



**Australian Government**  
**Department of Social Services**

Bob Buckley

Via email to: [foi-request-12035-b5b2a4e4@righttoknow.org.au](mailto:foi-request-12035-b5b2a4e4@righttoknow.org.au)

Dear Mr Buckley,

**Freedom of Information Request 51700 – Decision on access**

I refer to the *Freedom of Information Act 1982 (FOI Act)* request made to the Department of Social Services (**Department**) on 16 September 2024. The request, which has since been revised by agreement, sought access to:

*...all information held by your department relating to:*

*a. concerns about or issues raised relating to individual advocacy services for Autistic Australians, b. demand and delivery of individual advocacy service for Autistic Australians through government policy and programs including (but not limited to) the National Disability Advocacy Program, and c. costs, benefits and reported outcomes due to individual advocacy service for Autistic Australians.*

On 23 September 2024, you were provided with a notice of the Department's intention to refuse your request on practical refusal grounds, that processing your request would unreasonably and substantially divert the resources of the Department from its other operations.

As explained in this notice, in accordance with subsection 24AB(6) of the FOI Act, you were required to do one of the following by written notice to the Department before 11:59pm on 7 October 2024:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

The Department engaged with you over various days following the issuing of the notice in efforts of assisting you in narrowing the scope of your request, including by advising which terms and phrases to avoid which may inadvertently broaden your request and requesting further specification.

On 30 September 2024, by way of agreement, the scope of your request was revised to:

*all documents created, held, sent or received by SES level staff since 1 July 2020 that relate to policy development, program implementation, and general attitudes for disability advocacy for individual Autistic Australians.*

**Decision**

I have decided to refuse your request under section 24(1) of the FOI Act on practical refusal grounds, specifically that the processing of your request would unreasonably and substantially divert the resources of the department from its other operations.

The reasons for my decision are set out in the Statement of Reasons at **Attachment A**.

## **Review rights and complaints**

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment B**.

## **Contact**

If you would like to discuss any aspect of my decision, please contact me at [foi@dss.gov.au](mailto:foi@dss.gov.au).

Yours sincerely



Sarah B

Authorised FOI Decision Maker

18 October 2024

## **Attachments**

A - Statement of Reasons

B - Review rights

## STATEMENT OF REASONS

### Material on which the decision is based

1. I relied on the following material in coming to this decision:
  - the terms of the FOI request;
  - the documents subject to the FOI request;
  - the FOI Act;
  - correspondence with yourself through the course of the request consultation process; and
  - the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

### Section 24 – Diversion of resources

2. Under subsection 24(1) of the FOI Act, if an agency is satisfied that a practical refusal reason exists in relation to a request, it must undertake a request consultation process in accordance with section 24AB of the FOI Act. If after the request consultation process the agency is satisfied that the practical refusal reason still exists, it may refuse the request.
3. I am satisfied that a request consultation process has been undertaken by the Department in accordance with section 24AB of the FOI Act. On 23 September 2024, you were issued with a notice of intention to refuse the request, advising the scope of the request would likely capture an excess of a thousand documents. Further, if an officer of the Department were to process your request, it would take a significant amount of time to retrieve the documents, review the documents to ensure that they capture the information in which you have sought, assess each for sensitivities and mark them up with redactions accordingly. Accordingly, the processing of your request would unreasonably and substantially divert the resources of the Department from its other operations.
4. The notice also provided advice as to how you could refine the scope of the request to ensure that the practical refusal reason no longer applied, consistent with the Department's obligations under section 24(3) of the FOI Act.
5. I note that during the request consultation process you engaged in correspondence by way of multiple emails with Departmental FOI officers on ways you could revise and narrow the scope of your request, during which you were informed that your request could be narrowed by removing certain words and phrases from your request that likely capture a significant volume of material. I am satisfied that the Department has taken reasonable steps to assist you to revise the scope of your request.
6. The revised scope does not remove the practical refusal reasons as "*all documents created, held, sent and received*" captures a significant volume of documents, nor does this scope reduce the relevant documents to a manageable amount. Furthermore, the term "*that relate to*" broadens the scope of your request further, and does not assist us in identifying specific documents which you may be seeking. In order to process this request, the Department would be required to undertake significant searches and review each document for relevancy to your request. I am satisfied that a practical refusal reason still exists following the request consultation process.
7. Accordingly, I am satisfied that a practical refusal reason remains in relation to your request and I have decided to refuse your request under section 24(1) of the FOI Act.

## INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

### Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker within the Department. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to [foi@dss.gov.au](mailto:foi@dss.gov.au).

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

### Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

## COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.