



**Australian Government**  
**Department of Employment  
and Workplace Relations**

Our ref: LEX 497

Andorra Loom  
Right to Know

By email: [foi+request-9625-8a07c52a@righttoknow.org.au](mailto:foi+request-9625-8a07c52a@righttoknow.org.au)

Dear Ms Loom

**Your Freedom of Information request - consultation**

I refer to your request, received by the Department of Employment and Workplace Relations (department) on 28 November 2022, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

*"Consistent with the Freedom of Information Act 1982, I request all briefing documents provided to the Minister relating to wages, wage increases, and inflation since July 1st 2022.*

*I am not seeking drafts of the above documents."*

**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 Economics and International Labour 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 has undertaken extensive searches to identify and collate the documents you asked for. Preliminary searches indicate that the department holds in excess of 160 relevant documents, totalling well over 1,500 pages.

Based on my experience with the type and volume of records you want, I estimate it would take well over 130 hours in processing time. This includes consulting with relevant third parties, examining the material to determine whether any exemptions apply, and preparing a schedule of documents, decision (including a full statement of reasons) and any documents for release.

### **Suggestions for revising the scope of your request**

A targeted and limited revised scope is more likely to remove the practical refusal reason and allow the department to process your request. To assist you to narrow the scope of your request, you may like to exclude duplicate documents and refine either:

- the document date range to a three-week period between 1 July 2022 and 28 November 2022 (by way of example, 1 July 2022 to 22 July 2022); or
- the documents you seek to briefing documents provided to the Minister, relating to inflation only (and excluding drafts).

### **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@dewr.gov.au](mailto:foi@dewr.gov.au).

Your response will be expected by **28 December 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@dewr.gov.au](mailto:foi@dewr.gov.au).

Yours sincerely

A handwritten signature in black ink that reads "Rebecca S". The signature is written in a cursive style with a large, stylized 'S' at the end.

Rebecca

Authorised decision maker

Information Law Team

Department of Employment and Workplace Relations

12 December 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.