



OFFICE OF THE PRIME MINISTER

FOI Reference: PM/22/023

To Andorra

Email: foi+request-9621-6b8a592b@righttoknow.org.au

Dear Andorra

Thank you for your email dated 28 November 2022 regarding a request to access documents under the *Freedom of Information Act 1982* (the Act).

Terms of FOI request

You set out your FOI request in the following terms:

I request all correspondence between the Prime Minister of Australia and any former Prime Minister of Australia since May 23rd 2022.

Authorised decision-maker

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

Notice of practical refusal reason

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

In considering whether a practical refusal reason exists, I have had regard to the activities specified in section 24AA(2) of the Act, the resources required of the Minister to perform those activities, and if the processing of your request would interfere with the performance of the functions of the Prime Minister and his Office.

I write to advise that subject to possible further clarification, I consider the terms of your request in its current form does not meet the criteria of section 15(2)(b) of the Act due to its broad nature. As a result the work involved in processing the request would unreasonably divert Office resources from its other operations and create a substantial and unreasonable interference with the performance of the Minister's functions.

This is because you have not specified which former Prime Minister(s) you intended to capture as part of your request, or with respect to what subject area the requested correspondence relates to.

This constitutes a 'practical refusal reason' under section 24AA of the Act and on this basis I intend to refuse access to the documents you have requested.

Before a final decision to refuse the request can be made you have an opportunity to revise your request.

This is called a 'request consultation process' as set out in section 24AB of the Act. You have 14 days to respond to this notice.

Request consultation process

You now have an opportunity to revise your request.

Revising your request can mean narrowing and specifying which former Prime Minister(s) is the subject of your request, explaining in more detail the subject matter of the documents you wish to access, or otherwise making the searches for the request more manageable.

Section 24AB of the Act provides that before the end of the consultation period you must do one of the following, in writing, within the next 14 days (6 January 2023):

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

The consultation period runs for 14 days and starts on the day after you receive this notice. During this time, you may wish to seek assistance to revise your request from the contact person listed below.

If you do not do one of the above during the consultation period, your request will be taken to have been withdrawn.

No guarantee of access

Please be aware that even if you revise your request there is no guarantee that documents will ultimately be released. The issue we are addressing currently is whether your current FOI request can be processed.

Calculation of 30 day period

Please note that the time taken to consult with you regarding the scope of your FOI request under this request consultation notice is not taken into account for the purposes of calculating the 30 day period.

Contact officer

Should you wish to discuss any aspect of your request, please contact Janelle at the Department of the Prime Minister and Cabinet, you can contact her by email at foi@pmc.gov.au or by phone 02 6271 5849, quoting reference number PM-22-023.

Please note the Department will be closed from 24 December 2022 to 2 January 2023.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Gory'.

Simona Gory
Senior Legal Adviser
23 December 2022