



Australian Government
Department of Education

Your Ref:
Our Ref: Lex 396

JH

By email: foi+request-9179-e374d26e@righttoknow.org.au

Dear JH

Your Freedom of Information request - consultation

I refer to your request, received by the Department of Education on 26 July 2022, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

"... the incoming government briefs provided from the Department to its respective Ministers since 21 May 2022.

I am not seeking drafts of the above documents."

Incoming Government Briefs

I have interpreted your request as being a request for the incoming government briefs provided by the former Department of Education, Skills and Employment to:

- the Minister for Education (Minister Clare)
- the Minister for Early Childhood Education and the Minister for Youth (Minister Aly)
- the Assistant Minister for Education and the Assistant Minister for Regional Development (Assistant Minister Chisholm).

Following recent machinery of government changes, the Department of Education, Skills and Employment is now known as the Department of Education (the department), with the skills and employment portfolios transferring to the Department of Employment and Workplace Relations.

If I have misinterpreted your request, please let me know when responding to this notice, as this may affect the number of documents falling within the scope of your request.

Practical refusal reason

I am writing to you under subsections 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 Strategic Policy 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

I am advised that preliminary searches indicate that the department holds in excess of 800 pages falling within the scope of your request.

Based on my experience with the type and volume of documents you have requested, I conservatively estimate that processing your request would take more than 60 hours. This includes looking at all the documents to see if any of the pages might need redactions, scheduling and writing a statement of reasons.

Suggestions for revising your request

To assist you in making a revised request, you may wish to consider:

- limiting the scope of your request to the Incoming Government Brief prepared for a particular Minister (noting that further refinement of the scope of your request would also likely be required)
- reducing your request to material that relates to specific policy issues or programs administered by the department.

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@education.gov.au.

Your response will be expected by 29 August 2022. 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@education.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Vicki'.

Vicki

Authorised decision maker
Freedom of Information Team
Department of Education

15 August 2022

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.