



8 February 2024

Our reference: LEX 78069

B

Only by email: [foi+request-11048-63b3112e@righttoknow.org.au](mailto:foi+request-11048-63b3112e@righttoknow.org.au)

Dear B,

### **Your Freedom of Information Request**

I refer to your request, received by Services Australia (the Agency) on 24 January 2024, and revised on 5 February 2024, for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

Reports, briefs, and letters between the CEO and the Senior Executive Staff from 2021-2024, regarding the workforce management system.

o Please advise if: Communication to include emails between the CEO's positional mailbox and the Senior Executive Staff divisional positional mailboxes with the following keywords:

"workforce" + "management" + "system"

"monitor" + "staff" + "breaks"

"implement"

### **Your request involves too much work for the Agency**

Your Freedom of Information (FOI) request covers a wide range of documents. We are asking you to revise your request to give us more specific details about the information you are after because of the amount of work involved for the Agency.

If you decide not to make any revisions, I will have to refuse your FOI request as a 'practical refusal reason' exists.

For a more detailed explanation of what this means see **Attachment A**.

### **How to send us a 'revised request'**

Before I make a final decision on your request, you can narrow the size of your original request and submit a revised request.

Within the next 14 days you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us you do not want to revise your request.

Your response will be expected by **22 February 2024**. If you do not contact us during the 14 day consultation period, your matter will be taken as withdrawn by operation of the FOI Act.

See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request, you should be specific about the documents you want. This could help the Agency find the documents in less time and use fewer resources to process them.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

### Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request. You can contact me:

- in writing to the address at the top of this letter, or
- via email to [freedomofinformation@servicesaustralia.gov.au](mailto:freedomofinformation@servicesaustralia.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 78069**.

### Further assistance

If you have any questions please email [freedomofinformation@servicesaustralia.gov.au](mailto:freedomofinformation@servicesaustralia.gov.au)

Yours sincerely

Elizabeth  
FOI Officer  
Freedom of Information Team  
FOI and Reviews Branch | Legal Services Division  
Services Australia

**Attachment A**

**What I took into account**

On 5 February 2024, you revised your request for access under the FOI Act to the following documents:

- Reports, briefs, and letters between the CEO and the Senior Executive Staff from 2021-2024, regarding the workforce management system.
- o Please advise if: Communication to include emails between the CEO’s positional mailbox and the Senior Executive Staff divisional positional mailboxes with the following keywords:
  - “workforce” + “management” + “system”
  - “monitor” + “staff” + “breaks”
  - “implement”

Because of the amount of work involved for the Agency, under sections 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the FOI Act, the practical refusal reason is that processing your request 'would substantially and unreasonably divert the resources' of the Agency.

To process your request in its current terms, the Agency would have to do extensive searches to find and process the documents you asked for. Preliminary searches relating to the component of your request for emails have identified more than 950 emails between your nominated sender and recipient that contain your nominated key words.

We consider the keywords provided in your request are broad and could relate to a wide range of subject matter not necessarily related to the documents you are seeking access to.

Based on my experience with the type and volume of records you want, I estimate it would take more than 83 hours in processing time. This includes looking at all the emails to see if any of the pages might need redactions - that is, possibly deleting some content, for example, where there is private information about another person.

**Amount of time to process your request**

I have calculated the number of hours it would take to process your request in full.

Search for and retrieve documents	1 hour
Saving and converting the emails at an average of 2 minutes per email	31.5 hours
Examine emails for decision making at an average of 3 minutes per email	47.5 hours
Write statement of reasons for decision	3 hours
<b>Total</b>	<b>83 hours</b>

**Seeking clarification**

Noting that as it stands your request is too voluminous to process, we require further information from you to enable us to process your request.

You may like to consider:

- Removing internal emails from your request, or
- Providing a revised request for emails, including a limited and specific sender/recipient, a smaller time frame, and more targeted keywords that would not be likely to capture a high volume of irrelevant correspondence.

### **Assistance with revising your request**

As advised previously, the Agency does not implement a system for monitoring the breaks of Agency employees.

We have further consulted with the relevant business areas in relation to your request. We consider that the Agency's Rostering Policy may be of assistance to you, as it captures information about rostering for scheduled staff, the taking of breaks, adherence and performance management.

If you would like to revise the scope of your request and seek access to this document, please respond indicating you wish to revise your request to 'The Agency's Rostering Policy'.

Alternatively, please respond with a revised request specifying the exact documents you are seeking access to.

### **Additional Information**

We also consider the Enterprise Agreement, which is publicly available, may be of assistance to you. This provides information about employee entitlements including breaks. This is available on our website here:

<https://www.servicesaustralia.gov.au/enterprise-agreements?context=1#a1>

### **Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(a)(i) of the FOI Act provides a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the Agency must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the Agency's resources. The Agency must specifically have regard to the resources which would have to be used for:

- identifying, locating or collating the documents within Services Australia's filing system
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request
- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Section 24AB(6) of the FOI provides the applicant must, before the end of the consultation period, do one of the following, by written notice to the Agency or the Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.