



8 July 2024

Our reference: LEX 80280

Ben Fairless  
Right to Know

Only by email: [foi+request-11563-42da0fc6@righttoknow.org.au](mailto:foi+request-11563-42da0fc6@righttoknow.org.au)

Dear Ben Fairless

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

I refer to your request, received by Services Australia (the Agency) on 25 June 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

According to [Services Australia to use Optus for contact centre management services - Cloud - Telco/ISP - iTnews](#) you've selected Optus to provide your contact centre management services.

This is a request for documents that detail the requirements that Service Australia were looking for, and the responses from Optus and Telstra (assuming they were invited to bid for the tender).

Please consider this request administratively. If you can't do that for any reason please treat it as a formal FOI request.

### **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 seeking 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 July 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 If you do not contact us during the 14 day consultation period, your matter will be taken as withdrawn by operation of the FOI Act.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 are seeking access to. 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:

- via email to arrange a phone call, by providing a contact number and advising of a suitable time
- 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 80280**.

### **Further assistance**

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

Yours sincerely

Cherie  
Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Reviews Branch | Legal Services Division  
Services Australia

## Attachment A

### What I took into account

You requested access under the FOI Act to the following documents:

According to [Services Australia to use Optus for contact centre management services - Cloud - Telco/ISP - iTnews](#) you've selected Optus to provide your contact centre management services.

This is a request for documents that detail the requirements that Service Australia were looking for, and the responses from Optus and Telstra (assuming they were invited to bid for the tender).

Please consider this request administratively. If you can't do that for any reason please treat it as a formal FOI request.

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 assist you, I have addressed each part of your request.

*For 'documents that detail the requirements that Service Australia were looking for':*

Based on preliminary advice from the relevant business area of the Agency, this part of your request would capture over 400 pages of material, in addition to an excel spreadsheet with over 2800 rows of information.

Based on my experience, I estimate this part of your request would take more than 60 hours in processing time. This includes search and retrieval, examining every page line by line to determine if any material requires redaction, and applying any relevant redactions under the FOI Act.

If you would like to proceed with this part of your request, we ask that you significantly revise the request.

As a suggestion, you may wish to request the main body of the Request for Quote document and exclude the more detailed attachments (this would exclude the 2800 line excel spreadsheet).

*For 'responses from Optus and Telstra (assuming they were invited to bid for the tender)':*

The relevant business area of the Agency has identified that approximately 80 documents would be in scope, relevant to Optus' response alone.

I am advised this material was obtained in confidence as part of a competitive approach to market process.

Based on a random sample of 10% of the 80 documents, I estimate there would be more than 2600 pages of material in scope. Not included in the page count are excel spreadsheets with hundreds of lines of highly detailed information. Based on my experience, I estimate this part of your request, relating to Optus documents alone, would take more than 44 hours in

processing time. This includes search and retrieval, examining every page line by line to determine if any material requires redaction, and applying any relevant redactions under the FOI Act.

### Further Information

As your request for tender responses relates to the commercial information of a third party, FOI would be required to consult with Optus (and any other relevant third party businesses) prior to any release of documents concerning them under FOI. Any such third-party consultation will extend the processing period of your request by 30 days as we seek their submissions.

Please note that commercial and business information may be subject to a number of exemptions under the FOI Act.

For example, section 47(1)(b), which allows the Agency to exempt material from release if disclosure would reveal trade secrets or destroy or diminish commercially valuable information.

Additionally, the section 47G conditional exemption may apply to documents where disclosure of information could reasonably be expected to unreasonably affect the person adversely in respect of their lawful business or professional affairs, or prejudice the future supply of information to the Commonwealth or an agency.

### **Clarification on your request:**

If you wish to revise your request, I seek your clarification on:

- Whether you wish to revise Part 1 of your request (as suggested above) to the main body of the Request for Quote document (excluding the more detailed attachments), or alternatively provide your own revised request, and
- Whether you wish to significantly revise or withdraw your request for responses from Optus and Telstra (should they be identified as a tenderer).

### **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:

- 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.