



28 March 2017

Our reference: LEX 28493

Mr Justin Warren

By email: foi+request-3023-739e928d@righttoknow.org.au

Dear Mr Warren

Internal Review Acknowledgement of your Freedom of Information Request

I refer to your request for internal review of the department's Freedom of Information (FOI) decision in LEX 26566, dated 14 March 2017.

Decision on internal review

Your request was received by the department on 17 March 2017 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 18 April 2017. The period of processing will be paused during formal consultation periods or pending payment of charges.

In accordance with s54C of the FOI Act a person (other than the person who made the original decision) will be the decision maker for this internal review.

Terms of your request

Your request for internal review relates to LEX 26566. In that matter, you sought access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'[In relation to] to either of:

- the Better Management of the Social Welfare System initiative, or
- Taskforce Integrity:
- 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'.

Practical refusal reason

Your request covers a wide range of documents. Because of the amount of work involved for the department, we are asking you to revise your request to give us more specific details about the information you are after. I understand that in LEX 26566, your request was

refused because a practical refusal reason existed. In making your revision, please consider the history of that request, noting particularly the searches that the department would be required to carry out in order to identify all of the documents within scope.

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.

You could consider narrowing your request to a smaller time period, or only seeking access to documents related to a specific programme the department delivers.

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 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

Note: When you contact us please quote the reference number **FOI LEX 28493**.

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 If no response is received, your matter will be taken as withdrawn.

Your Address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is foi+request-3023-739e928d@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Exclusion of junior department employee details

The department is working towards ensuring that all employees have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

If you have any questions please email 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
FOI.LEGAL.TEAM@humanservices.gov.au

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.

The wording of your request is very broad and would capture a large number of documents. You have requested documents related to 'the Better Management of the Social Welfare System initiative'. This is the name for the Government's policy platform for the social welfare system. It is not a departmental initiative in relation to a particular payment or programme. Any meeting held with the Minister or their office by any member of the department may therefore broadly be said to relate to the 'Better Management of the Social Welfare System initiative'. Any relevant documents are also likely to contain Cabinet material and other deliberative material requiring careful consideration and redaction.

Furthermore, meetings with Ministers, or their offices, typically involve several officers. The part of your request covering "other notes" would capture any records made by individual officers who attended the meetings. Determining whether each participant in a meeting made notes would require extensive consultation across the department.

For these reasons, 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.

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.