



Australian Government

Department of Health

Department Reference: <FOI-XXXX>

<Title> < Name>

<Position>

< Organisation>

<Address>

<SUBURB> < STATE> < Postcode>

Via email: < >

Dear <Title> < Surname>

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

I refer to your request of <date> to the Department of Health (department) <on behalf of your client XX> seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to the following documents:

'<insert exact wording of request>'

On <DATE>, we sought informal clarification from you regarding your request.

You did not respond to that correspondence.

OR

You responded with the following clarification:

<INSERT>

Practical refusal reason

I have considered the scope of your request of <date>. I am satisfied, for the reasons set out below, that the request does not provide such information concerning the document/s as is reasonably necessary to enable a responsible officer of the department, to identify it (the 'practical refusal reason') (section 24AA(1)(b) of the FOI Act.

Request does not sufficiently identify documents

A formal requirement of making an FOI request is that the request must provide such information as is reasonable necessary to enable a responsible officer of the agency to identify the document that is requested (section 15(2)(b) of the FOI Act).

The department is unable to interpret the working '<insert any part of the request that clarification is required>' as this is quite broad.

For the department to discharge its duty under the FOI Act to conduct 'reasonable searches' it needs to be able to identify the information an Applicant is seeking. Without further clarification on what this item means the department is unable to process this request.

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

Request consultation process

Before I can make a decision to refuse access to the documents on the basis of the practical refusal reason, the FOI Act requires me to undertake a request consultation process which gives you an opportunity to revise your request (section 24(1)(a) & 24AB).

This letter constitutes a written notice in accordance with section 24AB(2) of the FOI Act giving you a 14-day period to consult with the department about the terms of your request. The consultation period during which you can consult the below contact person is 14 days commencing after today and ending on 7 March 2019.

Contact person

The contact person whom you may consult is the department's FOI Coordinator who can be contacted by telephone (02) 6289 1666 or by email at FOI@Health.gov.au.

What you need to do

Under section 24AB(6) of the FOI Act, you have 14 days from the date of this notice, to notify the department, in writing, that you either:

- a) Withdraw your request;
- b) Make a revised request;
- c) Indicate that you do not wish to revise the request.

Under section 24AB(7), your request will have been taken to be withdrawn if you neither contact the departments FOI Coordinator during the 14 days nor do any of the things mentioned above at (a), (b) and (c) before the consultation ends.

How you could revise your request

In considering whether and how to revise your request, please consider:

- Clarifying what is meant by <insert part of the request that requires clarification>;
- Restricting the time period over which you seek documents to; or
- Excluding duplicates, draft documents, or internal correspondence from your request.

Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2019C00288>

Yours sincerely

<Name of decision maker>

<Position>

<Branch/Division>

<Date>