



23 February 2017

Our reference: LEX 26566

Mr Justin Warren

By email: [foi+request-3023-739e928d@righttoknow.org.au](mailto:foi+request-3023-739e928d@righttoknow.org.au)

Dear Mr Warren

### Your Freedom of Information request

I refer to your revised request dated 6 February 2017 and received by the Department of Human Services (the **department**) on the same day for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'- Meeting agendas, minutes, and other notes for any and all meetings held with the Minister for Human Services, or their Office, between 1 Jan 2016 and 31 Dec 2016, inclusive.

- Meeting agendas, minutes, and other notes for any and all meetings held with the Minister for Social Services, or their Office, between 1 Jan 2016 and 31 Dec 2016, inclusive'.

### Your request involves too much work for the department

Your 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 department.

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 that you do not want to revise your request.

If you do not do contact us during the 14 day consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

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**

During the consultation period you are welcome to ask for my help in revising your request and filling out the form. You can contact the department:

- in writing to the address at the top of this letter
- via email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 26566**.

Your response will be expected within 14 days of this letter. If no response is received, your matter will be taken as withdrawn.

## **Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au).

Yours sincerely

**Authorised FOI Decision Maker**  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services

### What I took into account

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

To process your request the department would have to do extensive searches to find and process the documents you asked for. This is because processing your request would involve approaching more than 130 Branches within the department to determine whether they hold any documents within scope of your request. Allowing for one hour for each Branch to conduct searches of their records for documents within scope, your request would take more than 130 hours to process. This does not include the time taken to examine any documents which may be in scope, consulting with third parties, making a decision on the documents and writing a statement of reasons for the decision.

In addition, the wording of your request is very broad and would capture a large number of documents. For example, meetings with Ministers, or their Offices, typically involve several officers. The part of your request covering "other notes" would capture any records made by each officer who attended the meeting. I note that the documents would likely contain Cabinet material and other deliberative material.

It is also likely that the documents you are requesting would include third party information of customers, external service providers and other government agencies. The department would be likely be required to consult with each of the third parties about the potential release of their personal or business information.

### 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 a 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 the department's resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the department'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(7) of the FOI Act provides that the request is taken to have been withdrawn under 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.

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, or
- indicate that the applicant does not wish to revise the request.