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Freedom of Information (FOI) request

Practical Refusal Consultation Notice

Reference: 2024/217-219-MUL

Deborah

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Dear Deborah,

I refer to your three (3) requests to the Department of the Prime Minister and Cabinet (the Department), under the *Freedom of Information Act 1982* (the FOI Act), received on 11 July 2024.

The terms for each of your request is set out in **Attachment A**.

Notice of combining multiple requests

Section 24(2) of the FOI Act provides that in deciding whether a practical refusal reason exists, two or more requests may be treated as a single request if the agency is satisfied the requests relate to the same documents, or the subject matter of the request is substantially the same. The FOI Guidelines further explain the most common circumstance for a series of requests to be combined is when those requests have been submitted by a single applicant.

You have submitted three requests for access to documents that detail the support provided by Australia to Israel and Palestine, and correspondence sent from the Australian government to the United Nations regarding the topics of Israel and Palestine.

The Department is satisfied that the subject matter across all your requests is substantially the same and, for the purposes of deciding whether a practical refusal reason exists we have combined these requests and decided to treat them as a single request pursuant to section 24(2) of the FOI Act.

Notice of practical refusal reason

Section 24(1) of the FOI Act provides that a request to an agency may be refused if the agency is satisfied that a practical refusal reason exists in relation to that request. An agency can find a practical

refusal reason exists if the work involved in processing the request in its current form would substantially and unreasonably divert the resources of the Department from its other operations.

This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, the decision maker for the request intends to refuse access to the documents you have requested.

However, 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 FOI Act.

You have 14 days to respond to this notice, as set out below.

Reasons for intention to refuse your request

The construction of your requests are broad and complex because you are seeking a large range of information comprising 16 separate components, with portions of the request covering a period of 2000 to 2024 (24 years). Further it is not clear if the Department of the Prime Minister and Cabinet would be the appropriate agency to deal with each aspect of your request, and we would need to make assumptions as to what documents, within our possession, would meet the terms of your request, as a result we do not consider you have met the requirement of section 15(2)(b) of the FOI Act, that is the terms of your request are not sufficient to enable the Department to identify documents. This requires us to consult with you on the terms of your request through a request consultation process.

Further in deciding if a practical refusal reason exists, an agency must have regard to the resources required to perform the following activities specified in section 24AA(2) of the FOI Act:

- identifying, locating or collating documents within the filing system of the agency;
- examining the documents;
- deciding whether to grant, refuse or defer access;
- consulting with other parties;
- redacting exempt material from the documents;
- making copies of documents;
- notifying an interim or final decision to the applicant.

The processing of such a large and complex request will require searches across multiple systems and record repositories, a number of which may be archived and no longer actively used by the Department. The task to search for and retrieve any documents possibly relevant to your request is in and of itself is unreasonable.

In order to process your request, a decision maker would be required to assess each of the documents returned from the searches to determine if they are responsive and then to make a decision on access. This would include deciding whether to grant, refuse or defer access to the documents, requiring the resources of multiple staff, coordinated through the FOI team, to examine

the documents, make copies, or edited copies, of the documents, and to notify you of a decision on access.

Having regard to the nature of the documents requested, it will be necessary for the Department to consult multiple stakeholders across government. We consider it may also be necessary to consult with foreign government agencies, and international organisations, on any documents found to be responsive to your request.

Other matters may be relevant in deciding if a practical refusal reason exists such as the staffing resources available to an agency for FOI processing, whether the processing can only be undertaken by one or more specialist officers in an agency who have competing responsibilities, the impact that processing may have on other work in an agency including FOI processing, and whether there is a significant public interest in the documents requested.¹

The Department acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require the reallocation of resources within an agency in some circumstances. However, in this case, the Department is not able to reasonably divert its resources from its other operations to assist in processing this request. In reaching this view, the Department has had regard to the public interest in providing access to information but considers that this is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment, in particular the processing of other FOI requests.

For the reasons given above, the decision maker considers that processing your request in its current form would create a substantial and unreasonable diversion of the Department's resources from its other operations.

We have provided you with some additional information below to assist you with parts of your request with respect to where you can access public information.

Additional Information

The Department has published documents related to the subject matter of your requests on its FOI Disclosure Log. These are available at:

[Briefs related to Palestinians in Gaza \(foi-pm-24-021.pdf \(pmc.gov.au\)\)](#)

[Documents containing information provided to the Office of the Prime Minister regarding provision of support to Israel following the Hamas attacks on 7 October 2023 \(foi-2023-296IR\)](#)

[Question time briefs regarding Hamas, Israel and Gaza \(foi-2023-334IC\)](#)

¹ 3.117 of the FOI Guidelines

AusTender provides a publication of Australian Government contracts awarded. You can search for contracts entered into on this website.

See: [Contract Notices: AusTender \(tenders.gov.au\)](https://www.tenders.gov.au)

The Department of Foreign Affairs leads Australia's international interests and has made available information related to the subject of your requests.

See: [Homepage | Australian Government Department of Foreign Affairs and Trade \(dfat.gov.au\)](https://www.dfat.gov.au)

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 specific documents you wish to access. You may also wish to consider if you have directed your request, or parts of the request, to the correct agency.

For example, you may wish to consider revising your request in one or more of the following ways:

- specifying a smaller timeframe for the documents you are seeking to access
- reducing your request by identifying a specific part for the Department to respond to, based on our role and functions as set out in the [Administrative Arrangement Orders](#).
- limiting it to certain documents, for example, formal correspondence, briefings or submissions.

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

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

Action required

Section 24AB of the FOI Act provides that before the end of the consultation period you must do one of the following, in writing, within the next 14 days (**by 22 August 2024**):

- 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, 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 withdrawn².

No guarantee of access

Please be aware that even if you revise your FOI request to enable it to be processed, there is still no guarantee that documents will ultimately be released. That is a matter for the decision maker to decide in the usual manner after examining the relevant documents. The issue we are addressing at the moment is whether your FOI request can be processed – not what the eventual outcome may be if it is 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 period³.

Contact officer

Should you wish to discuss any aspect of your request, please contact the Department by email at foi@pmc.gov.au or by phone 02 6271 5849, quoting reference number FOI 2024-217-219-MUL.

Yours sincerely



Janelle Dedakis
Senior Adviser
FOI and Privacy Section
8 August 2024

² s 24AB(7) of the FOI Act

³ s 24AB(8) of the FOI Act



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Attachment A

Terms of FOI requests

FOI Request 1: 2024/217

Under the Freedom of Information Act 1982 (Cth), I am requesting access to documents held by the Department of the Prime Minister and Cabinet concerning the following:

Policies and Directives: All current policies and directives regarding Australia's support and relations with Israel, including but not limited to military, financial, and diplomatic support.

Agreements and Memorandums of Understanding (MOUs): Copies of all agreements, MOUs, and any other formal arrangements made between the Australian government and the government of Israel from January 2000 to the present.

Financial Transactions: Detailed account transactions and financial records showing any form of support or aid provided to Israel by the Australian government. This includes, but is not limited to, monetary aid, military aid, and subsidies.

Correspondence: Copies of correspondence between the Australian government officials and Israeli government officials that discuss or relate to the support provided by Australia, particularly in the context of military and financial aid.

Reports and Briefings: All reports, briefings, and assessments prepared by or for the Australian government departments concerning the impact of Australian support on the political and humanitarian situation in Palestine.

Minutes of Meetings: All minutes or records of meetings between Australian and Israeli officials that discuss matters related to the policies, agreements, and financial transactions listed above.

I request that these documents be provided in electronic format where possible. If certain documents are exempt from release, I request that you provide an index of these documents along with the reasons for exemption as required by the FOI Act.

FOI Request 2: 2024/218

I am seeking access to documents within the Department of the Prime Minister and Cabinet that detail Australia's support for Palestine. My request specifically includes:

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Policies and Directives: All current policies and directives related to Australia's humanitarian, financial, and diplomatic support for Palestine.

Agreements and Memorandums of Understanding (MOUs): Copies of all agreements, MOUs, and any other formal arrangements made between the Australian government and Palestinian authorities or international bodies supporting Palestine from January 2000 to 11 July 2024.

Financial Transactions and Aid Details: Detailed account transactions and financial records showing any form of support or aid provided to Palestine by the Australian government, including humanitarian aid, development aid, financial grants, and specifically aid in the form of food, water, medical supplies, and the dispatch of humanitarian workers.

Correspondence: Copies of correspondence between Australian government officials and Palestinian authorities or representatives that discuss or relate to the support provided by Australia.

Reports and Briefings: All reports, briefings, and assessments prepared by or for Australian government departments concerning the impact of Australian support on the political and humanitarian situation in Palestine.

Minutes of Meetings: Any minutes or records of meetings between Australian officials and Palestinian authorities or international bodies involved in Palestinian aid that discuss matters related to the policies, agreements, and financial transactions listed above.

I request that these documents be provided in electronic format where possible. If certain documents are exempt from release, I request that you provide an index of these documents along with the reasons for exemption as required by the FOI Act.

FOI Request 3: 2024/219

I am requesting access to documents under the Freedom of Information Act 1982 (Cth), specifically seeking copies of all correspondence sent from the Australian government to the United Nations regarding the topics of Israel and Palestine, covering the period from January 2000 to the present day, 2024.

My request includes:

Diplomatic Correspondence: All letters, emails, and communiqués sent to the United Nations or its affiliated bodies that discuss or mention Israel and Palestine, including but not limited to issues concerning conflicts, peace processes, humanitarian aid, and resolutions.

Meeting Summaries: Summaries or records of meetings involving Australian and UN officials where discussions about Israel and Palestine took place.

Position Papers and Briefings: Any position papers, policy briefings, or statements prepared by or for the Australian government for submission to the United Nations regarding Israel and Palestine.

Reports on UN Resolutions: Any communications related to Australian government positions on United Nations resolutions concerning Israel and Palestine.

Please provide these documents in electronic format where possible. If certain documents are exempt from release, I kindly request that you provide an index of these documents along with the reasons for exemption, as stipulated by the FOI Act.