

**Decision D0192010 - Published in note form only**

***Re Ravlich and Minister for Mines and Petroleum; Fisheries; Electoral Affairs* [2010] WAICmr 19**

**Date of Decision: 28 May 2010**

***Freedom of Information Act 1992:* sections 20 and 39(3)(a)**

On 5 March 2009, the complainant applied under the *Freedom of Information Act 1992* ('the FOI Act') to the Minister for Mines and Petroleum; Fisheries; Electoral Affairs ('the Minister') for access to all documents in relation to the environmental approvals, mining, processing, transport and export of uranium. Following discussions between the parties, the complainant agreed that personal information about third parties could be deleted from the requested documents.

The Minister's decision was to refuse to deal with the access application under s.20 of the FOI Act. Section 20 provides that if - after taking reasonable steps to help the access applicant to change the application to reduce the amount of work required to deal with it - the agency considers that the work involved in dealing with it would divert a substantial and unreasonable portion of the agency's resources away from its other operations, the agency can refuse to deal with the application.

As there is no right of internal review from the decision of a Minister - who is the 'principal officer' of an agency for the purposes of the FOI Act (s.39(3)(a)) - the complainant applied to the Information Commissioner for external review of the Minister's decision.

Following the receipt of the complaint, the Commissioner obtained the file maintained in respect of the complainant's access application from the Minister's office, which included the results of searches for the requested documents, and made further inquiries with the Minister.

The Minister initially identified 70 documents within the scope of the application but advised the complainant it was likely that there were more documents. After examining the search results which identified those 70 documents, one of the Commissioner's officers considered that a considerable number of those documents may be outside the scope of the access application and invited the Minister's office to undertake further searches, using specific search terms, to clarify the total number of documents within the scope of the application. Those further searches identified approximately 470 documents.

The Commissioner provided both parties with a letter setting out his preliminary view of the complaint, which was that the Minister's decision was justified for similar reasons to those given in *Re Ravlich and Attorney General* [2009] WAICmr 17. In the present case, the Commissioner considered that it would take in the order of 39 hours for the Minister to deal with the application.

The complainant was invited to provide the Commissioner with further submissions or withdraw her complaint. The complainant did not withdraw the complaint but made no further submissions. Since no new evidence was provided to the Commissioner, the Commissioner was not dissuaded from his preliminary view of the complaint.

The Commissioner was satisfied that the Minister had taken reasonable steps to help the complainant to change the application to reduce the amount of work needed to deal with it and also that the work involved in dealing with the access application would divert a substantial and unreasonable portion of the Minister's resources away from his office's other operations. The Commissioner confirmed the Minister's decision to refuse to deal with the complainant's access application under s.20 of the FOI Act.