



**Australian Government**

**Department of Health and Aged Care**

Department Reference: FOI 4102

Ms Andorra Loom

By email: [foi+request-9599-fb29f17b@righttoknow.org.au](mailto:foi+request-9599-fb29f17b@righttoknow.org.au)

Dear Ms Loom

**Freedom of Information Request FOI 4102  
Notice of Practical Refusal**

I refer to your request of 22 November 2022, received by the Department of Health and Aged Care (the department), seeking access to the following documents under the *Freedom of Information Act 1982* (Cth) (the FOI Act):

I am seeking all correspondence between the Department of Health and the Minister for Sport, the Hon Annika Wells MP, relating to the Ministers travel to the 2022 Qatar World Cup.

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

**Power to refuse request**

I am writing to advise that I believe the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the department from its other operations due to its size. This is called a 'practical refusal reason' (see section 24AA of the FOI Act).

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.

**Why I intend to refuse your request**

I decided that a practical refusal reason exists for the reasons set out below.

## Sampling Exercise

In order to assist you with your request, the department has undertaken a sampling exercise and conducted a preliminary assessment of documents identified as relevant to your FOI request held by the Office for Sport, which is part of the department. I anticipate there may be other business areas within the department that would also hold documents relevant to your request.

### *Search and retrieval of documents*

The Office for Sport searched their electronic and hard copy holdings and identified 175 documents comprising approximately 3,200 pages. This search process took approximately 3 hours to complete.

### *Extraction of documents*

Assuming it would take at least one minute to extract each document and save it to a central location where departmental officers responsible for processing your request could access those documents, I estimate extraction and saving each of these documents would take at least 175 minutes or approximately 3 hours to complete.

### *Review and decision making*

Once the documents have been extracted and saved, it would be necessary for the decision maker to carefully review each page of each relevant document to determine whether to grant, refuse or defer access.

I estimate it would take the decision maker an average of 3 minutes to review and make an access decision about each page of the documents. Accordingly, the decision maker would take approximately 160 hours, which equates to more than 20 business days to make an access decision on the documents relevant to your request.

I anticipate the documents would contain the personal and/or business information of third parties. Accordingly, it would be necessary to consult with affected third parties in accordance with the statutory provisions of the FOI Act. Without undertaking a closer review of the content of the documents identified as relevant to your request, I am unable to estimate how long consultation would take.

### *Preparation of documents*

Once the decision maker has made an access decision about each of the documents or parts of documents, it would be necessary for the department to prepare the documents by applying any relevant exemptions to the pages before they are provided to you.

Assuming it would take at least one minute to prepare each page of each document for release, I estimate this process would take more than 50 hours.

### *Preparation of decision and schedule of documents*

The department would then be required to prepare a decision letter, including a statement of reasons setting out the reasons any information has been deleted from the documents, and a schedule of documents, describing each document and identifying any exemptions applied to the documents. I estimate this process would take at least **3 hours**.

### *Summary*

As you may be aware, the FOI Act requires the department to provide a decision within 30 days. Based on the information set out above, I estimate that it would take the department at least **219 hours** to process your request, which equates to more than 5 business weeks. This estimate is derived as follows:

Task	Time (hours)
Search and retrieval of documents (actual time)	3
Extraction of documents (estimate)	3
Review and decision making (estimate)	160
Preparation of documents (estimate)	50
Preparation of decision and schedule of documents (estimate)	3
<b>TOTAL</b>	<b>219</b>

As noted above, this estimate is based on a sampling exercise of the documents held by the Office for Sport. The amount of time necessary to process your request including documents held by other business units within the department, could be higher.

### Substantial and unreasonable diversion of resources

In considering whether the above estimate would constitute substantial and unreasonable diversion of resources of the department, I have taken into consideration the following factors:

- the staffing resources available to the department for FOI processing
- whether the processing work requires the specialist attention of a senior officer, or can only be undertaken by one or more specialist officers in the department who have competing responsibilities, and
- the impact that processing this request may have on other work in the department, including FOI processing and work being undertaken by the Office for Sport.

Based on the information available to me, I am satisfied that the work involved in processing your request, as currently presented, would substantially and unreasonably divert the resources of the department from its other operations.

### **Request consultation process**

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

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, our agency will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

For example, one option for modifying your request would be to seek access to:

The final briefing pack provided to the Minister for Sport relating to her travel to the 2022 Qatar World Cup.

Before the end of the consultation period, you must do one of the following, in writing:

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

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the department's FOI Section. 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.)

If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

### **Legislative provisions**

The FOI Act, including the provisions referred to above, are available on the Federal Register of Legislation website: [www.legislation.gov.au/Series/C2004A02562](http://www.legislation.gov.au/Series/C2004A02562)

### **Contact officer**

For the purposes of this consultation, you may contact the FOI Section on (02) 6289 1666, or you can email us at [foi@health.gov.au](mailto:foi@health.gov.au).

Yours sincerely



Robyn Brunker  
A/g Assistant Secretary  
Policy and Programs Branch  
Office for Sport

16 December 2022