and those of his Office.

Therefore, I intend, at this stage, to refuse your request under section 24(1) of the FOI Act.

Opportunity to modify request

In accordance with the requirements of section 24AB of the FOI Act, I am therefore notifying you of my intention to refuse your request under section 24(1) of the FOI Act and inviting you to consider revising your request by, for example, narrowing the time period for the documents you are seeking, or reducing the number of named individuals.

Actions required

Section 24AB of the FOI Act provides that you must do one of the following, in writing, within the next 14 days:

- revise your request;
- indicate that you do not wish to revise it; or
- withdraw the request.

If you were to revise your FOI request in a way that removes the practical refusal reason, then the processing period will recommence. If you do not do one of the above within the next 14 days, your FOI request will be taken to have been withdrawn.

Calculation of 30 day period

Please note that the time taken to consult with you regarding the scope of your FOI request is not taken into account for the purpose of calculating the 30 day processing period.

No guarantee of access

Please note that even if you revise your request and it is able to be processed, there is still no guarantee that any relevant documents (if such documents exist) will be released. That is a matter for my decision, in the usual manner. The issue at the moment is whether the request is able to be processed, not what the eventual outcome may be if it were processed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Harris', written in a cursive style.

John Harris
Senior Adviser

28 • March 2022