



Australian Government
Department of Social Services

Bob Buckley
A4 Co-convenor

Via email to: foi+request-13015-41731176@righttoknow.org.au

Dear Bob Buckley

Freedom of Information Request LEX 53454 – Decision on access

I refer to the *Freedom of Information Act 1982 (FOI Act)* request to the Department of Social Services (**Department**) on 9 April 2025. The request seeks access to:

all communication involving the email address NationalAutismStrategySecretariat at dss.gov.au (NationalAutismStrategySecretariat@dss.gov.au) between DSS officials and NDIS or NDIA officials up to the day of the public release of the DSS part of the strategy on 14/2/2025.

On 17 April 2025, you were provided with a notice of the Department's intention to refuse your request on practical refusal grounds, that processing your request would unreasonably and substantially divert the resources of the Department from its other operations.

As explained in this notice, in accordance with subsection 24AB(6) of the FOI Act, you were required to do one of the following by written notice to the Department before 11:59pm on 1 May 2025:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

On 20 April 2025, you responded to the notice advising that you wished to revise the scope of the request to:

The Department undertook a search of its records for all emails between NationalAutismStrategySecretariat@dss.gov.au and email addresses with any of the following domains - @dss.gov.au, @ndis.gov.au or @ndiscommission.gov.au - in the period 1 January 2020 and 13 February 2025 (inclusive).

I hereby revise my request to be

Please provide the search query referred to above and the complete result from that search.

Decision

I have decided to refuse your request under section 24(1) of the FOI Act on practical refusal grounds, specifically that the processing of your request would unreasonably and substantially divert the resources of the department from its other operations.

The reasons for my decision are set out in the Statement of Reasons at **Attachment A**.

Review rights and complaints

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment B**.

Contact

If you would like to discuss any aspect of my decision, please contact me at foi@dss.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sarah B', written in a cursive style.

Sarah B
Authorised FOI Decision Maker

2 May 2025

Attachments

- A - Statement of Reasons
- B - Review rights

STATEMENT OF REASONS**Material on which the decision is based**

1. I relied on the following material in coming to this decision:
 - the terms of the FOI request;
 - the documents subject to the FOI request;
 - the FOI Act;
 - correspondence with yourself through the course of the request consultation process; and
 - the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Section 24 – Diversion of resources

2. Under subsection 24(1) of the FOI Act, if an agency is satisfied that a practical refusal reason exists in relation to a request, it must undertake a request consultation process in accordance with section 24AB of the FOI Act. If after the request consultation process the agency is satisfied that the practical refusal reason still exists, it may refuse the request.
3. I am satisfied that a request consultation process has been undertaken by the Department in accordance with section 24AB of the FOI Act. On 17 April 2025 you were issued with a notice of intention to refuse the request, advising the scope of the captured a minimum of 6,770 documents with an average of 2 pages per document. It advised that if an officer of the Department were to assess each for sensitivities and mark them up with redactions accordingly, it would take them a total of 40,620 minutes or 677 hours or 90.3 working days to review the documents at a rate of 3 minutes per page. Accordingly, the processing of your request as originally framed would unreasonable and substantially divert the resources of the Department from its other operations.
4. The notice also provided advice as to how you could refine the scope of the request to ensure that the practical refusal reason no longer applied, consistent with the Department's obligations under section 24(3) of the FOI Act.
5. On 20 April 2025, you wrote to the Department revising the scope of the request to seek:

The Department undertook a search of its records for all emails between NationalAutismStrategySecretariat@dss.gov.au and email addresses with any of the following domains - @dss.gov.au, @ndis.gov.au or @ndiscommission.gov.au - in the period 1 January 2020 and 13 February 2025 (inclusive).

I hereby revise my request to be:

Please provide the search query referred to above and the complete result from that search.

6. The revised scope does not remove the practical refusal reasons as it continues to seek the same documents as the original scope plus an additional document in the search query referred to in the Department's notice of intention to refuse. As the request is technically larger in this 'revised' form, the practical refusal reason remains.
7. Accordingly, I am satisfied that a practical refusal reason remains in relation to your request, and I have decided to refuse your request under section 24(1) of the FOI Act.

INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker within the Department. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@dss.gov.au.

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.