



27 April 2022

Our reference: LEX 67435

Mr Justin Warren

Only by email: [foi+request-8731-e1ea04e9@righttoknow.org.au](mailto:foi+request-8731-e1ea04e9@righttoknow.org.au)

Dear Mr Warren,

### **Your Freedom of Information Request**

I refer to your request, dated and received by Services Australia (the **agency**) on 11 April 2022 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

I request a copy of all emails sent or received by Services Australia—and as it was previously known the Department of Human Services—regarding Freedom of Information requests filed by myself, Justin Warren using the RightToKnow service.

This will include all email correspondence internally between staff members (or contractors) of the department, and emails sent to or received from external parties.

Include in the scope all attachments to emails.

Include in the scope all FOI requests made prior to 10 April 2022.

### **Your request involves too much work for the agency**

Your freedom of information (**FOI**) request covers a wide range of documents and your request is likely to result in a substantial and unreasonable diversion of the resources of the agency. I am asking you to revise your request to give us more specific details about the information you are after so that it is not too large for the agency to process.

This letter is giving you an opportunity to provide us with specific information about the documents you need.

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.

If you decide to make a revised request you should be more specific about what documents you actually want. This could help the agency find the documents in less time and use fewer resources to process them.

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 and filling out the form. You can contact me:

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

**Note:** When you contact us please quote the reference number **FOI LEX 67435**.

Your response will be expected by 11 May 2022. If no response is received, your matter will be taken as withdrawn.

### **Further assistance**

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

Yours sincerely

Hannah  
Authorised FOI Decision Maker  
Freedom of Information Team  
Information Access Branch | Legal Services Division  
Services Australia



**Attachment A**

**What I took into account**

Because of the amount of work involved for the agency, 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.

To process your request the agency would have to do extensive searches to find and process the documents you asked for. We estimate that the agency holds more than 3,600 documents totalling over 11,000 pages.

Based on my experience with the type and volume of records you want, I estimate it would take more than 479 hours in processing time. This includes looking at all the documents to see if any of the pages might need redactions - that is, possibly deleting some content, for example, where there is private information about another person, or includes information which is subject to legal professional privilege.

**Amount of time to process your request**

I have calculated the number of hours it would take to process your request in full.

Search for and retrieve documents	200 hours
Examine pages for decision making at an average of one minute per page	183 hours
Time of one minute per page for about 5,500 pages needing redaction	91 hours
Write statement of reasons for decision	5 hours
<b>Total</b>	<b>479 hours</b>

**Revising your request**

To enable the agency to process your request, I strongly recommend that you limit the documents you are seeking to access. For example, you may wish to revise your request to be seeking access to:

- a specific FOI request and decision;
- correspondence relating to a specific topic or keyword to enable targeted searches to be completed for the correspondence you are seeking;
- limited to specific date period; or
- exclude particular documents that are not of interest.

Should you provide further information about what specifically you may be seeking, we will be able to assist you to revise your request to be for specific documents and remove the practical refusal reason.

Please note that even if you do provide a revised scope, the practical refusal reason may remain if the revised scope is still too large to be processed. You will need to take this into consideration when revising 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 agency from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the agency must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the agency's resources. The agency must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the agency'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(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.

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.