Australian Government
Attorney-General's Department

Our ref: FOI19/106; CM19/2897

18 June 2019

By email: [redacted]

Dear Mr Dickson

Freedom of Information Request FOI19/106 – Decision Letter

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (the FOI Act).

Your Request

On 2 May 2019, you requested access to:

> *1. Section 81 of the Commonwealth Constitution provides the consolidated revenue of the Commonwealth is to be appropriated 'for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by the Constitution', as a result I request the charges and liabilities found within the Constitution 'for the purposes of the Commonwealth' to fund Municipal Council trading corporations termed local government, as I cannot locate the charges and liabilities within the Constitution the Parliament relies on to fund such entities that fail to be found within the Commonwealth's supreme foundation law.*
>
> *2. I request the head of power found within the Commonwealth Constitution to 'validly fund' State municipal council entities know as local government.*
>
> *3. I request the head of power found within the Commonwealth Constitution to 'validly create' the legislation entitled Local Government (Financial Assistance) Act 1995, & the now repealed Local Government Grants Act 1975.*

On 9 May 2019, the Attorney-General's Department (the department) acknowledged your request.

On 30 May 2019, the department wrote to you, advising you that a practical refusal reason exists under section 24AA of the FOI Act, and requesting you reduce the scope of your FOI request.

The department has not received a response from you.

My Decision

I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

As advised in my letter of 30 May 2019, I have previously decided that a practical refusal reasons exists in relation to your FOI request within the meaning in section 24AA of the FOI Act (copy at **Attachment A**).

I am writing now to advise that, as you did not revise the scope of your request a practical refusal reason still exists.

In coming to this decision, I have taken into consideration the departmental resources that would be required to identify, locate and collate all documents within the scope of your request, and decide whether to grant, refuse or defer access to each of those documents would divert the resources of department from its other operations.

There are approximately 1600 documents within the scope of your request, and the work of processing each of these documents, including redaction of exempt material and preparation of a Schedule of Documents, would take in excess of 200 hours of work by departmental officers. This would amount to a substantial and unreasonable diversion of the resources of the department from its other operation.

Accordingly, I have decided to refuse access to the documents you requested pursuant to paragraph 24(1)(b) of the FOI Act (copy at **Attachment A**).

Review Rights and Questions

Your review rights under the FOI Act are set out at **Attachment B** to this letter.

If you wish to discuss this decision, the FOI case officer for this matter is Claire, who can be reached on (02) 6141 6666 or at foi@ag.gov.au.

Yours sincerely

David Lewis
Acting General Counsel (Constitutional)

Attachments
Attachment A: Sections 24AA and 24 of the FOI Act
Attachment B: Review Rights