



16 August, 2022
FOI ref: 3149

BE

By email: BE [foi+request-9223-cb884a54@righttoknow.org.au](mailto:BE_foi+request-9223-cb884a54@righttoknow.org.au)

Dear BE

FREEDOM OF INFORMATION REQUEST – CONSULTATION

I am writing to you about your request on 4 August 2022 seeking access under the *Freedom of Information Act 1982 (FOI Act)* to the following:

I seek access under the FOI Act 1982 to Question Time briefs (however described). This request is for 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. Names and contact details for departmental staff below the SES level are not required and can be treated as irrelevant under s22 of the Act for the purposes of this request.

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 scope. This is called a 'practical refusal reason' under section 24AA of the FOI Act.

On this basis, I intend to refuse access to the documents you have requested. However, you have an opportunity to revise your request before I make a final decision. This is called a 'request consultation process' in section 24AB of the FOI Act.

You have **14 days** to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

I have decided a practical refusal reason exists because your broad scope has captured 192 documents comprising 967 pages of material prepared by 16 divisions of the Treasury in the relevant periods.

Question Time Briefs (QTBs) typically have two parts. The first part is designed for public disclosure by the Minister in Parliament. The other part sets out background to the first part and is not designed for public disclosure. The background could include information that would be exempt from disclosure under the FOI Act. For example, information obtained from

treasury.gov.au

@treasury_AU

@commonwealthtreasury

@australian-treasury

Langton Crescent
Parkes ACT 2600
Australia

P: +61 2 6263 2800

stakeholders in confidence, information foreshadowing future Cabinet consideration, information affecting the Commonwealth's international relations or relations with State and Territory governments, or information that is protected by copyright and the Treasury's contractual arrangements with the providers of that information. For this reason, all 16 divisions of the Treasury would need to be consulted about the release or otherwise of their background information.

The Treasury has expended 16 hours collating and scheduling the documents within scope of your request. I have allowed two hours per divisional consultation as outlined above, making 32 hours of total consultation time. In view of the total number of pages (967) and potential sensitivities, I have allowed a further 32 hours to examine the relevant material in context of consultation responses received, and to make necessary redactions. Overall, I estimate it would take in excess of 90 hours of departmental time to process your request. This, in my view, constitutes a substantial and unreasonable diversion of the Treasury's resources.

Request consultation process

You have an opportunity to revise your request. This might mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. This will assist the Treasury to focus on the documents that you are most interested in, saving time and resources.

To assist you in this respect, you may wish to consider the following adjustments to the scope of your request:

- Removing draft documents from the scope of your request will reduce the overall number of documents from 192 to 86. Nevertheless, it would still take in excess of 60 hours of departmental time to consult with the Treasury's divisions and complete processing of your request. I therefore do not consider a scope revision of this nature would resolve the practical refusal issue.
- However, removing draft documents from the scope of your request and excluding the background information from each QTB would likely resolve the practical refusal issue because consultation with the Treasury's divisions about the release of potentially sensitive material would no longer be necessary.
- Additionally, you could consider limiting the subject matter of the QTBS to topics of particular interest to you.

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 30-day time limit for processing your request.

What you need to do

You must contact us within 14 days from day after you receive this notice to:

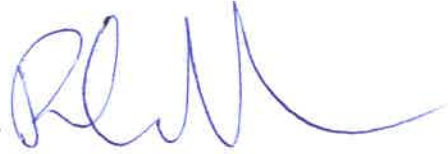
- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

If we do not hear from you within the 14 days, your request will be taken to be withdrawn.

Questions?

The Treasury FOI team is available to help you during the consultation period by phone on (02) 6263 2800 or by email to FOI@treasury.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Matheson', with a long horizontal flourish extending to the right.

Peter Matheson
(A/g) Assistant Secretary, Executive Coordination and Governance
Corporate Division