



Australian Government

Department of Education, Skills and Employment

Your Ref
Our Ref 45011

Tim Sherratt

By email: foi+request-8080-af93703c@righttoknow.org.au

Dear Tim

Your Freedom of Information request - consultation

I refer to your request, received by the Department of Education, Skills and Employment (department) on 8 November 2021, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

As part of the 2018 Research Infrastructure Investment Plan, funding was committed for a scoping study of potential research infrastructure for HASS and Indigenous research platforms (<https://www.dese.gov.au/national-research-infrastructure/national-research-infrastructure-scoping-studies>).

Three reports were commissioned as part of this scoping study, and recommendations drawn from these reports were included in the 2020 Research Infrastructure Investment Plan (<https://www.dese.gov.au/2020-research-infrastructure-investment-plan/resources/2020-research-infrastructure-investment-plan>).

I request that the three reports commissioned for the HASS and Indigenous research platforms scoping study be made publicly available, along with any recommendations and associated briefing notes derived from the scoping study.

For ease of reference, I will refer to your request for 'the three reports commissioned for the HASS and Indigenous research platforms scoping study' as part one, your request for 'any recommendations' as part two and 'associated briefing notes derived from the scoping study' as part three of your request.

Practical refusal reason

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 request in its current form would substantially and unreasonably divert the resources of the department.

I have consulted with departmental officers in the Research Policy and Programs 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 you to reduce the scope of your request. If we are unable to reach a satisfactory agreement on the scope of your request, it is my intention 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

To process your request the department would have to do extensive searches to find the documents you asked for. Preliminary searches indicate that the department may hold more than 40 documents, totalling in excess of 600 pages.

Based on my experience with the type and volume of records you have requested, I estimate it would take at least 60 hours to process your request. This includes retrieving and collating documents falling within scope of your request, consulting with numerous third parties, looking at all the documents to see if any of the pages might need redactions, scheduling and writing a statement of reasons.

Suggestions for clarifying the scope of your request

To assist you in narrowing the request, I provide the below suggestions that may allow the department to process your request:

- Limit the scope of the first part of your request to be for the final three reports commissioned as part of the scoping study of potential research infrastructure for HASS and Indigenous research platforms
- Refine the scope of the second part of your request to be for recommendations made about the scoping study from particular groups and in specific forms. For example, written recommendations relating to the scoping study sent to the department by external stakeholders
- Narrow the terms of the third part of your request to be for particular types of briefing notes. For example, formal briefs from the department to the Minister for Education and Youth about the scoping study, formal internal briefs provided to the senior executive within the department about the scoping study or briefing notes provided to the department by external parties relating to the scoping study
- Specify what you mean by your reference to 'derived from' the scoping study to clarify whether this is a reference to recommendations and briefing notes that were provided during the course of the scoping study or after the scoping study concluded
- On a preliminary view, the current terms of part three of your request ('associated briefing notes derived from the scoping study') may capture Cabinet documents. While the scope of your FOI request is entirely a matter for you and without pre-

empting the decision in relation to your request, there is an exemption in the FOI Act which exempts Cabinet documents from release in some circumstances. Accordingly, you may wish to exclude Cabinet material from the scope of your request.

At this time, you may also wish to consider including only final email chains in the scope of your request and excluding the following from the scope of your request:

- duplicates
- draft documents
- publicly available documents
- internal emails between departmental staff

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
- 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@dese.gov.au.

Your response will be expected by **10 December 2021**. If I do not receive a response from you, 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@dese.gov.au.

Yours sincerely

Alison

Alison
Authorised decision maker
Department of Education, Skills and Employment
26 November 2021

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.