



23 August 2022

Reference: FOI 23-005

[REDACTED]
Via email: [REDACTED]

Dear [REDACTED]

Notice of Decision under the Freedom of Information Act 1982

I refer to your request for information held by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department) seeking access to documents under the *Freedom of Information Act 1982* (the FOI Act).

On 6 July 2022, you requested the following documents:

*“Under the Freedom of Information Act -1982 the Norfolk Island Chamber of Commerce, Inc requests copies of **all documentation**, reports, emails, notes, financial costings, expenditure, risk analysis etc from 1 January 2022 to 6pm Wednesday 6 July 2022 between public servants and contractors of the Norfolk Island Regional Council, including Andrew Roach and Michael Colreavy, Eric Hutchinson, Administrator Norfolk Island, public servants and contractors of Department of Infrastructure, Transport, Regional Development, Communication and the Arts, any other public servants and/or contractors of a department, division of the Australian Government and Minister McBain regarding the Norfolk Island Regional Council agenda of Wednesday 6 July 2022, item 9.3 Sea Freight Solution.”*

Authority

I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Decision

I have decided to refuse access to documents under section 24 of the FOI Act – *practical refusal*.

Timeline and Reason for Decision

On 21 July 2022, we emailed you notice under s24AA(1)(a) of the FOI Act that the request in its current form was too voluminous and would constitute an unreasonable diversion of resources.

You were also advised that the Department’s line area noted they would only be able to provide you with emails and that any key documents involving this project would be held by the Norfolk Island Regional Council (NIRC). On this basis, it was suggested that it may be more beneficial for you to withdraw your request with the Department and approach the NIRC.

On 10 August 2022, having not received a response to our 21 July 2022 email, we emailed a reminder to you and provided you with additional time to provide your response.

On 10 August 2022, you responded by providing the following revised scope:

A copy of all documentation and agreements between Department of Infrastructure, Transport, Regional Development, Communications and the Arts, the Administrator and the Norfolk Island Regional Council regarding the Norfolk Island Regional Council agenda Wednesday 6 July 2022, item 9.3 Sea Freight Solution.

On 15 August 2022, we sought clarity on the revised scope and you advised us that you were specifically seeking information on the Sea Freight Solution project itself.

On 16 August 2022, you confirmed the amended scope as follows:

Copies of all documentation and agreements between Department of Infrastructure, Transport, Regional Development, Communications and the Arts, the Administrator and the Norfolk Island Regional Council regarding the Sea Freight Solution project. The Sea Freight Solution project is listed at Agenda Item 9.3 in Norfolk Island Regional Council meeting dated Wednesday 6 July 2022."

The consultation process for this request has already been undertaken and pursuant to s24AB(9) of the FOI Act and the agency or Minister is only obliged to undertake a request consultation process once for any particular request.

Section 24AB(4) of the FOI Act requires agencies to take reasonable steps to assist applicants. Reasonable steps have been taken to assist you, as outlined herein. However, the results of preliminary searches on your most recent scope identified 844 documents, giving continued grounds for practical refusal through an unreasonable diversion of resources.

We understand from the Department's line area that the Sea Freight Solutions Project is a commercial endeavour being undertaken by the Norfolk Island Regional Council and to date, the Department has not actively engaged as a participant. As previously suggested, approaching the NIRC for the documents might prove beneficial for you.

Should you have any questions relating to this notice of practical refusal, please contact the FOI team via FOI@infrastructure.gov.au

Kind regards

Sarah Vandebroek

First Assistant Secretary - Territories Division

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