



The Hon Michelle Rowland MP

Minister for Communications
Federal Member for Greenway

Our Reference: MO 25-175

Ash Roth

By Email: <foi+request-12308-29965e53@righttoknow.org.au>

Dear Ash Roth

Freedom of Information Request MO-175 - Notice of Practical Refusal

I refer to your request of 8 November 2024, received by the Minister for Communications (the Minister), seeking access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

all communications (including briefing notes) between the public service and you / your office on the proposed age restrictions or under-age access ban to be imposed on social media platforms that were sent/received between 1 September 2024 and 7 November 2024.

Please exclude personal information of individual staff, documents that are explicitly prepared for submission to Cabinet or National Cabinet, and drafting instructions for legislation.

1 Practical Refusal

Section 24AA of the FOI Act provides that a *practical refusal reason* exists in relation to a request for a document or either (or both) of the following applies:

- (a) the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations;
- (b) the request does not satisfy the requirement in paragraph 15(2)(b).

I am writing to tell you that we believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Minister's Office from its other operations due to its size and complexity. This is called a 'practical refusal reason' (section 24AA).

On this basis, we intend to refuse access to the documents you requested. However, before we make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

2 Why I intend to refuse your request

I consider that a practical refusal reason exists in relation to your request for the reasons set out below.

2.1 Search and retrieval of documents

The Minister's Office has undertaken a preliminary search for documents which may be captured by your request. This includes searches of the email accounts of key advisers in the Minister's Office.

These preliminary searches have identified approximately 2500 items, consisting of an average of 2 pages which contain the keywords specified in your request. However, given the wide scope of your request these documents will require further analysis to determine if they are directly relevant to the terms of your request, or whether they would be excluded based on the exemptions under the FOI Act or the terms of your request.

This preliminary search has taken approximately 3 hours to complete.

2.2 Collation of documents and preparation of schedule

If the Minister's Office were to proceed with your request, each document identified as relevant to it would need to be extracted from the relevant computer systems, and prepared in a format suitable for consideration by the decision maker. For example, emails need to be converted to pdf format, attachments to emails need to be extracted and where necessary converted to other formats, documents may need to be extracted from PDMS, or documents may need to be gathered from the department's document management system. These documents would then need to be centralised for assessment, and where necessary converted to an appropriate file format.

Given the number of documents captured by your request, it would be necessary for a schedule of documents to be prepared listing each document. This will allow us to manage the large number of documents and any complexities associated with those documents, and assist the decision maker in identifying the exemptions that apply to each document.

I note that paragraph 3.174 of the FOI Guidelines, states that:

"Where the request involves numerous documents or complex issues relating to exemptions, a statement of reasons and a schedule of documents attached to a letter to the applicant may be more appropriate."

Assuming this process would take an average of 1 minute per document, I estimate that it would take the Minister's Office a further **41 hours** to collate relevant documents and prepare the schedule for consideration during the decision-making process.

2.3 Decision making process

If the Minister's Office were to proceed with your request, the authorised decision maker would be required to examine each page of each document identified as relevant to your request to decide whether to grant, refuse or defer access to the information in those documents.

Any documents being released to you would need to be prepared for release, including deleting of any exempt and/or irrelevant information from the documents. A decision on access would also need to be prepared, including a statement setting out the reasons any information has been deleted from the documents, as required by the FOI Act.

Based on the above preliminary search and retrieval assessment outlined above, a total of approximately 2500 emails consisting of approximately 5000 pages would need to be reviewed by the decision maker to decide on access to those documents.

Given the nature of the documents identified in our preliminary searches outlined above, I anticipate that additional time would be required to consult with affected third parties in accordance with the statutory provisions of the FOI Act and with external stakeholders as provided for in the FOI Guidelines. I anticipate that this consultation process would take approximately 20 hours to complete.

On the basis that review by the decision maker and the preparation of the documents for release to you would take an average of 3 minutes per page, being a generally accepted standard for this process, I estimate that it would take the decision maker approximately **250 hours** to decide on access to the documents relevant to your request.

2.4 Summary

As such, we estimate that it would take the Minister's Office at least **314 hours** to process your request.

2.5 Conclusion

In considering whether this would constitute a substantial and an unreasonable diversion of resources of the Minister's Office, I have taken into consideration the staffing resources available to the Minister's Office for FOI processing.

As such, I am satisfied that the work involved in processing your request, as currently presented, would substantially and unreasonably divert the resources of the Minister's Office from its other operations.

3 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 documents you wish to access.

For example, you may need to provide more specific information about exactly what documents you are interested in to enable us to be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

For the purposes of assisting you, you may wish to consider modifying your request in the following ways:

- limit your request to formal briefs only, or
- specify the entities to which you refer, rather than broad reference to "the public service"
- provide a more targeted subject matter

4 Next steps

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

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

The consultation period runs for 14 days and starts on the day after you receive this notice. Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30-day time limit for processing your request.

As advised in our acknowledgement of your request, the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) provides administrative support to the Minister's Office in relation to the processing of FOI requests.

During the consultation period referred to above, you are welcome to seek assistance from the department's FOI Section. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it.

If you do not do one of the three things listed above during the consultation period or you do not consult us during this period, your request will be taken to have been withdrawn.

5 Legislative provisions

The FOI Act, including the provisions referred to above, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562

6 Contact officer

For the purposes of this consultation, you may contact the FOI Section on (02) 6136 8114, or you can email us at foi@infrastructure.gov.au, including to discuss options to narrow the terms of your request.

Yours sincerely

A handwritten signature in blue ink that reads "AWatson".

Amanda Watson

Deputy Chief of Staff

9 December 2024