



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI-2022-209

To BE

Email: foi+request-9222-748ffa04@righttoknow.org.au

Dear BE

I refer to your request to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 4 August 2022.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You set out your request in the following terms:

I seek access under the FOI Act 1982 to Question Time briefs (however described). This request is limited to Question Time briefs for the 47th Parliament (ie Question Time briefs prepared for 27 – 28 July and 1-4 August).

I also request a copy of the Department's current index of Question Time briefs.

Duplicate copies of the same document are not required, although different or updated versions of a document are. If a document contains tracked changes or comments, it is requested that the document be provided in a form where all tracked changes and comments are visible

Practical refusal reason consultation

On 23 August 2022, the Department notified you of the intention to refuse the request under section 24(1) of the FOI Act on the basis that a practical refusal reason exists as the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations. You were provided the opportunity to revise your request to remove the practical refusal reasons.

On 24 August you revised your request to (numbered for reference):

- 1) *I confirm that as suggested I agree to reduce my scope to just the final copy of each QTB as at 4 August 2022 (date of request).*
- 2) *I also request a copy of the index of QTBs as at that day as well in accordance with the original request.*

On 2 September 2022, the Department wrote to you to advise that the revised terms of your request continued to attract practical refusal reasons under section 24AA of the FOI Act.

In relation to Part 2 of your request, the requested QTB Index was provided to you under administrative access arrangements and you were asked to respond with a revised request by 5 September 2022 to enable it to proceed. To date, a response has not been received.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Material taken into account

In reaching my decision I have had regard to the following:

- the terms of your request and the revision
- the FOI Act
- the FOI Guidelines issued by the Information Commissioner¹ (the Guidelines)

Decision

I have decided to refuse Part 1 of your request under paragraph 24(1) of the FOI Act, on the grounds that a practical refusal reason exists.

I acknowledge that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, the Department could not reasonably divert resources to assist in processing this request due to the volume of documents, and the complexity of processing documents that cover a broad range of topics across the Department.

In reaching this view I have considered, firstly that significant consultation will be required with each line area within the Department, some external consultation is also anticipated. Secondly the content from within the documents may be publicly available where such information was made public through the normal proceedings of the Australian parliament including during Question Time. The transcripts from Question Time can be accessed on the parliament of Australia website.

See: https://www.aph.gov.au/Parliamentary_Business/Hansard?wc=04/08/2022

¹ s 93A of the FOI Act

Finally, I have had regard to the public interest in giving access to information held by the Department beyond what is already made public and consider that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

Accordingly, I have decided to refuse to give access to the documents sought in accordance with paragraph 24(1)(b) of the FOI Act.

Review rights

If you disagree with my decision, you may apply for internal review or Information Commissioner review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days after the date of this letter, please attach the reasons why you disagree with the decision. Applications for review should be sent to foi@pmc.gov.au.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter. More information about Information Commissioner review is available [here](#).²

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. More information about complaints is available [here](#).³

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

² <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review>

³ <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint>

You may wish to consider lodging a new FOI request, identifying a specific set of documents. You can use the list of briefs that we provided administratively to assist with identifying those briefs that are of interest to you.

Yours sincerely

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

Ben Keily

A/g Assistant Secretary

Ministerial and Parliamentary Support Branch

Department of the Prime Minister and Cabinet

8 September 2022