



18 April 2017

Our reference: LEX 28814

Mr Jackson Gothe-Snape  
Right to Know

By email: [foi+request-3306-79c75e03@righttoknow.org.au](mailto:foi+request-3306-79c75e03@righttoknow.org.au)

Dear Mr Gothe-Snape

### Your Freedom of Information request

I refer to your request, dated 28 March 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:

'Can you please provide the topics list for briefs created in preparation for hearings of Senate 2016-17 Additional Estimates'.

### 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 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 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:

- in writing to the address at the top of this letter; or
- 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 28814**.

Your response will be expected within two weeks of the date of this letter, **2 May 2017**. If no response is received, your matter will be taken as withdrawn.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

Charlotte  
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(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 Act, the practical refusal reason is that processing your request 'would substantially and unreasonably divert the resources' of this agency.

The Department does not have a centralised branch for briefing, these documents are prepared and held by branches across the department. To process your request the department would have to approach more than 130 branches within the department to determine whether they hold any documents within the scope of your request, including draft topics lists. Allowing half an hour for each branch to be contacted and to conduct searches of their records, your request would take more than 65 hours to process. This does not include the time taken to examine any documents which may be in scope, make a decision on the documents or write a statement of reasons for the decision.

You may wish to consider limiting your request to be for final topics list(s) for the Secretary or a particular Group or specific Branch within the department. You can access the department's organisational structure at [www.humanservices.gov.au](http://www.humanservices.gov.au).

The Hansard transcript of the Department's appearance before the Community Affairs Legislation Committee is available on the Parliament of Australia website. Relevant links are available here: [http://www.aph.gov.au/Parliamentary\\_Business/Senate\\_Estimates](http://www.aph.gov.au/Parliamentary_Business/Senate_Estimates). A review of this material may also assist you to narrow the scope of your request.

## 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 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.