



**Australian Government**  

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**Australian Public Service Commission**

Ms Angelica Pumperknickle

By email: [foi+request-11123-52298187@righttoknow.org.au](mailto:foi+request-11123-52298187@righttoknow.org.au)

Our Reference: LEX 824

Dear Ms Pumperknickle

***Freedom of Information request***

1. I am writing about your request dated **16 February 2024** for access to documents under the *Freedom of Information Act 1982* (FOI Act) held by the Australian Public Service Commission (Commission).
2. I am an authorised officer under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information (FOI) requests.

***Request Consultation Process***

3. I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to the size and broad scope. This is called a 'practical refusal reason' under section 24AA of the FOI Act.
4. On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.
5. You have **14 days** to respond to this notice in one of the ways set out below.

***Why I intend to refuse your request***

6. You requested access to documents in the following terms:

*“All correspondence (including emails, letters, meeting minutes, reports, or any other written or recorded communication) between Rebecca Fawcett of the Community and Public Sector Union ([Rebecca.Fawcett@cpsu.org.au](mailto:Rebecca.Fawcett@cpsu.org.au)) and any APSC employee regarding the following topics:*

*APS-wide bargaining*

*Common conditions*

*Gender affirmation leave clauses*

*Disability leave clauses*

*Delegates' rights clauses*

*Pay increase negotiations*

*Any requests for discussions or meetings sent by the CPSU regarding the above topics, directed at the chief negotiator or other APSC employees, that occurred outside the publicly released bargaining meeting schedule.”*

*Timeframe: Communications sent between June 2022 and February 2023.*

7. Under subsection 24AA(2) of the FOI Act an agency or minister must have regard to the resources that would have to be used for:
  - identifying, locating or collating the documents within the filing system of the agency or the office of the Minister;
  - 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 with any person or body 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.
  
8. Further to the above, the Commission may have regard to other matters in deciding if a practical refusal reason exists, relevantly:
  - the staffing resources available to an agency;
  - the impact that processing a request may have on other work in an agency; and
  - whether an applicant cooperates in framing a request to reduce the processing workload.
  
9. I have taken into account all of the above matters in forming my preliminary decision to refuse your request. I have not taken into account:
  - any reasons that you have given for requesting access; or
  - the Commission’s belief as to what your reasons are for requesting access; or
  - any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.
  
10. My reasons are set out below.

***Reasons***

11. Firstly, I am of the preliminary view that processing your request would be a substantial diversion of the Commission’s resources because:
  - collecting and reviewing the volume of material involved would be significant;
  - identifying, locating and or collating documents would particularly be onerous as documents from multiple sources will be found that may be captured by the

- form the request takes; and
- the contents of the documents will require diligent examination and likely involve significant redactions.

12. Secondly, I am also of the preliminary view that processing your request would be an unreasonable diversion of the Commission’s resources because:

- the Commission is a portfolio agency, with limited staffing resources available; and
- the Commission has limited capacity to obtain temporary resourcing in considering the impact of processing your request.

***Amount of time to process your request***

13. Based on a preliminary assessment of the sample volume of documents and a review of a sample of their contents, a breakdown of the time estimated for each stage in processing a request is approximately:

<b>Search and retrieval</b>	<b>Time required to undertake tasks</b>
Executing searches, identifying relevant documents and collating documents	1.6 hours
<b>Decision making</b>	
Examining relevant documents (including second review of documents)	At least 18 hours
Redacting pages	At least 18 hours
Consult third parties	At least 3 hours
Writing statement of reasons	At least 2 hours
Compiling schedule of documents	At least 1.5 hours
Process Subtotal	At least 45 hours
<b>Process Total (minus ‘first 5 hours free’)</b>	At least 39 hours

***Request consultation process***

14. You now have an opportunity to revise your request to enable it to proceed.

15. Revising your request can mean narrowing its scope to make it more manageable or explaining in more detail the documents you are seeking rather than the information you wish to access. For example by excluding attachments, duplicates and documents that would require consultation with other agencies the Commission may be able to process the documents more quickly and avoid using excessive resources to process documents you are not interested in.

16. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

17. The consultation period runs for **14 days** and starts on the day after you receive this notice.
18. During this period, you are welcome to seek assistance from the Commission to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. Please note that under subsection 24AB(8) of the FOI Act the time taken to consult you regarding the scope of your request is disregarded for the purposes of the 30 day time limit for processing your request.
19. If you do not do one of the three things listed above during the consultation period or you do not consult the Commission during this period, your request will be taken to have been withdrawn.

***Contacts***

20. If you require clarification on matters in this letter please contact the Commission's FOI Officer by email at [xxx@xxxx.xxv.au](mailto:xxx@xxxx.xxv.au)

Yours sincerely

*SM*

Authorised FOI decision maker, EL2

18 March 2024