



**DEFENCE FOI 645/23/24**

**STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982**

1. I refer to the request by Steve Green (the applicant), dated and received on 29 January 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

*1. Stage Two final submission of Adecco's tender response that specifically refers to the plans for how Adecco is going to reduce the current recruitment process to 100 days. This is to also include timeframes.*

*- Recruiting Services Contract (RSC) managed by Defence Force Recruiting. The scope of the RSC should include how Defence is holding Adecco to account for failing to meet recruitment targets.*

**Background**

2. On 29 January 2024, the applicant submitted a request under the FOI Act to Defence in the following terms:

*... for tender documentation provided by Adecco for '80111700 - Personnel recruitment, ATM type: Request for Proposal'. I am requesting the following documentation:*

- Stage Two final submission of Adecco's tender response.*
- Recruiting Services Contract (RSC) managed by Defence Force Recruiting. The scope of the RSC should include marketing (including attraction), recruiting operations (including candidate management), medical and psychological testing and assessment, ICT Services, facilities management and supporting administrative requirements.*

3. On 8 February 2024, Defence formally consulted with the applicant in accordance with section 24AB of the FOI Act, on the grounds that the scope of the request resulted in a practical refusal due to its voluminous nature.

4. On 13 February 2024, the applicant revised the scope of the request as set out in paragraph one (1).

**FOI decision maker**

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

**Documents identified**

6. I have identified a significant number of documents as falling within the scope of the request.

## Decision

7. I have decided to refuse the request under section 24(1)(b) [power to refuse request – diversion of resources etc.] of the FOI Act.

### Material taken into account

8. In making my decision, I have had regard to:
- a. the terms of the request;
  - b. the content of the identified documents in issue;
  - c. relevant provisions of the FOI Act;
  - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
  - e. advice from subject matter experts within Defence People Group (DPG).

## REASONS FOR DECISION

### Section 24 - Power to refuse request – diversion of resources etc.

9. Section 24 of the FOI Act provides that:

*(1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:*

*(a) must undertake a request consultation process ...; and*

*(b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists – the agency or Minister may refuse to give access to the document in accordance with the request.*

10. Section 24AA of the FOI Act provides that:

*(1) For the purposes of section 24, a **practical refusal reason** exists in relation to a request for a document if either (or both) of the following applies:*

*(a) the work involved in processing the request:*

*(i) in the case of an agency – would substantially and unreasonably divert the resources of the agency from its other operations...*

11. In considering whether a practical refusal reason exists, I took into consideration the matters set out in section 24AA(2) of the FOI Act, namely the resources required to perform the following activities:

- a. identifying, locating or collating documents within the filing system of the agency or minister;
- b. examining the documents;
- c. deciding whether to grant, refuse or defer access;
- d. consulting with third parties; and
- e. redacting exempt material from the documents.

12. The '100% achievement in 100-day' model was a large focus of the Commonwealth's requirements during the tender process and, as a result, is heavily featured throughout all subsequent tender documents. Consequently, the scope of the applicant's request would require a review of essentially all Adecco's tender documents.

13. Subject matter experts within DPG advise that Adecco's tender response consists of 91 documents ranging in volume from 60 to 700 pages. Based on a sample from six of those documents, it was found that there was an average of 198 pages per document. In light of this, it is estimated that the 91 documents make up an average total of 18,000 pages which would need to be reviewed and considered for redactions. Using a conservative calculation of one minute per page to undertake this review, it would take 300 hours for one full-time staff member to complete such an evaluation. Additionally, many of these documents capture a considerable amount of third-party information necessitating further expenditure of Defence resources.

14. Taking the above into consideration, Defence considers that it would take an excessive amount of time to review all documents within their holdings in order to ascertain whether they fall within the scope of the applicant's request.

15. On this basis, Defence concludes that the request would substantially and unreasonably divert the resources of the agency from its other operations. Accordingly, I am satisfied that a practical refusal reason still exists in relation to this request and refuse it under section 24 of the FOI Act.

16. In coming to this decision, I did not have regard for any of the factors listed in subsection 24AA(3) of the FOI Act.

**Group Captain Chris Ellison**

Accredited Decision Maker

Defence People Group

Department of Defence