



Decision and Statement of reasons issued under the *Freedom of Information Act 1982*

Decision and reasons for decision of Frankie (Position Number 62210799),
Information Access Officer, Information Access Unit, Client Access and Rehabilitation Branch,
Department of Veterans' Affairs

Applicant: Mr Alan Ashmore

Decision date: 13 July 2023

FOI reference number: LEX 55801

Sent by email: foi+request-9849-240a7825@righttoknow.org.au

Dear Mr Ashmore,

Freedom of Information Request: LEX 55801

Purpose of this notice

1. The purpose of this notice is to advise you as required under section 24AB of the *Freedom of Information Act 1982 (FOI Act)* that I intend to refuse your request on the basis that a practical refusal reason exists, as defined by section 24AA of the FOI Act.
2. Based on the terms of your request, and from initial searches undertaken to respond to your request, I am of the view that a practical refusal reason exists because:
 - a. Processing your request, as best the Department can understand the terms, is likely to result in a substantial and unreasonable diversion of the Department's resources from its other operations (section 24AA(1)(b) of the FOI Act).

Authority to make decision

3. I, Frankie (Position Number 62210799), Information Access Officer, Information Access Unit, Client Rehabilitation Access Branch, am an officer authorised by the Secretary of the

Department to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the FOI Act.

Scope of your request

4. On 26 January 2023, you made a request for access to documents in the possession of the Department. Your request sought access to:

'...I am seeking all briefing papers, updates, etc. from Liz Cosson and her staff to the new Secretary Alison Frame...'

5. On 3 February 2023, the Department acknowledged your request via email.
6. On 24 March 2023, the Department advised you that there are certain number of documents which require third party consultations under section 27 and section 27A of the FOI Act. In accordance with section 15(6) of the FOI Act, the consultation requirement extended the statutory time period to provide a decision on the request by 30 days.
7. On 28 March 2023, your response email stated the following:

'...I lodged an FOI request on 26 January 2023, "... I am seeking all briefing papers, updates, etc. from Liz Cosson and her staff to the new Secretary Alison Frame...'

A 30 day extension was requested due to the high volume of FOI's being received. I reluctantly agreed to this extension on 1 March 2023 pushing the date for finalisation out to 27 March 2023, i.e. 60 days from date requested.

I note your request received 24 March 2023 advising, "We are required to consult with these third parties under section 27 and section 27A of the FOI Act." then

In accordance with section 15(6) of the FOI Act, the consultation requirement extends the statutory time period to provide a decision on the request by 30 days. This means a decision on your request is now due on 26 April 2023."

I am disappointed at your latest advice and wonder why the "consultation with third parties," etc hasn't been completed within the 60 day period as required by law. I now ask that you advise of where the specific delays have occurred that now results in a further extension to 26 April, some 90 days after the original request that one would expect will be contained in files/documents already produced and given to the new Secretary when she commenced on 23 January 2023.

I also ask that you also respond to the following question.

Why you have advised me of the further extension to 26 April, WITHOUT MY CONSENT?...

8. On 3 April 2023, an email was sent to you advising that under section 27 and section 27A of the FOI Act, an agency may be required to consult third parties on documents located and extend the due date by another 30 days.
9. On 27 April 2023, advised the following:

'...I note your 28 March 2023 email noted in part:

In accordance with section 15(6) of the FOI Act, the consultation requirement extends the statutory time period to provide a decision on the request by 30 days. This means a decision on your request is now due on 26 April 2023."

This FOI request was lodged OVER 3 MONTHS AGO and you have failed to meet the latest date to finalise my request, 26 April 2023.

Unless this FOI request is finalised by no later than Wednesday 3 May 2023 you will leave me with no alternative than to take up an offer from Senator Lambie to prepare a series of questions for her to ask at Senate Estimates due in the next 2 weeks.

I insist that the released information be published on righttoknow and not sent to my personal email address...'

10. On 18 May 2023, the Department sent you an email advising that the processing timeframes have been severely impacted due to the significant number of consultations required to be undertaken with 17 internal business areas, 5 external government departments, and 5 third parties. As per the paragraphs 3.205 and 3.206 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**), when a request involves a large number of documents, it is open to an agency and applicant to consult and agree on a staged approach to the release of the documents. The Department sought your agreement to releasing documents in scope of your request via a staged release over time.
11. On 22 May 2023, you advised:

'...Thank you for your response of 18 May 2023. I note you requested the following:

"We are therefore seeking your consent and agreement for the Department to provide you with the documents via this staged release process. If you

agree to this arrangement, you will receive the released bundles and decision letter for each staged release.

If you agree with our proposed staged release, please respond by COB Tuesday 23 June 2023."

Firstly I assume my response is required by Tuesday 23 May 2023.

Secondly I agree to your request for a staged release of the requested documents on condition that:

: All documents are released to me by no later than 30 June 2023, and

: The release of documents be released on the righttoknow website so other interested veterans

can also view the requested documents...'

12. On 26 May 2023, the Department acknowledged your agreement to a staged release of documents and endeavoured to finalise it by the 30 June 2023, provided that all consultations with the identified areas were completed.

13. On 27 June 2023, you advised:

'...As of today this Information Request is now MORE THAN 5 MONTHS OLD.

In one of my many responses, the latest on 22 May 2023, I agreed to a staged release by no later than 30 June 2023. This was after DVA promised to release the requested information by 23 June 2023.

On 26 May 2023 DVA advised they agreed to release all documentation by 30 June 2023, "provided all consultations are completed." I note this was a qualified response and not in accordance with my agreement, nor DVA's previous agreement to release the requested information by 23 June 2023.

That my initial request is now over 5 months old and should I not have all the requested information IN FULL by 30 June 2023, you will leave me with no alternative but to go public. I will also be writing to the Minister and sending it via my Federal MP. In this way the Minister will have to sign off on my letter.

It's now over to you. As this request is OVER 5 MONTHS OLD, the time for playing games are over.

I urge you to finalise this matter...'

14. On 30 June 2023, the Department formally consulted with you under section 24AB of the FOI Act on the basis that a practical refusal reason exists, as defined by section 24AA of the FOI Act.
15. On 12 July 2023, you advised:

'...I am responding to your correspondence of 30 June 2023 and note the following but first I feel compelled to make a few comments.

By your actions, or lack of actions, where you agreed to progressively release the requested brief from the previous Secretary to the new Secretary in stages by no later than 30 June 2023, you then breached that promise. This is clear evidence of a lack of integrity and a gaming of the FOI system remembering this was after 2 requests to the OAIC for an extension, that I agreed to, with the last one expiring on 26 May 2023.

You then advise the brief has all of a sudden increased from 1610 to 2300 documents and have asked me to either:

- : withdraw my request,*
- : make a revised request, or*
- : indicate that I don't wish to revise my request.*

This raises the obvious question. How can I modify my request when I don't know what the contents of the handover brief are?

In my 27 June 2023 communication I noted that if you failed to release the requested documents by 30 June 2023 I would lodge a formal complaint in writing to Minister Keogh and send it via my Federal MP. This was so Minister Keogh would have to personally sign the response.

I can confirm I have done this and gone even further by lodging a formal complaint to the Commonwealth Ombudsman and cc'd in the Royal Commission. I have already contacted Senator Jacqui Lambie asking her to raise this in the Senate and request the same handover brief you have deliberately stonewalled. As you would be aware DVA have a tight timeline to fulfill Senator Lambie's request.

I ask that you immediately STOP playing your games. My final and not negotiable deadline for the release IN FULL of the handover brief is 31 July 2023. I will shortly make an FOI request for all internal correspondence pertaining to LEX 55801. I will also ensure this starts getting a good run on multiple social media platforms.

Finally, please cease playing your stupid sand pit games...'

16. As extensions of time were applied to process your request in accordance with section 15AB of the FOI Act, a decision on your request is due by 13 July 2023.

Material taken into account

17. In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based and the reasons for my decision to refuse access to your request follow.

18. I have taken the following material into account in making my decision:

- the terms of your request on 26 January 2023;
- correspondences between you and the Department on 24 March 2023, 28 March 2023, 3 April 2023, 27 April 2023, 18 May 2023, 22 May 2023, 26 May 2023 and 27 June 2023;
- the types of information and documents that are in the Department's possession;
- Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth. I also considered the following provisions of the FOI Act relevant to my decision:
 - Section 11B Public interest exemption – factors
 - Section 15 Request for Access
 - Section 24AB Request Consultation Process
 - Section 24AA Practical Refusal Reasons
- the FOI Guidelines.

19. A full extract of all FOI Act provisions used to make my decision are provided in **Schedule 2**.

Reasons for my decision

20. Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied

that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

When does a practical refusal reason exist (section 24AA of the FOI Act)

21. The practical refusal reason applicable to your request is that by processing your request, as best the Department can understand the terms, is likely to result in a substantial and unreasonable diversion of the Department's resources from its other operations (section 24AA(1)(b) of the FOI Act).

Request is substantial

22. Under section 24AA(2) of the FOI Act, the Department must have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the filing system of the agency;
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request);
- making a copy or an edited copy, of the document; and
- notifying any interim or final decision on the request.

23. Further, the FOI Guidelines identify matters that may be relevant when deciding whether processing the request will unreasonably divert an agency's resources from its other functions. These include:

- the staffing resources available to the agency for FOI processing;
- the impact that processing a request may have on other work in the agency, including FOI processing;
- whether an applicant has cooperated in framing a request to reduce the processing workload;
- whether there is a significant public interest in the documents requested; and

- other steps taken by an agency or minister to publish information of the kind requested by an applicant.

Searches Conducted

24. There are approximately 2300 pages of material in over 12 document bundles identified as being relevant to your request. These documents include Executive Briefs and Minutes, Divisional Records and Reports, Departmental Audits and Reports, and Royal Commission into Defence and Veteran Suicide records and accounts.
25. As the Incoming Secretary's briefing package was compiled with the intention of briefing the incoming Secretary on the entirety of DVA's functions and activities, extensive consultation across seventeen (17) internal subject matter experts is necessary to process the request.
26. Since your request was received, the Department spent roughly 55 hours undertaking thorough searches for documents relevant to your request, with the input of 17 separate internal business areas. In addition, it has taken roughly 15 hours in total to consult with 17 internal business areas, 5 third parties and 5 external Government Agencies in relation to the documents so far. Additional time would be required to complete consultations on all the documents in scope of your request.

Sensitivities Identified

27. As previously advised, from the Department's initial review of the documents, a significant proportion of the material is highly sensitive and will require multiple redactions to withhold material considered to be exempt from release under the FOI Act. The likely redactions include sections 47C (documents subject to deliberative processes), 47F (documents affecting personal privacy), 47E (documents affecting certain operations of agencies), 47G (documents disclosing business information), 47D (documents affecting financial or property interests of the Commonwealth) and 47 (documents disclosing trade secrets or commercially valuable information) of the FOI Act.

Processing the Documents

28. In order to assess whether the request is voluminous for the purposes of section 24AA(1)(a)(i), the Department processed a small sample of the requested documents (166 pages in total) in order to project the time and resources that would be required to process the request in its current form. It took an officer of the department six (6) hours and fifty-five (55) minutes to review and process around 166 pages of material within the sample.

29. Applying this conservative estimate of 2.33 minutes per page (although technical and protected documents will likely need 3-4 minutes per page), it would take a suitably senior FOI Delegate approximately 5,359 minutes or 89 hours (11.7 full business days) to review and mark up redactions for the documents and 15-18 hours to retrieve, review, collate, process and mark up sensitive protected documents.

Total Estimated Timeframe

30. In addition to the estimated time noted above, it would take approximately 12 hours (1.6 business days) to prepare a schedule of documents and draft a decision letter under section 26 of the FOI Act which includes a statement of reasoning any exemption claims made.

Further, the 17 business areas who assisted with searches for the material will require additional time to review the processed documents and express their views in relation to the internal consultation. We estimate a further 1-2 hours per business area (25.5 hours total) to allow for this consultation to occur.

As previously noted, it would take the Department approximately 196.5 hours (or 26.5 business days) to process your request in its current form.

31. Taking these factors into account, I have concluded the request is substantial.

Request is Unreasonable

32. I have considered whether the substantial resource burden would be unreasonable having regard to the following:

- 196.5 hours of processing time is, at face value, an unreasonable burden for a single FOI request, taking into account the need to process multiple requests at any given time, and the impact such a burden would have on responding to other FOI applicants and for the relevant business area to undertake their designated duties.
- Despite the Department's best efforts to progress your request since it was received on 26 January 2023, it is still going to take the Department an additional 126.5 hours to finalise the request on top of the 76.5 hours the Department has so far spent processing the request.

Due to the nature of your request at least 17 separate business areas consultants would be required to spend a significant amount of time and resources in

document retrieval, scoping and consultation activities. This would divert the resources of these teams away from their core functions.

- While we appreciate that there is public interest in the documents requested, the Department actively takes steps to proactively publish information relating to its functions and activities on its public facing website and annual reports.

Summary of Decision

33. In summary, I am satisfied that processing your request, as best the Department can understand the terms, is likely to result in a substantial and unreasonable diversion of the Department's resources from its other operations (section 24AA(1)(b) of the FOI Act).
34. Accordingly, I have decided to refuse your request under section 24(1) of the FOI Act.

Your rights of review

35. If you are dissatisfied with my decision, you may apply for internal review or request the Office of the Australian Information Commissioner (**OAIC**) review my decision. We encourage you to seek internal review as a first step to resolve any concerns you may have.

Internal review

36. 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 of the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.
37. You can make your application for Internal Review in one of the following ways:

Post: Information Access Unit,
Department of Veterans' Affairs
GPO Box 9998, Brisbane QLD 4001

Email: Information.Access@dva.gov.au

OAIC review

38. Under section 54L of the FOI Act, you may apply to the OAIC to review my decision. An application for review by OAIC must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: Director of FOI Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218, Sydney NSW 2001
Facsimile: (02) 9284 9666
Phone: 1300 363 992
Email: FOIDR@oaic.gov.au

39. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Contact us

40. If you wish to discuss this decision, please do not hesitate to contact the Information Access Unit using the following details:

Online: <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/access-information>
Post: Information Access Unit
Department of Veterans' Affairs
GPO Box 9998, Brisbane QLD 4001
Phone: 1800 838 372
Email: Information.Access@dva.gov.au

Yours sincerely,

Frankie (Position Number 62210799)

Information Access Officer
Information Access Unit
Client Rehabilitation and Access Branch
Department of Veterans' Affairs

13 July 2023



Schedule of relevant provisions in the FOI Act

3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
 - (a) requiring agencies to publish the information; and
 - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
 - (a) increasing public participation in Government processes, with a view to promoting better informed decision-making;
 - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
 - (a) a document of an agency, other than an exempt document; or
 - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
 - (a) any reasons the person gives for seeking access; or
 - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.
Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:
 - (a) section 12 (documents otherwise available);
 - (b) section 13 (documents in national institutions);
 - (c) section 15A (personnel records);
 - (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
- (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of exempt document in subsection 4(1).

15 Requests for access (as related to the requirements for requests)

Persons may request access

- (1) Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.

Requirements for request

- (2) The request must:
- (a) be in writing; and
 - (aa) state that the request is an application for the purposes of this Act; and
 - (b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and
 - (c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).
- (2A) The request must be sent to the agency or Minister. The request may be sent in any of the following ways:
- (a) delivery to an officer of the agency, or a member of the staff of the Minister, at the address of any central or regional office of the agency or Minister specified in a current telephone directory;
 - (b) postage by pre-paid post to an address mentioned in paragraph (a);
 - (c) sending by electronic communication to an electronic address specified by the agency or Minister.

23 Decisions to be made by authorised persons

- (1) Subject to subsection (2), a decision in respect of a request made to an agency may be made, on behalf of the agency, by the responsible Minister or the principal officer of the

agency or, subject to the regulations, by an officer of the agency acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the responsible Minister or the principal officer of the agency.

- (2) A decision in respect of a request made to a court, or made to a tribunal, authority or body that is specified in Schedule 1, may be made on behalf of that court, tribunal, authority or body by the principal officer of that court, tribunal, authority or body or, subject to the regulations, by an officer of that court, tribunal, authority or body acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the principal officer of that court, tribunal, authority or body.

26 Reasons and other particulars of decisions to be given

- (1) Where, in relation to a request, a decision is made relating to a refusal to grant access to a document in accordance with the request or deferring provision of access to a document, the decision-maker shall cause the applicant to be given notice in writing of the decision, and the notice shall:
- (a) state the findings on any material questions of fact, referring to the material on which those findings were based, and state the reasons for the decision; and
 - (aa) in the case of a decision to refuse to give access to a conditionally exempt document—include in those reasons the public interest factors taken into account in making the decision; and

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

- (b) where the decision relates to a document of an agency, state the name and designation of the person giving the decision; and
 - (c) give to the applicant appropriate information concerning:
 - (i) his or her rights with respect to review of the decision;
 - (ii) his or her rights to make a complaint to the Information Commissioner in relation to the decision; and
 - (iii) the procedure for the exercise of the rights referred to in subparagraphs (i) and (ii); including (where applicable) particulars of the manner in which an application for internal review (Part VI) and IC review (Part VII) may be made.
- (1A) Section 13 of the Administrative Decisions (Judicial Review) Act 1977 does not apply to a decision referred to in subsection (1).
- (2) A notice under this section is not required to contain any matter that is of such a nature that its inclusion in a document of an agency would cause that document to be an exempt document.
(see section 11A).

24 Power to refuse request--diversion of resources etc.

- (1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:
- (a) must undertake a request consultation process (see section 24AB); and
 - (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists--the agency or Minister may refuse to give access to the document in accordance with the request.
- (2) For the purposes of this section, the agency or Minister may treat 2 or more requests as a single request if the agency or Minister is satisfied that:
- (a) the requests relate to the same document or documents; or
 - (b) the requests relate to documents, the subject matter of which is substantially the same.

24AA When does a practical refusal reason exist?

- (1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:

- (a) the work involved in processing the request:
 - (i) in the case of an agency--would substantially and unreasonably divert the resources of the agency from its other operations; or
 - (ii) in the case of a Minister--would substantially and unreasonably interfere with the performance of the Minister's functions;
 - (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).
- (2) Subject to subsection (3), but without limiting the matters to which the agency or Minister may have regard, in deciding whether a practical refusal reason exists, the agency or Minister must have regard to the resources that would have to be used for the following:
- (a) identifying, locating or collating the documents within the filing system of the agency, or the office of the Minister;
 - (b) deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for:
 - (i) examining the document; or
 - (ii) consulting with any person or body in relation to the request;
 - (c) making a copy, or an edited copy, of the document;
 - (d) notifying any interim or final decision on the request.
- (3) In deciding whether a practical refusal reason exists, an agency or Minister must not have regard to:
- (a) any reasons that the applicant gives for requesting access; or
 - (b) the agency's or Minister's belief as to what the applicant's reasons are for requesting access; or
 - (c) any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.

24AB What is a request consultation process?

Scope

- (1) This section sets out what is a request consultation process for the purposes of section 24.

Requirement to notify

- (2) The agency or Minister must give the applicant a written notice stating the following:
- (a) an intention to refuse access to a document in accordance with a request;
 - (b) the practical refusal reason;
 - (c) the name of an officer of the agency or member of staff of the Minister (the contact person) with whom the applicant may consult during a period;
 - (d) details of how the applicant may contact the contact person;
 - (e) that the period (the consultation period) during which the applicant may consult with the contact person is 14 days after the day the applicant is given the notice.

Assistance to revise request

- (3) If the applicant contacts the contact person during the consultation period in accordance with the notice, the agency or Minister must take reasonable steps to assist the applicant to revise the request so that the practical refusal reason no longer exists.
- (4) For the purposes of subsection (3), reasonable steps includes the following:
- (a) giving the applicant a reasonable opportunity to consult with the contact person;

- (b) providing the applicant with any information that would assist the applicant to revise the request.

Extension of consultation period

- (5) The contact person may, with the applicant's agreement, extend the consultation period by written notice to the applicant.

Outcome of request consultation process

- (6) The applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:
 - (a) withdraw the request;
 - (b) make a revised request;
 - (c) indicate that the applicant does not wish to revise the request.
- (7) The request is taken to have been withdrawn under subsection (6) at the end of the consultation period if:
 - (a) the applicant does not consult the contact person during the consultation period in accordance with the notice; or
 - (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Consultation period to be disregarded in calculating processing period

- (8) The period starting on the day an applicant is given a notice under subsection (2) and ending on the day the applicant does one of the things mentioned in paragraph (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in paragraph 15(5)(b).

Note: Paragraph 15(5)(b) requires that an agency or Minister take all reasonable steps to notify an applicant of a decision on the applicant's request within 30 days after the request is made.

No more than one request consultation process required

- (9) To avoid doubt, this section only obliges the agency or Minister to undertake a request consultation process once for any particular request.