



Australian Government
Department of Education

Your Ref
Our Ref LEX 1177

Bob Buckley

By email: foi+request-12056-2324f6af@righttoknow.org.au

Dear Bob

Your Freedom of Information request - consultation

I refer to your request, received by the Department of Education (department) on 15 September 2024, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“all information held by the Department of Education relating to the National Autism Strategy including, but not limited to:

- 1. communication with and information provided to the National Autism Strategy Oversight/Committee/Council and/or its working groups,*
- 2. communication with and information provided to staff or officials in the Department of Social Security,*
- 3. information given to politicians or parliamentary officials,*
- 4. information and records held within the Department of Education, and*
- 5. relevant information received by the Department of Education.”*

On 23 September 2024, the department wrote to you explaining the FOI Act gives an applicant the right to access documents, rather than information. Accordingly, the department interpreted your request as being for all documents held by the department relating to the National Autism Strategy. This was on the assumption that your use of the phrase ‘including but not limited to’ indicated your request should be read broadly, rather than being limited to the five categories you specifically listed.

The department also noted the fifth part of your request seeks ‘relevant information’ received by the department and the department cannot determine what information you may consider relevant. The department also provided suggestions for clarifying the scope of your request, given it would capture a broad range of documents.

On 24 September 2024, you emailed the department and revised your request, stating:

“You can exclude:

- * Cabinet documents*
- * I am only interested in the final email of email threads, and*
- * I do not wish to receive duplicate documents.”*

Practical refusal reason

While I appreciate your efforts to revise the scope of your request, I am writing to you, under sections 24AA(1)(a)(i), 24AA(2) and 24 of the FOI Act to tell you that it is likely that processing your revised request in its current form would substantially and unreasonably divert the resources of the department.

I have consulted with departmental officers in the Inclusion and Disability Branch regarding the number and nature of documents held by the department which are likely to be relevant to your request, and the work involved in processing your request.

I am asking for your assistance in reducing the scope of your request. If we are unable to reach a satisfactory agreement on the scope of your request, it is likely that I will decide to refuse your request as currently worded under section 24 of the FOI Act.

To assist you, I have set out the relevant sections of the FOI Act at **Attachment A**.

Amount of time to process your request

Given the broad scope of your request, the department would need to undertake extensive searches to find the documents you have asked for and process your request. Preliminary searches indicate the department potentially holds thousands of documents, totalling several thousand pages, which could be relevant to your request.

Based on my experience with the type and volume of records you want, I estimate it would take more than 450 hours in processing time.

This includes undertaking searches, identifying relevant documents (including the 'final email of email threads'), removing duplicates and Cabinet material, consulting with third parties, considering whether any documents may need redactions, scheduling the documents and writing a statement of reasons.

Suggestions for reducing the scope of your request

To assist you in narrowing the request, you could consider the following suggestions, which may allow the department to process your request:

- specifying a date range for your request
- specifying types or categories of documents (e.g. final briefs, reports, or meeting minutes)
- excluding internal correspondence between departmental staff members, and
- seeking correspondence between specific entities or individuals.

Action required from you under the FOI Act

Before I make a final decision on your request, you can submit a revised request.

Under the FOI Act, you must do one of the following things in the next 14 days:

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

Contact officer

I am the contact officer for your request. During the consultation period you can contact me to ask for help revising your request by emailing foi@education.gov.au.

In accordance with section 24AB of the FOI Act, your response will be expected by **14 October 2024**. If I do not receive a response from you within the time frame, your request will be taken to be withdrawn by the operation of the FOI Act.

Further assistance

If you have any questions, please email foi@education.gov.au.

Yours sincerely

Lauren
Authorised decision maker
Freedom of Information Team
Department of Education

30 September 2024

Relevant sections of the *Freedom of Information Act 1982*

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

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

- identifying, locating or collating the documents
- 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
- notifying any interim or final decision on the request.

Section 24AB(7) of the FOI Act provides that 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
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

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

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