



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 am writing to notify you that the department is unable to process your request as currently framed, and to set out a process for you to consider revising your request so that it can be processed.

If the department is satisfied that a 'practical refusal reason' exists in relation to an FOI request, then after undertaking a request consultation process it may refuse to give access in response to the request.

I have considered the scope of your request of <date>. I am satisfied, for the reasons set out below, that 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: see s 24AA(1)(a)(i) of the FOI Act.

Substantial diversion of resources

Following initial enquiries <which may involve a sampling exercise - see FOI Guidelines paragraph 3.121 >, I estimate that <number> hours of processing time would be required to process your request (excluding the time required to search for and retrieve electronic documents, and make a decision about the release of each document).

The reasons for this are as follows: <insert/remove reasons as applicable>

- I estimate that there are a minimum of <number> documents relevant to your request as presently framed.
- A significant number of relevant documents originate from third parties. I anticipate consultation will be required <with up to (number) individuals/businesses/state and territories or foreign governments> prior to releasing many of the documents falling within the scope of the request.
- The nature of the documents will require various <agency> personnel assess the documents associated with the request before a decision is made.
- <any additional factors>.

In other words, if one person were to dedicate to processing this request full time, it would take them approximately <X business days/ X weeks>.

I consider this to be a substantial diversion of resources.

Unreasonable diversion of resources

I have also considered whether this substantial diversion of resources would be unreasonable in the circumstances. I have considered the following factors:

<insert/remove factors as applicable>

- The subject matter of your request means that [senior] officers from the <insert relevant Branch or Division> will need to be involved in processing the request. <Insert sentence on functions on relevant Branch or division>. Processing your request will necessarily divert officers from this important divisional work.>
- The subject matter of the request is tied more closely to your own personal affairs than to a matter of public importance.
- There is a public interest in the non-disclosure of many of the documents you are seeking, on the basis that they <insert detail about relevant exemption claims, for example unreasonably reveal personal information of individuals (see section 47F) >.

- While the FOI Act recognises a legitimate interest in individuals seeking access to information about themselves, a significant proportion of the material you seek is not of that nature. A more targeted request could still achieve your interests in obtaining information about <description>.

OR

The significant possibility that a narrowed scope of request could satisfactorily meet your legitimate interest in seeking access to documents concerning <subject matter>.

- You have previously made numerous FOI requests and have previously commanded a significant proportion of <department's> FOI capacity for the processing of your previous requests.
- Many documents the subject of this request have been the subject of previous FOI requests by you or otherwise have been, or could be, provided to you in the course of your other matters with <department>.
- <insert any additional reasons>

I am satisfied that processing your request would be an unreasonable diversion of resources, and that a practical refusal reasons exists for the purposes of paragraph 24AA(1)(a) of the FOI Act.

Request consultation process - what you need to do

Before I make a decision about whether 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 (s 24(1)(a) & s 24AB).

This letter constitutes a written notice in accordance with s 24AB(2) of the FOI Act giving you a 14-day period to consult with the department about the terms of your request.

The contact person for this consultation process is the department's FOI Coordinator who can be contacted by telephone on (02) 6289 1666 or by email at FOI@health.gov.au.

Under s 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.

If you do not respond in one of these ways or you do not consult the contact person within 14 days after you receive this notice, your request will be taken to have been withdrawn under s 24AB(7) of the FOI Act. If you indicate you do not wish to revise

your request, I will proceed to make a decision on whether to refuse your request under s 24(1). If you need more time to respond, please contact the department's FOI Coordinator within the 14 day period to discuss your need for an extension of time.

Under s 24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of the things listed above.

How you could revise your request

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

<insert/remove/ amend factors as applicable>

- clarifying what is meant by *<part of request>*
- specifying that by *<part of request>* you mean *<XXX>*
- restricting the time period over which you seek documents to *<the last year/ a particular time frame>*
- restricting your request to *<particular category or subject matter within request>*
- excluding *<duplicates/ draft documents/ internal correspondence>* from your request
- excluding material that would require consultation with *<other individuals/ businesses/ foreign governments>*

The department's FOI Co-ordinator would be pleased to discuss this further with you.

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>