



Australian Government
The Treasury



18 December 2024
FOI ref: 3812

Francis Markham
Right to Know
By email: foi+request-12479-95c5116f@righttoknow.org.au

Dear Mr Markham

FREEDOM OF INFORMATION REQUEST – CONSULTATION

I refer to your request to the Treasury dated 5 December 2024 for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

A copy of any evaluations, reviews or assessments of the impact of tobacco excise on smoking behaviour (e.g. consumption, prevalence, product switching to e-cigarettes, product switching to the black market, etc.). Please include any that have been undertaken, commissioned or received by Treasury since 2018.

I am an authorised decision maker under section 23 of the FOI Act.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to the broad scope of your request. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse access to the documents you have requested. However, you have an opportunity to revise your request before I make a final decision. This is called a ‘request consultation process’ in section 24AB of the FOI Act.

Ordinarily, you have 14 days to respond to this notice in one of the ways set out below. However, as the Treasury is closed from 24 December 2024 to 1 January 2025, we are happy to extend the request consultation period to **Friday 10 January 2025**.

Why I intend to refuse your request

Keyword searches undertaken by just one Treasury staff member resulted in over 450 emails (excluding attachments) and over 90 documents which would need to be individually reviewed to determine whether or not they meet the terms of your request.

Extrapolating these figures to a conservative average of 3 pages per email chain or document, we estimate there is at least 1,500 pages of material that would need to be retrieved and reviewed to find documents relevant to your request. Given your request covers a seven year date range, this includes searching the email mailboxes of former as well as current employees

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@treasury_AU
 @commonwealthtreasury
 @australianntreasury

Langton Crescent
Parkes ACT 2600
Australia

P: +61 2 6263 2800

of the Treasury. Time take for a document review takes no account of any third party consultations that would need to be undertaken in relation to your request, nor time to prepare the documents for release and draft a statement of reasons.

Accordingly, I am satisfied that this would place a significant burden on a limited number of Treasury staff and would substantially and unreasonably divert the resources of the Treasury from its other operations.

Request consultation process

You have an opportunity to revise your request. This might mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. This will assist the Treasury to focus on the documents that you are most interested in, saving time and resources.

Examples of possible revisions include:

- Substantially reducing the date range for your request.
- Confine the request to a particular document type (e.g. Ministerial submissions, reports.)
- Excluding emails from the scope of your request.

If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. 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.

What you need to do

You must contact us by cob Friday 10 January 2025 to:

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

You can contact us at by phone on (02) 6263 2800 or by email at FOI@treasury.gov.au.

If we do not hear from you by that date, your request will be taken to be withdrawn.

Questions?

The Treasury FOI team is available to help you during the consultation period by phone on (02) 6263 2800 or by email to FOI@treasury.gov.au.

Yours sincerely



Emma Baudinette
Assistant Secretary
Personal And Indirect Tax And Charities Division