



Australian Government

Australian Public Service Commission

Not Rex Patrick

By Email: foi+request-11717-cd26e678@righttoknow.org.au

Our Reference: LEX 1092

Dear Applicant

Freedom of Information request

1. I am writing about your request dated **19 July 2024** for access to documents under the *Freedom of Information Act 1982* (FOI Act) held by the Australian Public Service Commission (Commission).
2. I am an authorised officer under subsection 23(1) of the FOI Act to make decisions in relation to Freedom of Information (FOI) requests.

Request Consultation Process

3. I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.
4. On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a ‘request consultation processes’ as set out under section 24AB of the FOI Act.
5. You have **14 days** to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

6. You requested access to documents in the following terms:
 - *the number of meetings between the Australian Public Service Commissioner and any Secretary of a Commonwealth Department; and*

- *the number of meetings between the Australian Parliamentary Service Commissioner and the Secretary of the Department of Parliamentary Services.*
7. On 23 July 2024, the Commission requested that you provide a date range for the scope of your request.
 8. On 26 July 2024, you responded to apply a date range of 1 July 2023 to 1 July 2024.
 9. On the same day, the Commission notified you that the scope of your request captures a high volume of meetings and extracting the data would be a significant undertaking. In order to process your request efficiently, the Commission requested that you clarify the scope further by narrowing the timeframe, and or specify the nature of the meetings you were interested in.
 10. On 1 August 2024, you stated the following:

“Noting that this request is simply to count the number of meetings by secretary (of which there are less than 20), and that the process for counting these meetings will give you the other required information (date and which secretary), I disagree that the request is unable to be processed.

Please advise formally if you intend to issue a Practical Refusal Consultation Notice to my application if I do not amend it.”

11. Under subsection 24AA(2) of the FOI Act an agency or minister must have regard to the resources that would have to be used for:
 - identifying, locating or collating the documents within the filing system of the agency or the office of the Minister;
 - 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 with any person or body 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.
12. Further to the above, the Commission may have regard to other matters in deciding if a practical refusal reason exists, relevantly:
 - the staffing resources available to an agency;
 - the impact that processing a request may have on other work in an agency; and
 - whether an applicant cooperates in framing a request to reduce the processing workload.
13. I have taken into account all of the above matters in forming my preliminary decision to refuse your request. I have not taken into account:
 - any reasons that you have given for requesting access; or
 - the Commission’s belief as to what your reasons are for requesting access; or

- any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.

14. My reasons are set out below.

Reasons

15. Firstly, I am of the preliminary view that processing your request would be a substantial diversion of the Commission’s resources because:

- collecting and reviewing the volume of material involved would be significant;
- identifying, locating and creating the requested data under section 17 of the FOI Act would particularly be onerous as the data you seek is not readily available in a discrete form within the Commission. This is because the Commissioner meets with Secretaries often, in different contexts. Your request requires the Commission to go through every external meeting attended by the Commissioner and identify if a Secretary attended the meeting for the period of 1 July 2023 to 1 July 2024 which is a significant undertaking.

16. Secondly, I am also of the preliminary view that processing your request would be an unreasonable diversion of the Commission’s resources because:

- the Commission is a portfolio agency, with limited staffing resources available;
- the Commission is currently working on a number of priority matters and processing your request would unreasonably divert resources that would otherwise be dedicated to performing the essential operations of the agency.

Amount of time to process your request

17. Based on a preliminary assessment of the volume of documents and a review of a sample of their contents, a breakdown of the time estimated for each stage in processing a request is approximately:

Search and retrieval	Time required to undertake tasks
Executing searches, examining relevant documents and creating the document	up to 30 hours
Decision making	
Consult third parties	up to 19 hours
Writing statement of reasons including second counselling	up to 4 hours
Process Subtotal	up to 53 hours
Process Total (minus ‘first 5 hours free’)	up to 48 hours

Request consultation process

18. You now have an opportunity to revise your request to enable it to proceed.

19. Revising your request can mean narrowing its scope to make it more manageable or explaining in more detail. For example, by:

- narrowing the time frame and or by providing specific information about the nature of the meetings you are interested in;
 - requesting specific meetings the Commissioner attended with specific Secretaries at specific times;
 - requesting specific Secretary Board and its sub-committee meetings attended by the Commissioner.
20. By providing this information, the Commission will be able to pinpoint the relevant meetings more quickly and avoid using excessive resources to include meetings you are not interested in.
21. Before the end of the consultation period, you must do one of the following, in writing:
- withdraw your request;
 - make a revised request; or
 - tell us that you do not wish to revise your request.
22. The consultation period runs for **14 days** and starts on the day after you receive this notice.
23. During this period, you are welcome to seek assistance from the Commission to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. Please note that under subsection 24AB(8) of the FOI Act the time taken to consult you regarding the scope of your request is disregarded for the purposes of the 30 day time limit for processing your request.
24. If you do not do one of the three things listed above during the consultation period or you do not consult the Commission during this period, your request will be taken to have been withdrawn.

Contacts

25. If you require clarification on matters in this letter please contact the Commission's FOI Officer by email at foi@apsc.gov.au.

Yours sincerely



Meeghan Webster
Authorised FOI decision maker
6 August 2024