



Australian Government
Department of Health

Department Reference: FOI 168-1415

Ms Ainsley Sereno

Via Email: foi+request-925-d1b07a3b@righttoknow.org.au

Dear Ms Sereno

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB
OF THE *FREEDOM OF INFORMATION ACT 1982***

I refer to your request of 13 February 2015 to the Department of Health seeking access under the *Freedom of Information Act 1982* (FOI Act), to:

'..any documentation/correspondence between Government and media representatives in relation to the legalisation of medical cannabis in Australia, focusing on NSW.'

I am satisfied, for the reasons set out below, that a practical refusal reason exists in relation to your request. I am now giving you this written notice in accordance with subsection 24AB(2) of the FOI Act.

Intention to refuse access

I intend to refuse access to the document(s) you seek for the following practical refusal reason.

Practical refusal reason

Your request seeks all documentation/correspondence between Government and media representatives on the legalisation of medical cannabis in Australia, focusing on NSW. Following an initial review of documents held by the department I estimate that there are in excess of 550 documents relating to the legalisation of cannabis in Australia.

Search and retrieval

To identify whether the documents relate to medical cannabis or are focussed on NSW, the Department would be required to open every one of the 550 documents. Once relevant documents were identified, a schedule of the documents and relevant correspondence to third parties would need to be made available to the decision maker by other officer(s) of the Department. I estimate conservatively this would take at least 50 hours of an officer's time.

Consultation with third parties

The Department's 'News' Unit has identified at least 50 of the 550 documents as being media response records relating to cannabis prepared since 1 January 2014. Of those 50 responses, at a minimum, 15 media representatives would need to be consulted about release of their information. Consultation with each media representative would take approximately 2 hours to consult and consider their submissions. This would take an officer an additional 30 hours to the estimated 50 hours outlined above.

During this 70 hour period, the range of existing duties expected of that officer would be set aside. Such a diversion of resources is unreasonable.

Decision-making

As indicated above, I estimate that there are in excess of 550 documents subject to your FOI request. The number of pages per document varies with each document, but a conservative estimate is that there would be approximately 1,100 pages.

It would take the decision maker for your request, a senior officer in the Department, on a conservative estimate, at least 130 hours to consider and make a decision about possible exemptions and redactions to the documents.

If the decision maker was to work a 10 hour day, spending 130 hours on nothing other than your FOI request would significantly divert them from other tasks for this period of time. This is a substantial and unreasonable diversion of the resources of the department.

On this basis, I am satisfied that a practical refusal reasons exists for the purposes of paragraph 24AA(1)(a) of the FOI Act.

Consultation

Before access can be refused to the documents you seek, I am required by subsection 24AB(2) of the FOI Act to provide you the name of a contact person who can assist you to revise your request so that the practical refusal reason no longer exists.

The contact person whom you may consult is Dr Robyn Davies, A/g Director, Illicit Drugs, International and Policy Section. Dr Davies can be contacted via telephone on (02) 6289 1666 or email robyn.davies@health.gov.au.

The consultation period during which you can consult the above contact person is 14 days commencing today and ending on **5:00pm Tuesday 24 March, 2015**.

Outcome of consultation

I note that, under subsection 24AB(6) of the FOI Act, you are required to notify this Department, by written notice, before the end of the consultation period that you either:

- (a) withdraw the request;
- (b) make a revised request;
- (c) indicate that you do not wish to revise the request.

Under subsection 24AB(7) your request will have been taken to be withdrawn if you neither contact Dr Robyn Davies during the 14 days nor do any of the things mentioned above at (a), (b) and (c).

Relevant provisions of the FOI Act

The FOI Act, which includes the provisions referred to in this notice, can be accessed on the Comlaw website at <http://www.comlaw.gov.au/Series/C2004A02562>

Yours sincerely



FOI Coordinator

10 March 2015